

E-mail:  
democraticservicestdc@teignbridge.gov.uk

9 December 2024

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 17th December, 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, Buscombe, Cox (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Sanders, J Taylor and 2 vacancies

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 - 10)  
To confirm the minutes of the last meeting.
3. Declarations of Interest.  
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation  
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) 24/00694/MAJ -- Wolborough Area A2 POS and GI Phase 1. Newton Abbot (Pages 11 - 38)
  - b) 24/00220/MAJ - Baker Estates Wolborough, Newton Abbot (Pages 39 - 66)
  - c) 24/00301/MAJ - Land at Whitehill Road, Newton Abbot (Pages 67 - 114)
  - d) 24/00814/FUL - Pulse Smart Hubs, Newton Abbot (Pages 115 - 130)
7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 131 - 132)
8. S73 Major Decisions Summary (Pages 133 - 134)

**For Information - Upcoming Site Visit Dates**

16 January 2025, 13 February 2025, 13 March 2025

This page is intentionally left blank



**PLANNING COMMITTEE****18 NOVEMBER 2024****Present:**

Councillors Atkins, Bradford, Bullivant, Buscombe, Goodman-Bradbury, Hall, Hook, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Sanders, J Taylor and P Parker (Substitute)

**Members in Attendance:**

Councillors Daws, Farrand-Rogers and G Taylor

**Apologies:**

Councillors MacGregor

**Absent:**

Councillor Cox (Vice Chair)

**Officers in Attendance:**

Paul Woodhead, Head of Legal & Democratic Services and Monitoring Officer

Ian Perry, Interim Head of Development Management

Dave Kenyon, Area Team Leader

Christopher Morgan, Trainee Democratic Services Officer

Artur Gugula, Planning Officer

Patrick James, Principal Planning Officer

**68. MINUTES**

It was proposed by Councillor C Parker and seconded by Councillor Sanders that the minutes of the previous meeting were agreed but with amendments to add in the omitted names of Councillors from minute items 61, 65a and 65b.

A vote was taken – the result was 9 in favour, 2 against and 2 abstentions.

Resolved

That the minutes of the previous meeting were agreed but with amendments to add in the omitted names of Councillors from minute items 61, 65a and 65b.

**69. DECLARATIONS OF INTEREST.**

Councillor Bradford declared an interest in agenda item 6a. 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 Bullivant declared an interest in agenda item 6a as he \_\_. He left the room during consideration of this item and so did not speak or vote on it.

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

**a) 24/00694/MAJ - Wolborough Barton, Newton Abbot**

Councillor P Parker proposed, and Councillor J Taylor seconded, a vote of no confidence in the Chair as he had denied Cllr Daws' request to speak on the application. It was stated that Cllr Daws was not the ward member but represented the adjoining ward, and he had not advised the Chair beforehand but had advised the Vice-Chair.

The result of this vote was 4 in favour, 8 against, and 2 abstentions and so the vote is lost.

The Principal Planning Officer introduced the item to the Committee. He provided updates on the following:

- In accordance with the Devon Flood Officer's own consultation response of 10th June, the detail of the drainage infrastructure has already been approved on 11th June, under reference 17/01542/COND14. Members were advised to read paragraph 6.16 on page 40 with this in mind.
- In an email received on the preceding Friday, the Police Liaison Officer re-stated his earlier response that he has no objection to the scheme. Officers responded to other aspects of the email by noting that
  - The location is consistent with the Masterplan and Design Code
  - It is considered that the play area would be overlooked from the approved bar, restaurant and hotel in the west; the shops and facilities to the south west, community hall immediately to the south; and the primary school in the south east.
  - The play area is not situated at a one-way dead end; in contrast, in addition to the main path through the site running to the east, access is also intended to be provided to the hotel and restaurant complex to the west; and to the community hall, the school and the local centre to the south – so footfall levels in the vicinity can be anticipated to be high.
  - Officers considered there are many successful examples of play areas set within existing parkland open space areas – it is not considered essential from an urban design view that all new play areas should be surrounded by housing.
- In accordance with the late response from the Highways Officer, the Pumping Station Access plan has been revised. Plan SK 57A is superseded and replaced with plan SK 58C. This included pages 28 and

41 in the report.

