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8 November 2024

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Monday, 18th November, 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

**Please Note:** The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

**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 - 26)  
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) 24/00694/MAJ - Wolborough Barton, Newton Abbot (Pages 27 - 56)
- 7. Tree Preservation Orders
  - a) E2.01.164 - Land next to 30 Moorsend, Newton Abbot (Pages 57 - 64)
- 8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.  
(Pages 65 - 66)
- 9. S73 Major Decisions Summary (Pages 67 - 68)

**For Information - Upcoming Site Visit Dates**

12 December 2024, 16 January 2025, 13 February 2025

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**PLANNING COMMITTEE****22 OCTOBER 2024****Present:**

Councillors Atkins, Bradford, Goodman-Bradbury, Cox (Vice-Chair), Hall, Hook, Nuttall, Palethorpe, Parrott, Sanders, J Taylor and P Parker (Substitute)

**Apologies:**

Councillors Bullivant, Buscombe, MacGregor, Nutley and C Parker

**Officers in Attendance:**

Paul Woodhead, Head of Legal & Democratic Services (Monitoring Officer)

Cheryl Stanbury, Area Team Manager (East)

Dave Kenyon, Area Team Manager (West)

Artur Gugula, Planning Officer

Patrick James, Planning Officer

Natalia Anderson, Legal

Christopher Morgan, Trainee Democratic Services Officer

**61. MINUTES**

It was proposed by Councillor Bradford and seconded by Councillor J Taylor that the minutes be approved with the amendment that it be minuted that the Natural England approval of the Wolborough items was done with concerns.

A vote was taken. The results were 4 in favour, 5 against, and 2 abstentions, and so the vote was lost.

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

A vote was taken. The result was 6 for, 4 against, and 2 abstentions.

Resolved

that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

**62. DECLARATIONS OF INTEREST.**

Councillor Bradford declared an interest in agenda items 6a and 6b. She considered herself predisposed but not predetermined as she had been part of the Newton Says No protest group. She spoke and voted on this item.

Councillor P Parker also declared an interest in agenda items 6a and 6b. He considered himself predisposed but not predetermined due to comments made. He spoke and voted on this item.

Councillor Goodman-Bradbury declared an interest in agenda item 6c. She considered herself predisposed but not predetermined as she had spoken on a similar application and been involved in the appeal. She spoke and voted on this item.

**63. PUBLIC PARTICIPATION**

**64. CHAIRS' ANNOUNCEMENTS**

**65. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.**

**a) 23/00597/MAJ - Wolborough Barton Road, Newton Abbot**

The Planning Officer presented the application to the Committee. He emphasised to the Committee that Natural England had not objected to these applications in relation to impacts on the SSSI, and mentioned that committee members had received a document from the applicants. The South Hams SAC would not be adversely affected which was agreed with by Natural England. The applicant had clarified that the investigations into the fen had started. Condition 20 of the outline permission applies in the meantime, with the surface water catchment and agreed conditional boundary.

Public Speaker, Objector – Spoke on:

- SUDS should define the Wolborough fen area and seasonal fluctuations
- Studies of the fen should be completed before a decision is made
- The details required in condition 10 have not been submitted
- TDC is responsible for looking after the Wolborough Fen
- Lack of hydrological data

Public Speaker, Objector – Spoke on:

- Impact on fen
- Drainage system?
- Lack of data on groundwater
- Investigation of fen is still ongoing
- No changes in data since the deferral at the last meeting

Public Speaker, Supporter – Spoke on:

- Access is already approved
- Alleviate traffic and air quality issues
- Construction set to begin in January 2025
- Further details on lighting, drainage, and ecology will be submitted at a later date
- No objection from Natural England, the Parish Council, or the Biodiversity

Officer

- The application provides affordable housing
- The application contributes to the housing target
- The site is allocated to housing in the local plan

Comments from Councillors during the debate included:

- The Committee must ensure that the application is the highest quality it can be
- The proposed school has not yet been approved by Devon County Council
- Improvements to be made to coach road but there is no scheme yet.
- Objections from Historic England
- Conditions have not been met
- New roads won't fix issues with traffic
- Endangered species must be protected, with 2 at risk of going extinct
- Only the hybrid planning permission has been granted so far
- The Committee must consider where the hydrology of the fen is from
- Concerns around the worsening of air quality
- Natural England expects the Council to protect the fen
- Has condition 6J been kept to?
- There is a need for housing, and affordable housing
- The Secretary of State granted the outline approval
- 3 changes to the application as a result of deferral
- The Committee can only make tweaks to the development but this can improve its quality
- Significant variation from the master plan
- Appeal decision used conclusion that the groundwater and hydrological areas were the same
- The blue line on plans are an estimation and require more data
- Other groups could have investigated the hydrology
- Large trees can be used for screening
- Groundwater modelling should've taken place several years ago
- Concerns around potential imbalance in the water supply
- Concerns around removal of hedges
- No Highways Officer is present
- 

In response to these comments Officers clarified the following:

- The application was deferred on highway grounds
- DCC are the highways authority
- Historic England had concerns but did not object
- The approved design code outlines what is needed to approve the SUDS drainage system.
- Condition 10 covers surface water
- The drainage strategy has been approved for area 2a

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- Details are already confirmed for the area of green infrastructure
- As Local Planning Authority, condition 20 gives the Council power to protect the fen.
- The reserved matters are the only consideration, not the list of conditions include at outline approval
- Trees proposed accord with British standard
- Avoid discussing other planning applications in other authorities
- The list of reasons for deferral at the last meeting was so that clarification could allow decisions to be made

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred until completion of the hydrological survey of the Wolborough fen.

A roll call vote was taken. The results are below.

*For: Cllrs Atkins, Bradford, Hall, P Parker and J Taylor (5)*

*Against: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, and Sanders (6)*

*Abstained: Cllr D Cox (1)*

The vote was lost.

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

A roll call vote was taken. The results are below.

*For: Cllrs Goodman Bradbury, Hook, Nuttall, Palethorpe, Parrott, and Sanders (6)*

*Against: Cllrs Atkins, Bradford, Hall, J Taylor, and P Parker (5)*

*Abstained: D Cox (1)*

Resolved

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	Highway Profiles Sheet



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	J	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	Road Appearance

	K	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 12
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.

b) **23.01310.MAJ - Wolborough Grange, Newton Abbot**

The Planning Officer presented the application to the Committee. He repeated that the applicant had distributed a document to all committee members covering reasons for deferral. The retaining walls were amended to be made of natural stone.