Public Speaker, Supporter – Spoke on:

- Benefits for wildlife
- Biodiversity enhancements
- Green spaces provides health benefits to local residents
- The application accords with all relevant documents such as the Masterplan
- No objections from statutory consultees
- Local planning authority will have powers in place to protect the fen.
- 50 percent of the dwellings on site are to be inhabited before construction begins for this application.

Comments from Councillors during the debate included:

- The proposed play park should have more surveillance.
- Magazine lane is pedestrian only.
- High amount of traffic along coach road.
- Preservation of the trees and hedges on site is to be commended.
- The proposed cycle path will be connected to the wider cycle path grid which will provide improved transport options.
- Coach road needs a pavement for pedestrians into Newton Abbot town.
- Magazine lane is particularly steep which would affect disabled residents.
- Attractive open space area.
- Concerns around impact on the fen.
- Natural England still have concerns about impact on the fen.
- Condition 6J requires the definition of the Wolborough catchment area to take place.
- Condition 6J requires use of infiltration SUDS.
- Condition 10 is focused on surface water rather than wider ecological considerations.
- There is not enough detail to define SUDS area, resultingly there is not enough information to make a decision.
- Percolation tests were carried out a considerable time ago.
- Where can the results of the percolation test be found?
- Why were Natural England not consulted before discharge of condition 10?
- Concerns around discharges of conditions 6J, 10, and 20.
- Need for understanding of groundwater catchment, not enough information on the suds.

In response to comments, Officers responded that:

- The choice to walk along Coach Road was up to members and they were wearing high-vis vests.
- East Street eastbound road is closed, hence the increased traffic levels along Coach Road.
- TDC is not the highways authority, Devon County Council is.
- Consultees express concerns but these are not objections – in this case NE want the best quality for condition 20.

- Local Flood Authority always seeks infiltration SUDS.
- All sites that have come forward have been impermeable in regards to putting in infiltration SUDS.
- Drainage is not a reserved matter but layout is.
- Design code masterplan includes the suggestions of Natural England
- Natural England's comments in full are available online.
- Concerns around the discharge of condition 20 have been passed on to the applicant
- Natural England raised no objections to the design code
- The documentation on the granting of the outline permission can be found under the relevant application number online.
- Drainage is not a reserved matter

It was proposed by Councillor Hook and seconded by Councillor P Parker that decision be deferred pending the following:

- Officers to provide the percolation tests including when and where these tests took place.
- Satisfaction of condition 6J which requires precise information on how the study of the Wolborough fen SSSI is being carried out.
- Satisfaction of condition 10 which requires further groundwater information and consultation with Natural England and other relevant bodies.

A roll vote was taken. The result is listed below:

*For: Cllrs Atkins, Bradford, Goodman-Bradbury, Hall, Hook, Nutley, Nuttall, Parrott, Sanders, J Taylor, and P Parker (11)*

*Against: Cllrs Buscombe and Palethorpe (2)*

*Abstained: Cllr C Parker (1)*

Resolved

That decision be deferred pending the following:

- Officers to provide the percolation tests including when and where these tests took place.
- Satisfaction of condition 6J which requires precise information on how the study of the Wolborough fen SSSI is being carried out.
- Satisfaction of condition 10 which requires further groundwater information and consultation with Natural England and other relevant bodies.

**71. E2.01.164 - LAND NEXT TO 30 MOORSEND, NEWTON ABBOT**

This item was withdrawn by officers before the start of the meeting.

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

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

**73. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary Sheet.

The meeting started at 10.00 am and finished at 12.25 pm.

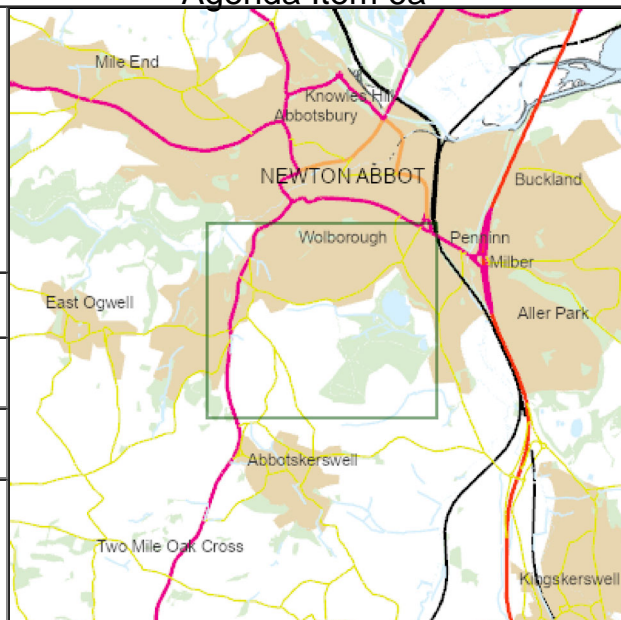
Chair  
Cllr C Parker

This page is intentionally left blank

**Planning Committee Report**

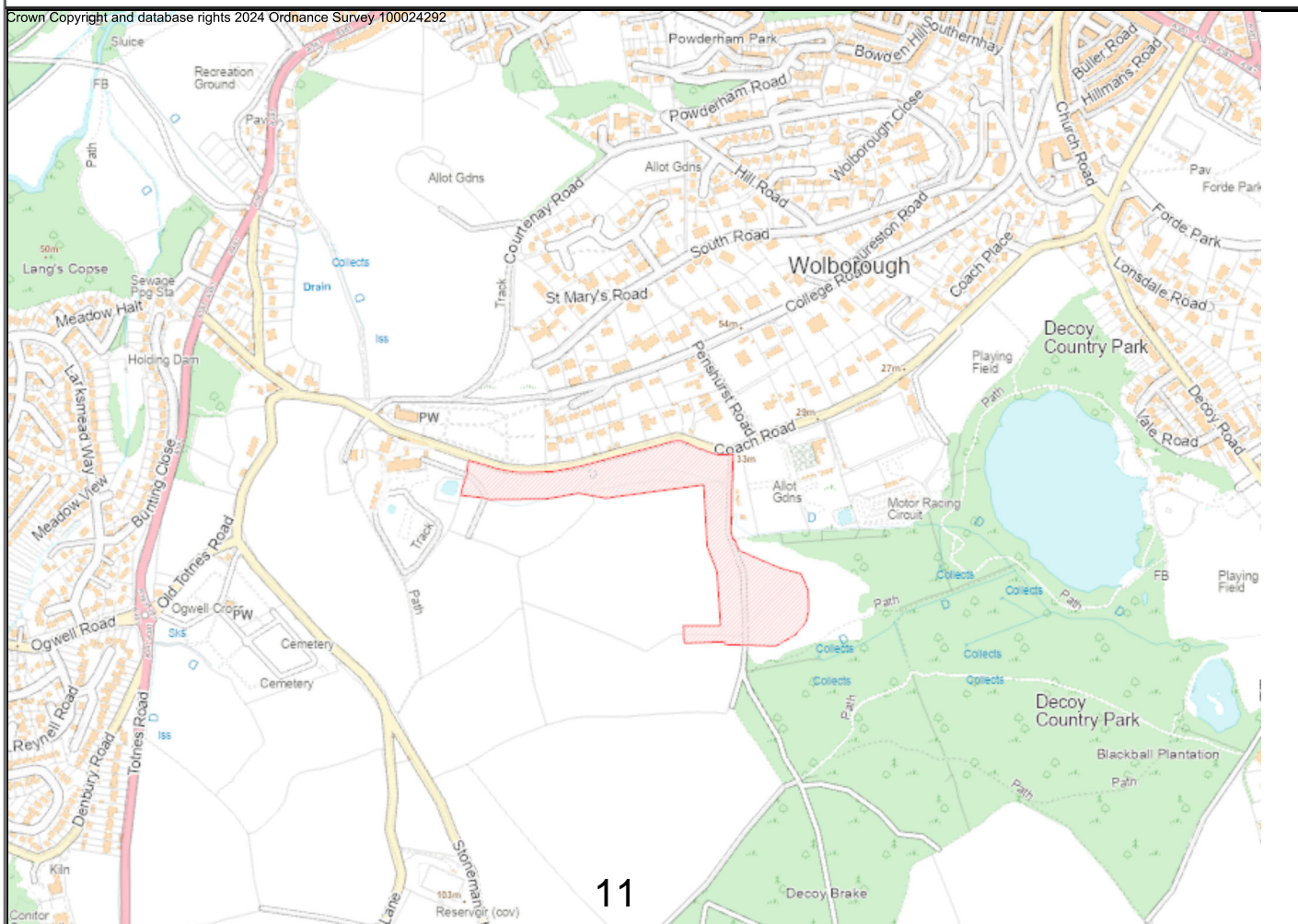
**Chairman: Cllr Colin Parker**

<b>Date</b>	17 December 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](#)