Public Speaker, Objector – Spoke on:

- Dr Low did not speak at the appeal
- No data on groundwater catchment
- No hydrological survey data
- Rare plants on site at risk

Public Speaker, Supporter – Spoke on:

- Details of lighting, drainage, hedge row and tree protection, ecological mitigation, landscape and ecology implementation, and management of construction to be provided at a later date
- Scheme to provide affordable housing
- Controls to ensure affordable homes are delivered in step with the other dwellings
- Focus on provision of 2 or 3 bed homes which is confirmed by evidence
- No objections from Biodiversity Officer, Specialist Ecology Consultant, Natural England, or Devon County Council.
- Application accords with parameters in outline permission

Public Speaker, Supporter – Spoke on:

- Additional information has been provided and changes have been made since the Committee deferral
- The fen will be protected and condition 20 will be discharged only when appropriate
- The application is in consultation with Natural England
- The application will help first-time buyers to purchase a home
- The dwellings will help meet local needs
- The masterplan and design code are both approved
- Reduced carbon emission from homes
- The application boosts investment and jobs

Comments from Councillors during the debate included:

- Drainage details haven't been provided
- Natural England have concerns
- Council is responsible for protecting the fen
- The hydrology should be certain
- Vistry have provided revisions to the scheme following deferral
- Vistry would be happy to condition the carbon reduction plan
- Vistry offered to include appropriate renewable technology to conform with Future Home Standards 2025
- Outline planning permission has been granted
- Natural England have not objected to the application
- The evidence used and tested at the appeal defines the hydrological area as the same as the surface water catchment area and so cannot be used as a reason against the application
- Neighbouring authorities have similar applications
- Will the panels be stone?
- The houses with improved visual quality are limited to 7

In response to these comments Officers clarified the following:

- Enforcement Officers are considering conditions that may have been broken and attending the site with Ward Members, especially for major sites.
- Conditions will remain in place to be discharged in the future once details are provided
- Only the reserved matters are to be considered – these are appearance, landscaping, layout, and scale.
- The Committee should not refuse on outline matters
- The panels are natural stone
- Officers will be checking the site and inviting ward members if approval is granted

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that permission be refused due to the number of appealing landmark dwellings being insufficient at 7 of 93 dwellings.

A roll call vote was taken. The result was as below.

*For: Cllrs Atkins, Bradford, Hall, J Taylor (4)*

*Against: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, Sanders (6)*

*Abstained: Cllrs Cox and P Parker (2)*

The vote was lost.

It was proposed by Councillor and seconded by Councillor that permission be granted as set out in the report and update sheet plus a condition for the submission of Vistry Homes' plans to conform with Future Home Standards 2025 as per their offer in the carbon reduction document.

A roll call vote was taken. The result was as below.

*For: Cllrs Goodman-Bradbury, Hook, Nuttall, Palethorpe, Parrott, Sanders (6)*

*Against: Cllrs Bradford, Hall, P Parker, J Taylor (4)*

*Abstained: Cllrs Atkins and Cox (2)*

Resolved

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 &

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		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

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		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)

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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

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		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
11 Oct 2024	21017.2.3.SP.703 REV A	Spruce End - Var. 3 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.702 REV C	Spruce - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.701 REV C	Spruce - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.SP.501 REV C	Spruce - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.703	Hazel - Var. 3 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.702 REV C	Hazel - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.HZ.701 REV C	Hazel - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.HL.702	Holly - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.3.HL.701 REV A	Holly - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.CY.701 REV C	Cypress - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.3.B5.701 REV C	Plans & Elevations
11 Oct 2024	21017.2.3.203 REV A	Street Scene C-C D-D E-E
11 Oct 2024	21017.2.3.202 REV D	Street Scene B-B
11 Oct 2024	21017.2.3.201 REV D	Street Scene A-A
11 Oct 2024	21017.2.3.102 REV F	Materials Plan (Phase 2.3)
11 Oct 2024	21017.2.2.SU.301 REV D	Sunflower - Var. 1 - Plans & Elevations
11 Oct 2024	21017.2.2.PP.302 REV B	Poppy - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.2.FX.302 REV C	Foxglove - Var. 2 - Plans & Elevations
11 Oct 2024	21017.2.2.201.2 REV A	Street Scenes C-C and D-D



11 Oct 2024	21017.2.2.201.1 REV E	Street Scenes A-A and B-B
11 Oct 2024	21017 2.2 102 REV G	Materials Plan (Phase 2.2)

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.

- c) **23/01593/FUL - Golden Sands, Dawlish**

The Area Team Manager (East) presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Current permission only allowed touring camping pitches
- Use existing toilets and access
- Screening from trees and bushes
- Footpath lighting is low level
- Flood risk assessment included in application
- Improved surface water drainage

Comments from Councillors during the debate included:

- The application is retrospective
- Camping pods look attractive
- Dawlish Warren prone to flooding
- Claim of economic benefits but this may be misleading
- Balance between green areas of local residents and green areas used by tourists
- Water drainage into critical area
- Water pressure issues
- Could use conditions for biodiversity, water pressure, annual registers
- What is the difference between pods and static caravans?
- Has there been a report from the fire safety officer?
- Have the caravan got built in amenities such as toilets and sinks?
- Gas cannisters have to be 7.5 meters away
- Why is this retrospective and not enforced years ago?

In response to these comments Officers clarified the following:

- Caravans defined under legislation as specific size
- Not necessary to ask for report from fire safety officer as there are other health and safety regulations
- Toilets and shower blocks are separate from caravans which are just for sleeping in
- Planning enforcement may not have known until it was reported

It was proposed by Councillor P Parker and seconded by Councillor Hall that permission be granted as set out in the report.

A vote was taken. The result was 8 in favour, 1 against, and 2 abstained.

Resolved

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 1st March and 14th 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.

d) **23/01834/FUL - Golden Sands, Dawlish**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Improved amenity by enclosing the outdoor pool

- Traffic will be moderate as site is for customer access only
- Reduced heat loss
- EV charging roll out
- Improved surface water acquisition in the park

Comments from Councillors during the debate included:

- Concerns around combatting flooding as Dawlish Warren is in a flood area
- There are planters in place to soak up water
- No letters of objection

In response to these comments Officers clarified the following:

- Condition 5 was requested by Devon Country to combat flooding
- There is a large swimming pool on site

It was proposed by Councillor P Parker and seconded by Councillor Hall that permission be granted as set out in the report.

A vote was taken. The result was 10 in favour and 1 against.

Resolved

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% 88 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

e) **24/00750/FUL - Cool Beans The Lawn, Dawlish**

The Planning Officer presented the application to the Committee.

Comments from Councillors during the debate included:

- Does the coffee shop also sell food?
- Outline permission for everything except flue
- Are the objectors from the nearby flats?
- How long has the flue been installed for?
- Does this meet the minimum height required for a flue?

In response to these comments Officers clarified the following:

- This coffee shop sells food which often happens.

It was proposed by Councillor Hall and seconded by Councillor J Taylor that permission be granted as set out in the report.

A vote was taken. The result was 10 in favour, and 1 against.

Resolved

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	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

f) **24/01126/FUL - Battery Box Land at Torquay Road, Kingskerswell**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Storage of essential energy for future use
- Location is close to electrical substation
- Limited visual impact including for cars driving past

Comments from Councillors during the debate included:

- This is a good use of technology
- The application falls outside the red line of the plan boundary
- Applications falls within open countryside
- Battery box is too large
- Better locations are elsewhere
- Application may affect proposed cycling infrastructure
- Officers can be trusted to ensure application is safe for public

In response to these comments Officers clarified the following:

- The location of the battery box

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred to a members' site inspection to determine whether the location was appropriate.

A vote was taken. The result was 3 for, 6 against, and 1 abstention and so the vote was lost.

It was proposed by Councillor J Taylor and seconded by Councillor Bradford that decision be deferred in order to ascertain whether the application would clash with Devon County Council's proposed cycling route.

A vote was taken. The result was 3 for, 5 against, and 1 abstention and so the vote was lost.

It was proposed by Councillor Goodman-Bradbury and seconded by Councillor Hook that permission be granted as set out in the report.