**RECOMMENDATION: RESERVED MATTERS APPROVAL**



## 1. REASON FOR REPORT

The Interim Head of Development Management considers that the application merits oversight by the Planning Committee. In addition, Members are reminded that, at the Committee meeting of 18<sup>th</sup> November 2024, this item was deferred, pending officer responses to a number of queries raised by Members. The responses to those queries follow on from this report as the Addendum below.

## 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 April 2024	959-DC01C	Green Infrastructure 1 Site Location Plan
21 May 2024	-	Pump station specification (Email)
19 August 2024	2408.44268	LAP Plan
09 September 2024	SK57-A	Pumping Station Access
24 October 2024	959-DC02H	General Arrangement Sheet 1 of 4
24 October 2024	959-DC03G	General Arrangement Sheet 2 of 4
24 October 2024	959-DC05I	General Arrangement Sheet 4 of 4
24 October 2024	959-DC06C	Cross Sections Sheet 1 of 3
24 October 2024	959-DC07D	Cross Sections Sheet 2 of 3
24 October 2024	959-DC12A	Cross Sections Sheet 3 of 3
24 October 2024	959-DC09F	Typology Plan
4 November 2024	(WolboroughGrange LEAP_VDSW) SEPT_REV	LEAP Plan
6 November 2024	959-DC04K	General Arrangement Sheet 3 of 4
6 November 2024	959-DC13B	Longitudinal Section
6 November 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.