A vote was taken. The result was 6 in favour, 2 against, and 2 absentions.

Resolved

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 No	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 Elevation

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 2nd 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 108 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

g) **E2.01.164 - Land next to 30 Moorsend, Newton Abbot**

The Area Team Manager (West) introduced the item to the Committee.

It was proposed by Councillor Cox and seconded by Councillor Palethorpe that the Tree Preservation Order be confirmed unmodified.

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

Resolved

That the Tree Preservation Order be confirmed unmodified.

**66. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE**

**PLANNING INSPECTORATE.**

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

**67. S73 MAJOR DECISIONS SUMMARY**

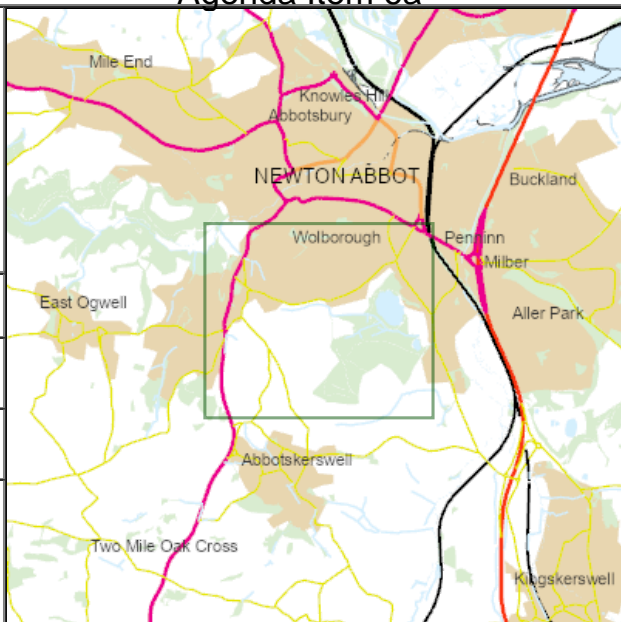
The Committee noted the Major Decisions Summary Sheet.

The meeting started at 10.00 am and finished at 3.47 pm.

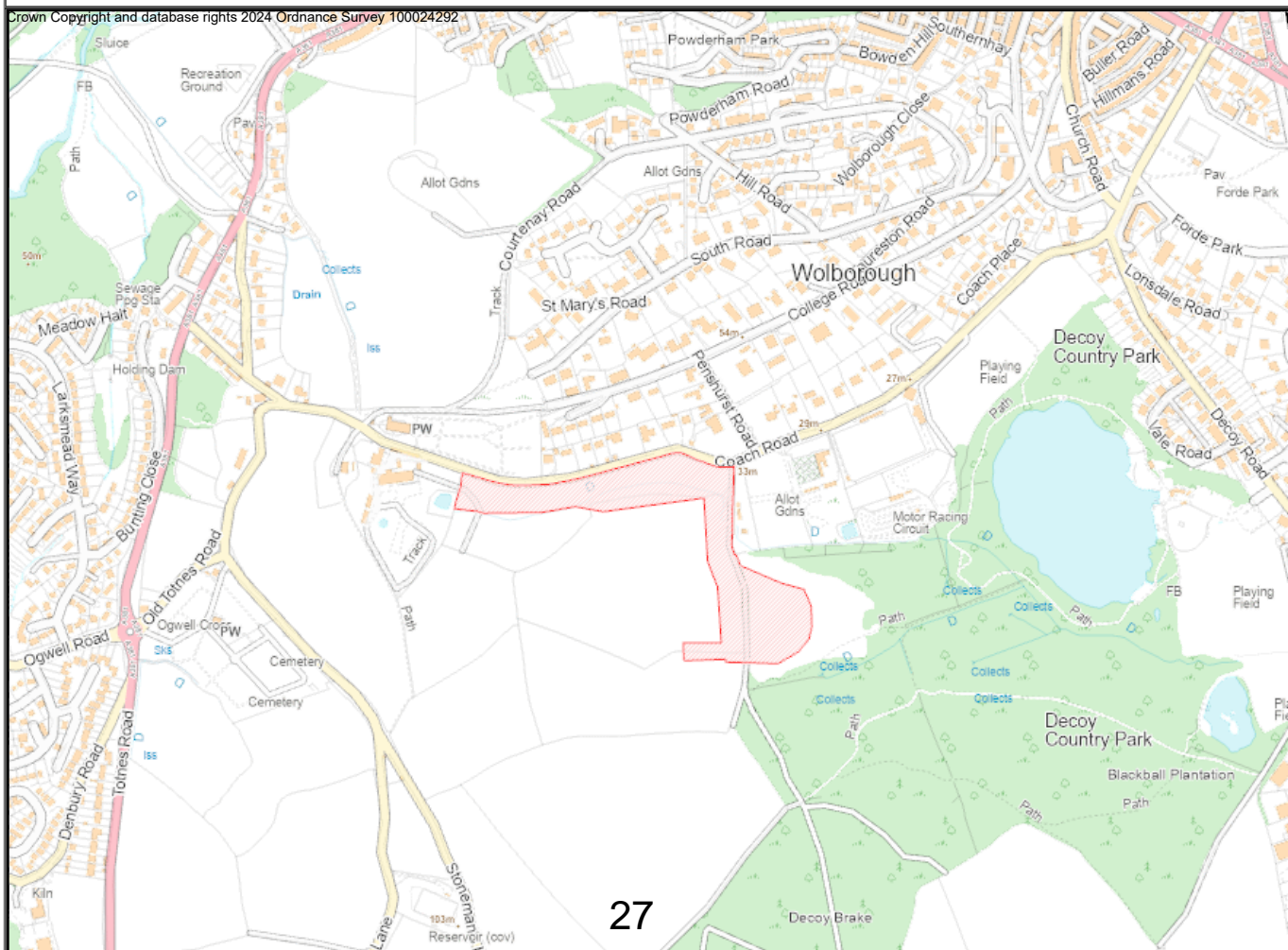
Cllr D Cox  
Chair

**Chairman: Cllr Colin Parker**

<b>Date</b>	18 November 2024
<b>Case Officer</b>	Patrick James
<b>Location</b>	Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ
<b>Proposal</b>	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
<b>Applicant</b>	Mr David Russell
<b>Ward</b>	College
<b>Member(s)</b>	Cllr Janet Bradford, Cllr Liam Mullone
<b>Reference</b>	24/00694/MAJ

[Online Details and Documents](#)

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## 1. REASON FOR REPORT

The Interim 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 conditions as set out below.

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
25 Apr 2024	959-DC01C	Green Infrastructure 1 Site Location Plan
21 May 2024	-	Pump station specification (Email)
19 Aug 2024	2408.44268	LAP Plan
09 Sep 2024	SK57-A	Pumping Station Access
24 Oct 2024	959-DC02H	General Arrangement Sheet 1 of 4
24 Oct 2024	959-DC03G	General Arrangement Sheet 2 of 4
24 Oct 2024	959-DC05I	General Arrangement Sheet 4 of 4
24 Oct 2024	959-DC06C	Cross Sections Sheet 1 of 3
24 Oct 2024	959-DC07D	Cross Sections Sheet 2 of 3
24 Oct 2024	959-DC12A	Cross Sections Sheet 3 of 3
24 Oct 2024	959-DC09F	Typology Plan
4 Nov 2024	(WolboroughGrange LEAP_VDSW) SEPT_REV	LEAP Plan
6 Nov 2024	959-DC04K	General Arrangement Sheet 3 of 4
6 Nov 2024	959-DC13B	Longitudinal Section
6 Nov 2024	959-DC08D	Green Infrastructure RMA General Arrangement (Render)

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

## 2. Bridges

Prior to the installation of the first of the two bridges crossing the existing stream as identified on drawing reference 959-DC08A (General Infrastructure 1 RMA General Arrangement Render), details of their design including materials to be used in their construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interests of ensuring that the design and appearance of the bridges is appropriate within the green infrastructure setting of the proposal.