#### 1. 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.

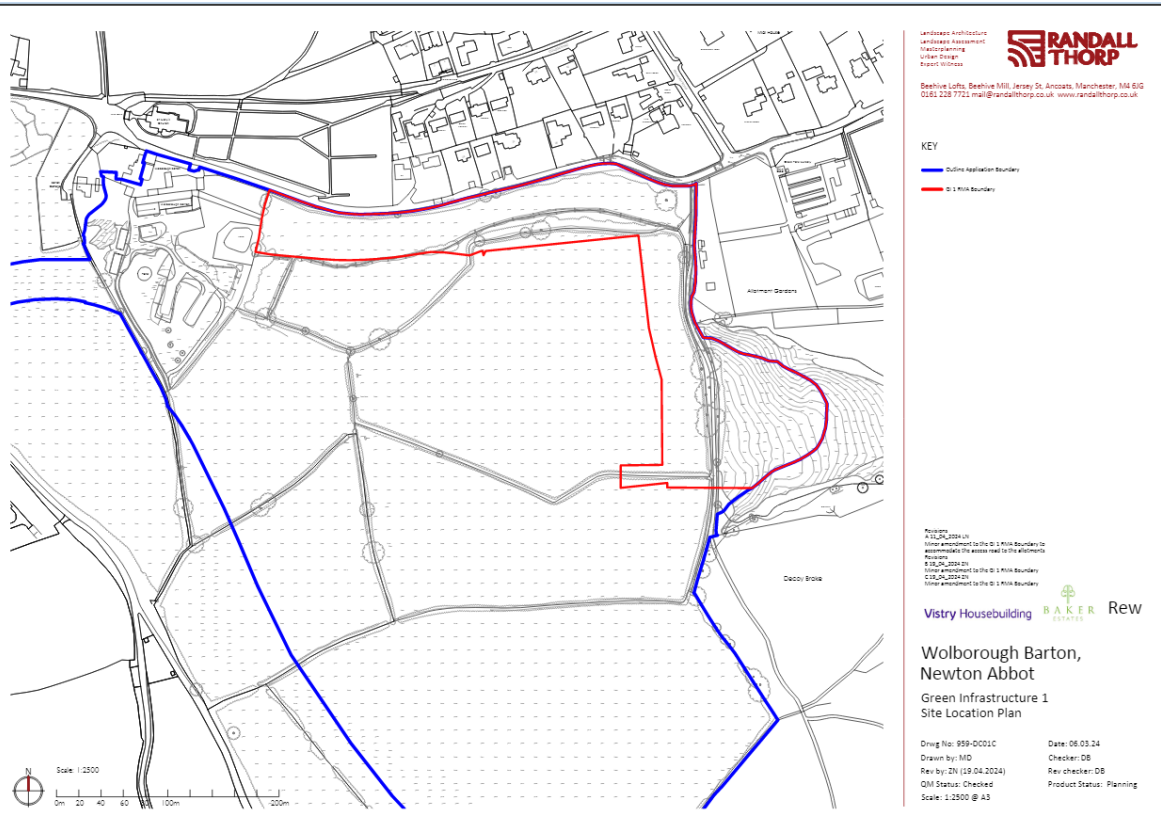


Figure 1: Parcel GI.A2(a).

- 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:

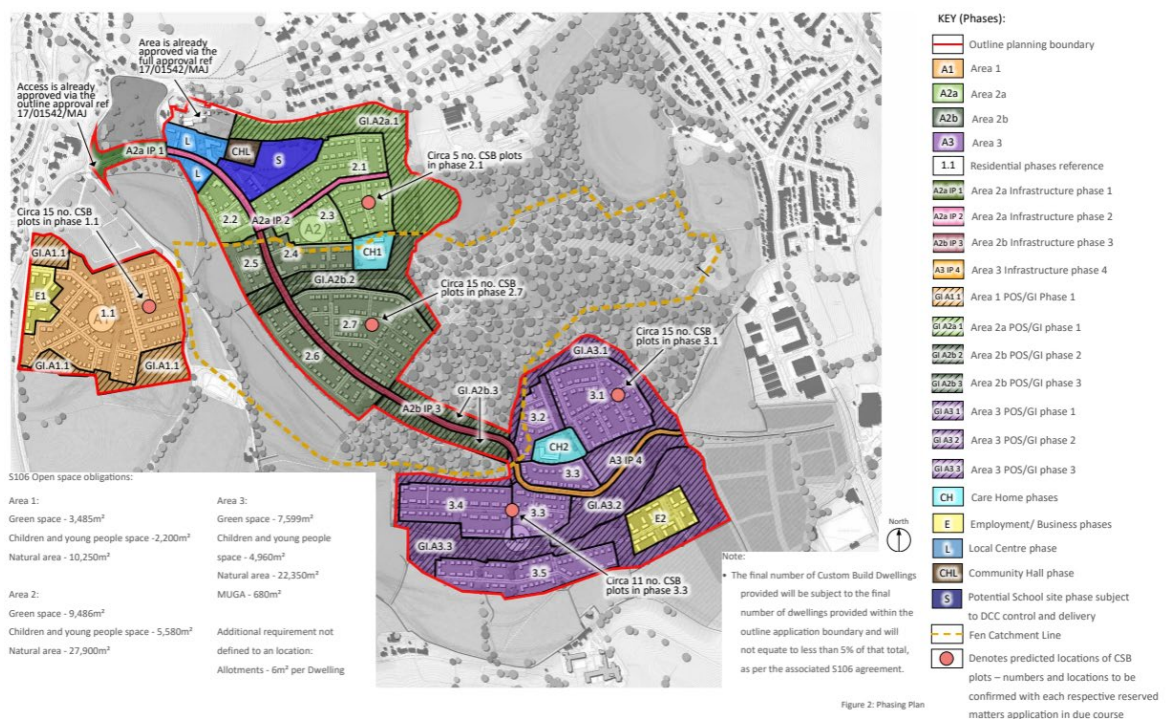


Figure 2: Phasing Plan (approved under Reference 17/01542/COND2).



*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).

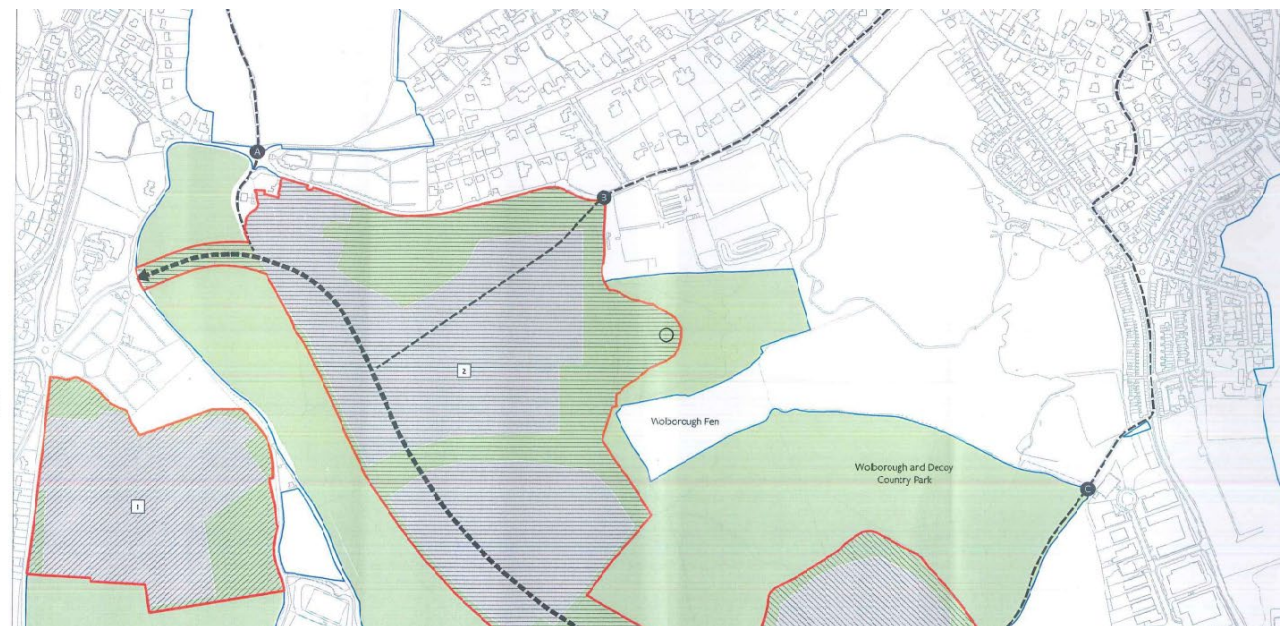


Figure 5: Parameter Plan approved at outline (extract)



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/ controlled by*

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	-	-	-

*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. CONSULTEES**

(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**

Report Addendum

Description

**24/00694/MAJ - Wolborough Barton, Coach Road**

**Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area2a Public Open Space and Green Infrastructure, Phase 1). Approval sought for appearance, landscaping, layout and scale**

At the Committee meeting of 18<sup>th</sup> November, this item was deferred, pending officer responses to a number of queries raised by Members. Those queries have been captured as below in bold. The officer responses are interspersed.