## 2. Junction details

Prior to commencement of any works to the new cyclepaths, footpaths and access paths, details of materials, surface treatment, and hedge termination at each of the following junctions shall have been submitted to and approved in writing by the Local Planning Authority. The relevant junctions include:

- a. the eastern stepped footpath junction with Magazine Lane as identified on drawing reference 959-DC05J (General Arrangement Sheet 3 of 4);
- b. the eastern cyclepath junction with Magazine Lane as identified on drawing reference 959-DC05J (General Arrangement Sheet 3 of 4);
- c. the eastern pumping station access junction with Magazine Lane as identified on drawing reference SK57A;
- d. the western footpath junction with adjacent development which includes hotel, restaurant, and bar/drinking establishment approved under full part of planning permission reference 17/01452/MAJ, as identified on drawing reference 959-DC02H (General Arrangement Sheet 1 of 4); and,
- e. the southern access route as identified by a purple dashed box on drawing reference 959-DC02H (General Arrangement Sheet 1 of 4).

REASON: To ensure that the detailed appearance and design of the junctions is appropriate within the green infrastructure setting of the proposal.

#### 4. Benches

Prior to the commencement of any works to the new cycleways and footways, details of additional provision of publicly accessible benches including their location, design, and construction materials, shall be submitted to, and approved in writing by the Local Planning Authority. The benches shall then be installed prior to the first use by the public of the cycleways and footways and shall thereafter be maintained and retained in accordance with the approved details.

REASON: To ensure that the green infrastructure of the phase is appropriately designed and accessible for the benefit of all future users.

#### 5. Stepped footpath

Prior to commencement of any works to the new the eastern stepped footpath as identified on drawing reference 959-DC05J (General Arrangement Sheet 3 of 4), detailed design drawings (including cross section of the steps), details of surfacing materials and any railings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

REASON: To ensure that the detailed appearance and design of the stepped footway is appropriate within the green infrastructure setting of the proposal.

#### 6. Magazine Lane and pumping station access

Prior to commencement of any resurfacing or other works to Magazine Lane and construction of the new pumping station (whichever is the earliest), details of a scheme to control vehicular access from Coach Road onto Magazine Lane, and all means of access into the pumping station site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a timetable for the implementation of this scheme and its subsequent management and maintenance thereafter.

REASON: In order to ensure that access onto Magazine Lane and into the pumping station is controlled for the benefit of the health and safety of the public and in the interest of highway safety and convenience.

### 3. INTRODUCTION/BACKGROUND

- 3.1 This application seeks the approval of the fourth 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.

- 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 seeks approval for the approval of Reserved Matters for appearance, layout, scale and landscaping for the Green Infrastructure to serve Area 2(a) parcel as below, outlined in red.



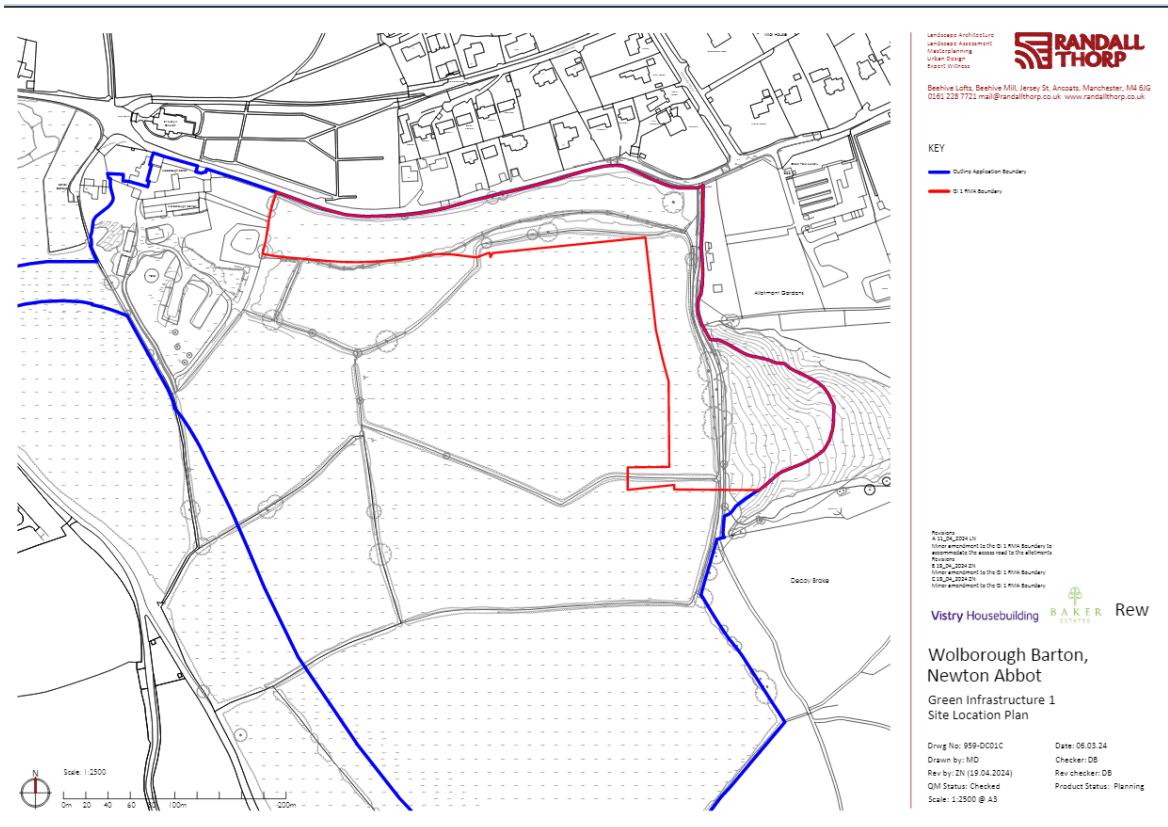


Figure 1: Parcel GI.A2(a).

3.4 The Area 2(a), Green Infrastructure phase is 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: Phasing Plan (approved under Reference 17/01542/COND2).





*Figure 3: Context Plan.*

3.5 The plans above (Figures 2 & 3) provide information of the surrounding development that this public open space/ green infrastructure would serve. Moving from West to East:

- the light blue area ('L') is to be the local centre, with a selection of shops and businesses. The application for the approval of the reserved matters has now been submitted. It is hoped that this application will come before a meeting of the Committee in the near future;
- The linear light pink area A2(a) IP2 was the subject of reserved matters application 23/00597/MAJ for a stretch of road, which was approved at the recent Planning Committee meeting of October 22<sup>nd</sup>;
- The dark blue/mauve 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 parcels 2.2 and 2.3, were the subject reserved matters application 23/01310/MAJ, for 94 homes which was approved at the recent Planning Committee meeting of October 22<sup>nd</sup>; and
- green parcel 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 too will come before a meeting of the Committee in the near future.

3.6 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
- THE PUBLIC OPEN SPACE REQUIREMENTS OF THE s106 LEGAL AGREEMENT
- LAYOUT
- APPEARANCE (INC HERITAGE)
- LANDSCAPING
- SCALE
- BIODIVERSITY
- CLIMATE CHANGE/CARBON REDUCTION
- OTHER MATTERS
- CONSIDERATION OF OBJECTIONS/CONCERNS
- CONDITIONS
- PLANNING BALANCE & CONCLUSION

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

- 4.1 The 'L'-shaped site is made up of parts of 3 agricultural fields, which together have an area of approx. 4.7ha. It lies to the south of Newton Abbot town, more specifically to the south of Wolborough Hill Conservation Area. A section of Coach Road forms its northern boundary.
- 4.2 The site also contains a number of hedges, trees, and a small watercourse that runs from west to east. Within the site's eastern margin Magazine Lane ('Newton Abbot Footpath 3') runs north-south.
- 4.3 The land broadly sweeps downwards towards the north-east. The westernmost extent of the site is set at approx. 44m above Ordnance datum (AOD); the southernmost 40m AOD. These two arms converge at the northeast corner, where at its lowest the elevation is approx. 27m AOD.

- 4.4 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.

## **5. SITE HISTORY**

- 5.1 (Please note that - in the interests of brevity – only the key applications, i.e. the original hybrid permission and the 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 (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 236 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.  
RESERVED MATTERS APPROVAL (24 October 2024)

**23/01310/MAJ** - Approval of reserved matters 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;  
RESERVED MATTERS APPROVAL (24 October 2024); and

**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.

## 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 Masterplan approved at outline (extract).





Figure 5: Parameter Plan approved at outline (extract)



Figure 6: Approved Design Code Masterplan (extract).

- 6.2 It can be seen from the above plans that the area of green infrastructure that is the subject of the current application is broadly consistent across the two masterplans; and also that it lies within the green area of the Parameter plan 141201 P01 Rev B, as referred to in Condition 6 of the outline permission i.e. that where built form is to be excluded. Furthermore, the second of the 3 strategic cycle routes as also specified on the Parameter plan has been successfully incorporated into the layout.
- 6.3 Pages 70 and 71 of the Design Code approved as part of the submission for Condition 6 of the outline permission indicate that there would be a total of 3 pocket parks or Local Area for Play (LAP) across (the central) Area 2 of the wider site, together with a Locally Equipped

Area for Play (LEAP) to site near the north-east corner of the site area for the current reserved matters.

- 6.4 Whilst 2 of the LAPs would align with the plan on page 70, the applicant is proposing that the third should combine with the LEAP so as to provide a more-concentrated provision, and that furthermore this enhanced play area should be shifted westwards from the location as shown in the design code.
- 6.5 The rationale for this is that, firstly the LEAP would be too close to the (retained in situ) LAP set adjacent to Magazine Lane resulting in a certain duplication of provision, and secondly that the enhanced play area would more-beneficially located close to the local centre, close to the community building, and close to the primary school. It is contended that this would result in a more-heavily used and popular facility.
- 6.6 In this context the over-arching foreword of the design code, is noted, i.e. that:
- “It [i.e. the design code] should not preclude innovation in design by being overly rigid or inflexible in its guidance, but [it] aims to ensure that a consistently high level of design is achieved across the development. Development will be broadly in accordance with this Design Code and Masterplan document.”*
- 6.7 In the light of this flexibility provided by the Design Code in matters such as this, the applicant’s contentions and the reconfiguration of the play spaces as proposed is considered to be acceptable.
- 6.8 Subject then 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 part of the hybrid permission.

### **The Public Open Space Requirements of the S106 Legal Agreement**

- 6.9 Relevant to the consideration of this application for the approval of reserved matters for an area of green infrastructure, is the question of how the requirements of the s106 legal agreement with regard to the provision of public open space are being met.
- 6.10 The Agreement’s requirements, the amounts to be provided within Area 2 in total, the amounts to be provided by this application to serve the north of Area 2 - i.e. 2(a), and the corresponding amounts to be met by the as yet to be submitted applications for the south of Area 2 i.e.

2(b), are set out in the table below and are shown on submitted plan 959-DC09F Typology.:

*\*To be provided on land adjacent to, but beyond this site area, owned/*

Type of space	Minimum requirement for Area 2 as per s106 (sqm)	Provision for Area 2(a) via this application (sqm)#	Intended provision for Area 2(b) - currently outstanding (sqm)	Intended combined provision for Area 2 (sqm)
Play space	<b>5,580</b>	2,045	3,535	<b>5,580</b>
Park land	<b>9,486</b>	4,194	20,347	<b>24,541</b>
Natural areas (inc. wetlands – as per s106)	<b>27,900</b>	34,050	19,475	<b>53,525</b>
Allotments*	6 sqm per dwelling	-	-	-

*controlled by the applicant, as shown on plan 959-DC09F*

*# Includes 425sqm play area within phase 2.2*

- 6.11 From the submitted plans and the table above, it is apparent that the intended provision of the public open space to serve the wider development is 'on track', and that the open space as detailed within this application would be making an appropriate contribution towards the overall totals as specified within the legal agreement that accompanied outline permission 17/01542/MAJ as granted by the then Secretary of State.

## **Layout**

- 6.12 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.*

The layout of the scheme would:

- provide edge-to-edge connectivity;
- respond to pedestrian and cyclist desire lines;
- safeguard existing movement corridors for nature;
- incorporate existing natural features;

- provide SuDS that would contribute to the aims of both increasing biodiversity and creating high-amenity locations;
- deploy structural landscaping in order to create a place with a memorable character;
- provide navigable features for those with mobility limitations;
- feature a range of public open space types ('natural', parkland, play area, wooded...);
- create a section of 'Park-Run-ready' route;
- allow people to 'connect with water'; and,
- provide species-rich grassland

## **Lighting**

- 6.13 Any lighting within the layout will need to be kept to the minimum necessary due to the site lying within the South Hams Special Area of Conservation (Greater Horseshoe Bats) (SAC). Such control will be maintained through Condition 12 (Lighting) attached to the outline permission.

## **Drainage**

- 6.14 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 (LLFA) on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which both the subject parcel lies.
- 6.15 Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for the parcel of the current application would be by means of the two swales lying either side of Magazine Lane with the maximum attenuated discharge rate as indicated.
- 6.16 The drainage layout of this current application accords with that approved under the above condition. The DCC LLFA has no objection to the layout of the proposed drainage infrastructure. Further control will be able to be exerted through Condition 10 attached to the outline.
- 6.17 It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention. Furthermore, it would provide multiple links to the existing adjacent public-right-of-way network. Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. In conclusion then is considered that the details relating to layout



accord with TDC LP Policies S2 and NA3; and NANDP Policies NANDP2 and NANDP4.

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

- 6.18 Appearance is defined as *“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.”*
- 6.19 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-east, consideration must be given to the impact of materials and texture of the development.
- 6.20 With this in mind, it is considered that the materials and appearance of the intended new access points and the 2 bridges over the existing watercourses should be the subject of conditions.
- 6.21 The pumping station would be largely subterranean, presenting as a flat area of hardstanding, punctuated by manhole covers and a single (dark green) control kiosk, all enclosed by security fencing. Its adverse impact appearance would however be mitigated by, firstly, it being recessed into a sloping area of ground, and hence enclosed by a retained wall on 2 sides; and secondly, by the existing and the proposed further screening vegetation as specified on plans SK57A and 959 – DC04J.
- 6.22 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 this area of green infrastructure would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of this area of land, having transitioned from parts of existing agricultural fields, to a landscape with a more-obvious degree of human intervention (to feature formal pathways, play areas and the series of ponds/attenuation basins - within the setting of the church would have a less-than-substantial harmful impact on that asset. This harm will be returned to in the discussion of the planning balance below.

### **Landscaping**

- 6.23 Landscaping is defined as *“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.”*

6.24 No existing trees would be felled as part of this scheme. New planting would include 129 new trees, together with extensive and varied shrubbery and ground-cover as shown within the Planting Schedule contained within Plan 959-DC02H.

6.25 In accordance with the specifications for public open space with the approved Wolborough Design Code (3.2b, pp66,67) the submission includes details of a LEAP set at the western end of the site, and a LAP on the eastern side.

6.26 The provision of the play areas and of the wider green infrastructure generally have been the subject of extensive consultation with the Council's biodiversity, public open space and green infrastructure officers. Their concerns have been addressed as below:

- the 3 plant species deemed inappropriate have been removed from the planting schedule
- the LEAP and LAP have each been re-designed so as to accord with the proffered advice
- the feature pond adjacent to the LEAP is to be fenced
- The play areas' surface materials have been re-specified
- More extensive seating provision has been indicated for the LEAP
- The design of the two bridges where the main path crosses the existing stream is to be conditioned
- A further pedestrian link from the west to Magazine Lane has been provided, so as to improve permeability (aka connectivity).
- In addition to the 2 existing entrances provided by Magazine Lane, there would now be a total of 7 further access points to/from the open space, located as close to perceived desire lines as possible, although limited somewhat by the steep topography of the site.

- 6.27 It is considered that the proposed landscaping would accord with the requirements of local plan policies S5 Infrastructure, WE11 Green Infrastructure; EN8 Biodiversity Protection and Enhancement, EN12 Woodlands, Trees and Hedgerows, and also policies NANDP3 Natural Environment and Biodiversity and NANDP4 Provision of Cycle/Walkways of the Newton Abbot Neighbourhood Plan.

### **Scale**

- 6.28 Scale is defined as *“the height, width and length of each building proposed within the development in relation to its surroundings.”*
- 6.29 The only above ground ‘building’ forming part of this application would be the foul drainage pumping station control kiosk. This would be single-storey and have a footprint of less than 2m x 2m. It would be located within a secure compound, to be shielded by vegetation, and recessed into the hillside.
- 6.30 As such it is considered then that the details relating to scale do accord with local plan Policy S2, and the approved design code.

### **Biodiversity/Habitat Regulations Assessment**

- 6.31 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 controlled 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.
- 6.32 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.
- 6.33 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**

- 6.34 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.

- 6.35 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.
- 6.36 She is of the view that, subject to the approval of details to be submitted with respect to Outline Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecological Implementation and Management Plan; 12 (Lighting Strategy and Impact Assessment); 14 (Construction Ecological Management Plan) and 16 (Hedgerow Protection Plan) for this phase; and subject also to the works being undertaken strictly in accordance with the following documents:
- Green Infrastructure 1: General Arrangement (Randall Thorp, Rev 19.04.2024) Dwg. 959-DC03D; Dwg. 959-DC04E; Dwg. 959-DC05F; Dwg. 959-DC02D
  - Wolborough Barton Greater Horseshoe Bat Mitigation Plan (July 2017, SLR)
  - Wolborough Barton Greater Horseshoe Bat Mitigation Plan addendum (South West Ecology, 8 March 2019)
  - Wolborough Barton Environmental Statement, Chapter 8 (PCL Planning, June 2017); and
  - Wolborough Barton Masterplan and Design Code (December 2022, Vistry Group)
- 6.37 It is concluded 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 consulted and raise no objection.
- 6.39 Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 28th June 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 Change/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 separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-south - indirectly - via Footpath 3 (to/from the Church) and - directly - via Footpath 5 (Magazine Lane). It also provides, via Magazine Lane, links to Footpath 4 which runs east towards Decoy, and Footpath 2, which runs south-east and in turn links to Footpath 1.
- 6.42 Other features to address the Climate Crisis would include extensive pro-active planting, which would also serve to help reduce rates of climate change.
- 6.43 The scheme has thus taken opportunities to limit its impact.

### **Neighbours' Amenity**

- 6.44 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.

### **Consideration Of Objections/Concerns**

- 6.45 It is noted that a number of the points raised by (sole objectors) the Wolborough Residents Association 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.
- 6.46 Many of the issues raised are dealt with elsewhere in the body of this report.
- 6.47 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.
- 6.48 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).
- 6.49 The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth as the public inquiry 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:

"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."

- 6.50 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.
- 6.51 Bearing in mind the wording of the condition, this application is located wholly outside of the agreed hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.
- 6.52 The concern of the Highways officer with regard to the vehicular access over Magazine Lane of maintenance vehicles for the pumping station is noted.
- 6.53 It has been clarified by the applicant that such usage during the operational phase would be limited - barring an emergency - to twice yearly visits.
- 6.54 In the context that this is an existing agricultural vehicular access, and that - with the loss of the currently agricultural fields of the wider site to development - the current level of agricultural vehicular use can be expected to markedly decline, it is considered that it can be realistically anticipated that the net number of annual vehicular movements to and from Coach Road into/out of Magazine Lane to be associated with the development would be less than current levels.

### **Conditions**

- 6.55 Consideration has been given to the need or otherwise for further conditions to be attached to an approval. The following are covered as below.
- 6.56 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.

6.57 However, conditions are considered necessary so as to control the treatment of the new paths where they exit the site; the treatment of the new stepped path; the structure and appearance of the two new bridges to serve the main east-west footpath where it crosses the existing stream; and in order to secure a number of benches to serve the site. It is also considered necessary to impose a condition as to secure the submission of the scheme relating to access from Coach Road onto Magazine Lane and access into the pumping station. This is in the interest of health and safety of the public as well as highway safety and convenience.

### **Conclusion/ Planning Balance**

6.58 There is very little, deviation from the approved illustrative masterplan and parameter plan of the outline permission, and subsequently the conditioned Masterplan and Design Code.

6.59 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.

6.60 A planning balance must be taken.

6.61 The proposed development would provide:

- 40,289 sqm of Public Open Space and Green Infrastructure, comprising:
  - o 1,620 sqm of space for children and young people;
  - o 4,194 sqm of green space;
  - o 34,050 sqm of natural areas;
- 395 linear metres of new hedgerow and Devon hedgebank;
- Retention of all existing trees and
- Retention of the majority of on-site hedgerows;
- Retention of the mature field boundary and the stream corridor;
- 129 new trees and other landscaping;
- Six high-amenity attenuation basins;
- Foot and cycle connections; and
- Links to the proposed development to the south

6.62 The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for this public open space, so that it can be delivered and serve the needs of the occupants of the new homes to be delivered as part of the wider development which is seeking to address the pressing needs of our community.

- 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 s.66 duty (of the 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 public open space 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 (2014)**

NA3 Wolborough

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S5 Infrastructure

S6 Resilience

S7 Carbon Reduction Plans

S9 Sustainable Transport

S10 Transport Networks

S14 Newton Abbot

WE11 Green Infrastructure

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 ('the emerging Local Plan')**



Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and is undergoing 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

### **Newton Abbot Neighbourhood Development Plan 2016-2033 (June 2016)**

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. CONSULTTEES**

(The consultation responses are summarised where appropriate. Full comments are available in the online case file)

### **Historic England** (13 June 2024)

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

### **Natural England** (1 August 2024)

We note the comments from the GI Officer, and we are concerned about the impact of the proposed SUDs on the hydrology of the Wolborough Fen SSSI.

**Natural England** (13 Sept 2024)

It appears Teignbridge District Council has re-consulted due to the groundwater report recently submitted by the Wolborough Residents Association. We have no further comments to make, please refer back to our previous comments made on 24/00694/MAJ and 24/00220/MAJ which still apply.

(Case officer note: the most recent comment from Natural England re the Fen issue - made on 21 October re applications 23/01310/MAJ and 23/00597/MAJ - re-iterates their lack of objection, and recognises the controls already in place provided by Conditions 6(j) and 20 of the outline permission.)

**DCC Highways** (18 June 2024)

Paragraph 4.7 of the planning statement states “the section of cycleway will be 3m wide and also surfaced with rolled self-binding gravel and constructed to an adoptable standard”. Is the intention for the cycleway through the POS to remain private? DCC would not look to adopt a hoggin path and would require a blacktop cycleway should it be offered for adoption.

The cycleway will need to tie in with the cycleway arrangement for the adjacent plots (132 etc). The connection will need to match the adjacent site layout.

The Highway Authority has concerns over the potential access arrangements for the foul pumping station and the use of Magazine Lane.

**DCC Lead Local Flood Authority** (18 June 2024)

We have no in-principle objections to the above planning application from a surface water drainage perspective. We have no objection to the layout of the proposed drainage infrastructure. The detail shall be submitted during the Discharge of Condition stage.

**TDC Biodiversity** (4 June 2024)

I welcome the largely native planting proposals, but please ask for the following changes to the proposed species:

- Remove *Betula nigra* from the Tree Mix

- Remove *Salix repens* from the Wet Scrub Mix
- Remove *Rhamnus cathartica* from the Woodland mix

These species are inappropriate to this location. Numbers may be made up with

additional plants of others in the proposed mixes.

**Biodiversity Consultant** (re HRA/Greater Horseshoe Bats – 28 June 2024)

Subject to discharge of Outline Condition 7 (Ecological Mitigation Strategy); Condition 8 (Landscape and Ecological Implementation and Management Plan; Condition 12 (Lighting Strategy and Impact Assessment); Condition 14 (Construction Ecological Management Plan) and Hedgerow Protection Plan (Condition 16) for Phase 2a Green Infrastructure and subject to works being undertaken strictly in accordance with [the listed] documents, it is concluded the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.

**TDC Green Infrastructure Officer (14 June 2024)**

Please see a summary of the main comments that I noted from reviewing the current plans:

- The public open space (POS) is very much dominated by Sustainable Urban Drainage system (SUDs) basins.
- It isn't suitable to count SUDs features as part of the POS quantum unless they are designed in a particularly sensitive way that clearly enables them to provide multiple functions alongside the primary function of flood prevention. Will wildlife value, visual amenity and recreation amenity also be achieved to a good standard via the SUDs provision? If not, then either re-design will be necessary, or further POS quantum is likely to be required.
- It will be essential for specification details to be provided and any other necessary information to enable clear understanding of the SUDs designs, how they would function, and how they would integrate into the POS. Please can this information be provided?
- Along the main pedestrian path proposed via the POS, what is the specification proposed for the path and also the specification for the two bridges that will be required over the watercourse, where the main pedestrian path runs via the POS (or are these pre-existing)?

- Could the pumping station be sensitively screened by appropriate planting?
- Where are benches and interpretation features proposed? What specifically is proposed?
- There is appears to be a lack of a cohesive, well-connected pedestrian path network via the POS. There are links missing at likely desire lines. This needs some further consideration and improvement. It would be useful to understand why those likely desire lines are not currently incorporated.
- Please can a plan be provided clearly showing the intended walking links and also cycling links both within the development parcel and how they link into the wider vicinity to key destinations? This is important for sustainable development, so that active travel is convenient for new residents.
- Safe connectivity to the proposed new school will be key, via both urban access and if possible enabling access via a public open space route also.
- What route is intended to enable safe walking access from the site to all the town centre facilities and rail station etc? There is a rugged, leisure route via existing PROW. The alternative of Coach Road lacks pavement provision for notable stretches. There is improvement needed to ensure walking is a feasible option.
- One obvious area of improvement that will be necessary is improving the connectivity for safe walking on Coach Road between Magazine Lane and Penhurst Road and enabling safe and prioritised crossing from Coach Road onto Penhurst Road.
- The play provision will need to be sited and designed appropriately.

I'm happy to discuss these points further once information has been received.

### **TDC Public Open Space Officer (21 August 2024)**

A number of concerns are raised. The main ones (relating this this reserved matters approval application, rather than the outline permission) include:

- The locations for the play areas are sub-optimum
- Passive surveillance opportunities for the play spaces should be improved

- The play spaces should be designed for more inclusion
- Concern re play space being located near to a SUDS
- A different floor surface should be specified
- The open space is dominated by SuDs Ponds

#### **TDC Climate Change Officer (28 June 2024)**

I have no additional comments to raise over and above those already submitted by the Green Infrastructure Officer and the Biodiversity Officer; the applicant should give due consideration to address the identified issues.

#### **Police Liaison Officer (3 June 2024)**

I have no objection to the proposal but would like to make the following comments and recommendations for consideration.

- Planting immediately abutting footpaths should be avoided as shrubs have a tendency to become overgrown and create places of concealment and pinch points that can hamper surveillance and increase the fear and potential for crime and anti-social behaviour.
- I note that the pump station fencing will typically be 1.8m high steel palisade fence. If that's not desirable from an aesthetic point of view then it should be ok to swap it for something that offers a similar level of security. From a security perspective, it is recommended that the fencing meets a nationally recognised security standard such as LPS 1175 and is softened with planting if needed.

#### **TDC Waste Officer (4 June 2024)**

I have no comments to make as the plans are in relation to the green areas and are not relating to the dwellings that will require a waste collection.

## **9. REPRESENTATIONS**

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

A total of 3 third party representations have been received. All are of objection. All are from the Wolborough Residents Association (WRA).

It should be noted too that 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 re a perceived lack of adequate detail on floodwater and groundwater management;
- Concerns re unsafe connectivity between the public open space, the local centre, town centre and railway station;
- 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;
- Concern that the road network would be inadequate to cope with the increased levels of usage;

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

*(26 June 2024) Members were not in a position to make a recommendation until the issues raised by the district Council's Green Infrastructure Officer have been resolved.*

Case officer response: It is considered that these issues have now been resolved (see above).

#### **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 17/01542/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 Regulations 3 and 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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**

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# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Colin Parker



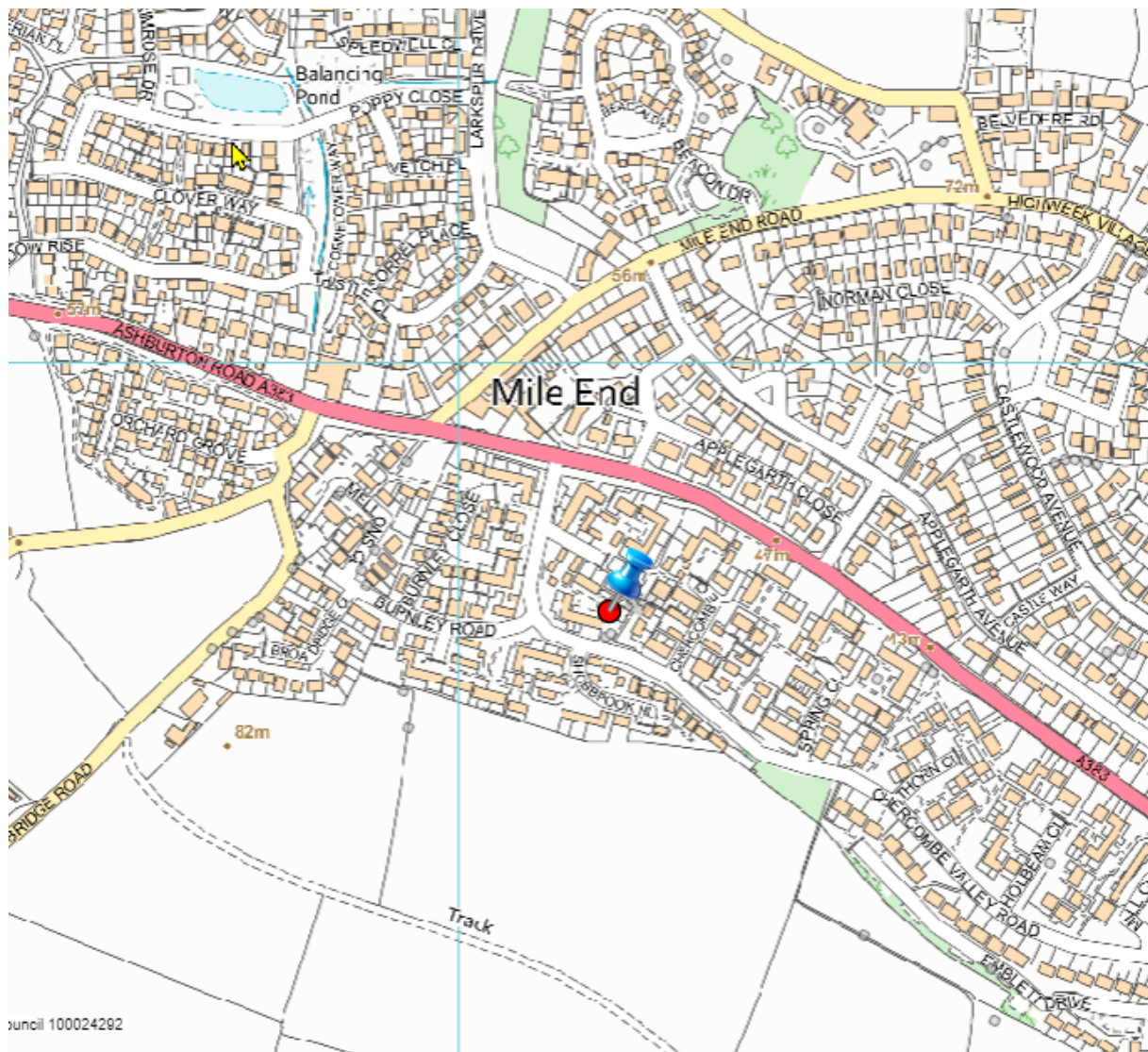
**SUBJECT:** The District of Teignbridge (land next to 30 Moorsend),  
Tree Preservation Order 2024  
E2/01/164

**CASE OFFICER:**

**WARD COUNCILLORS** Cllr Philip Bullivant

Bradley

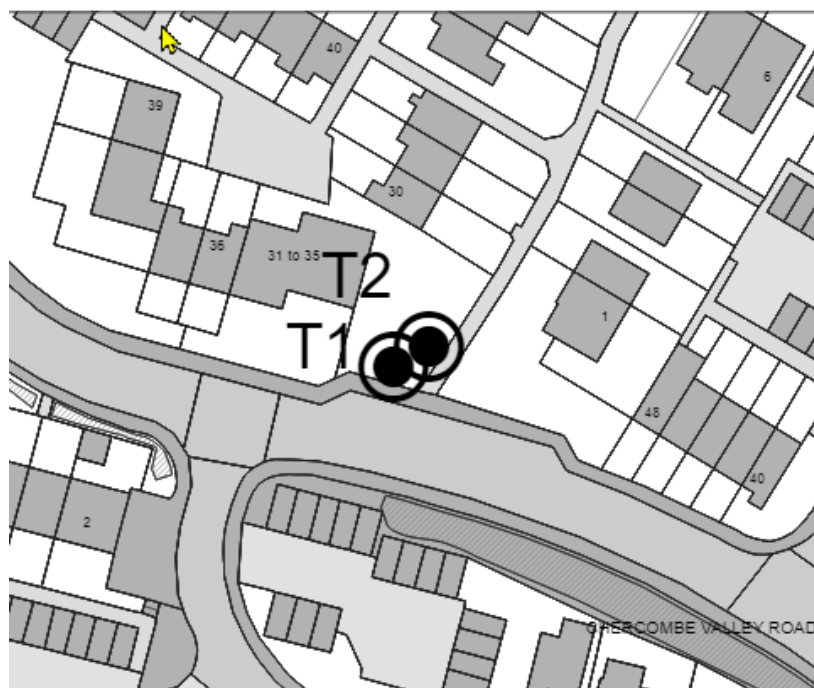
Cllr Richard Buscombe



# 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.		

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

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## TEIGNBRIDGE COUNCIL DISTRICT

<h2 style="margin: 0;">PLANNING COMMITTEE</h2> <p style="margin: 5px 0;">CHAIRMAN: Cllr Colin Parker</p>
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<b>DATE:</b>	<b>18 November 2024</b>
<b>REPORT OF:</b>	<b>Head of Development Management</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

**24/00008/NONDET      KINGSKERSWELL** - Squireswood Maddacombe Road  
 Appeal against the non-determination of 23/01319/FUL -  
 Proposed external open storage area for B8 Use Class  
 (retrospective)

Appeal Allowed. Delegated Decision

**24/00013/REF      ABBOTSKERSWELL** - Court Grange Offices Court Grange  
 Appeal against the refusal of 24/00261/FUL - Retrospective  
 planning application for additions and alterations to building and  
 use as C3 dwellinghouse and Class E(g)(i) office (live-work unit)

Appeal Dismissed. Delegated Decision

**24/00015/FAST      TEIGNMOUTH** - 4 Winston Court Teignmouth  
 Appeal against the refusal of planning application 23/01859/HOU  
 - Replace pitched roof over garage with flat roof and roof terrace

Appeal Dismissed. Delegated Decision

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

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TEIGNBRIDGE COUNCIL DISTRICT

**PLANNING COMMITTEE**

**CHAIRMAN:** Cllr Colin Parker

<b>DATE:</b>	<b>18 November 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 October 2024.

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

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