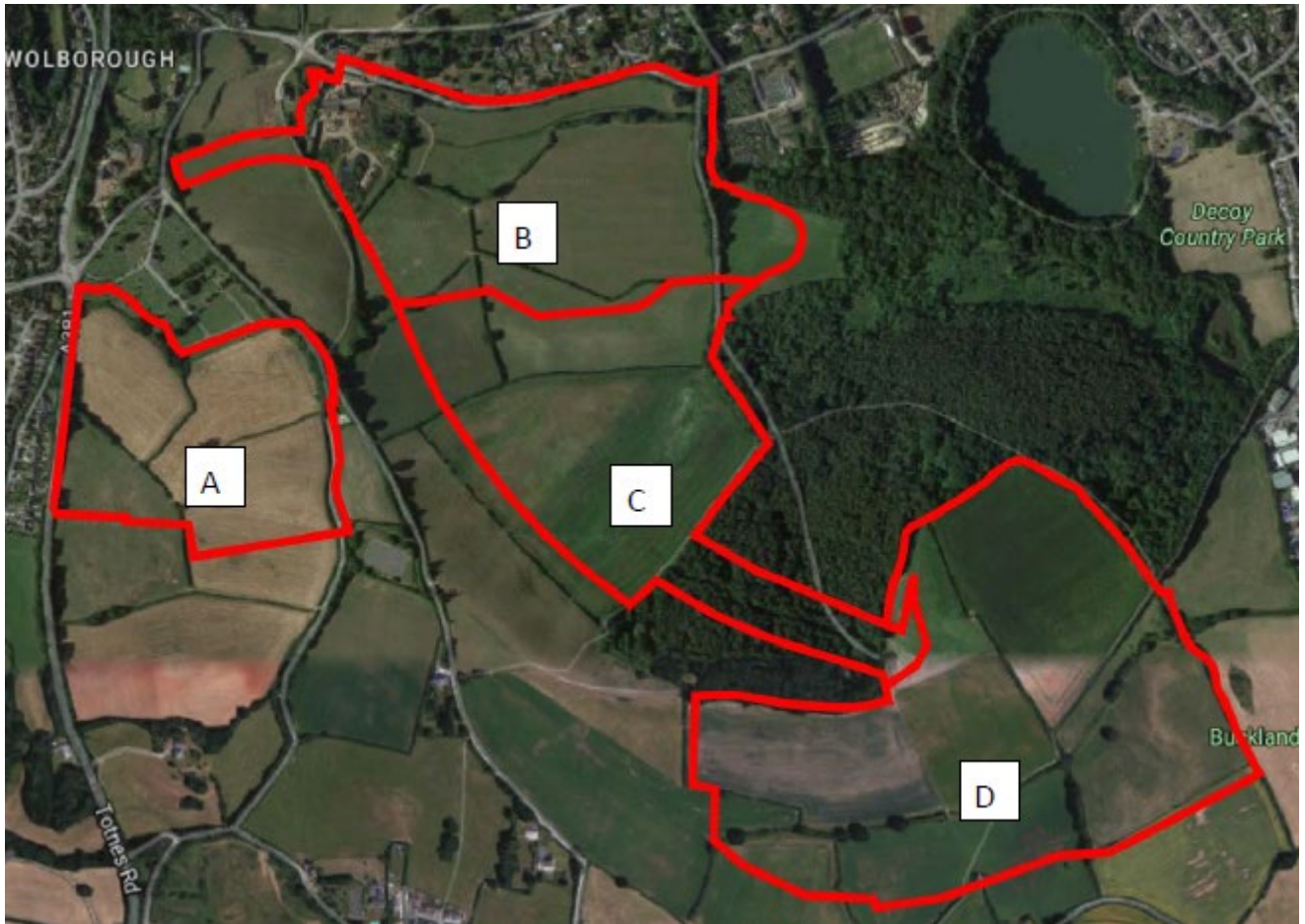
It is noted that these queries relate to matters of drainage – which is not one of the reserved matters before Members today. In contrast, drainage as an issue was considered by the (then) Secretary of State at the time of the appeal decision, with control to be exerted through attached conditions 20 (protection of the Wolborough Fen SSSI), 10 (drainage generally) and 6 (the submission of a Design Code).

- 1. Percolation Tests – when and where were these carried out and which report are they itemised in? Please produce the report and clarify its conclusions. Which areas are permeable; and which are impermeable?**

These tests were carried out between December 2015 and May 2016.

They are itemised within the Flood Risk Assessment (FRA) that accompanied the outline application. It is available from the Council's website under reference 17/01542/MAJ, dated 12 Oct 2017.

The report's conclusion, in summary, is that there are 4 catchment areas across the site, A – D. Catchments A, B, and D are impermeable, drain independently and away from the SSSI Fen. Accordingly, these are all intended to be served by *attenuation* SUDS. Basin C is permeable, and feeds the SSSI Fen. Accordingly, within this catchment *infiltration* SUDS are intended to be deployed – so as to ensure that the SSSI Fen is not harmed by being subjected to a reduced inflow of water. See plan below:



**2. With reference to Condition 6(j) the hydrogeological catchment area remains to be defined: please confirm or otherwise on this point.**

This catchment has indeed not yet been defined.

Further to the relationship between Condition 6 (Design Code), and Conditions 20 (Protection of the SSSI Fen) and 10 (Drainage generally), Condition 6(j) requires that the Design Code includes the following details:

*The design principles for the incorporation of a Sustainable Urban Drainage System (SUDS) throughout the development*

This was supplied: 10 pages within the Design Code.

*This should* [importantly this is a discretionary instruction, not a mandatory requirement, as would have been indicated had either of the words 'shall', or 'must' been used] *include the defining of the Wolborough Fen catchment area.*

But the boundary of this area had already been expressly agreed twice by Natural England (and subsequently for a third time) as referred to within the submission, and as embodied within Condition 20.

*and the results of a detailed hydrological and hydrogeological investigation (covering seasonal fluctuations) which should inform the design of the SUDS.*

This part would, in effect, duplicate the requirements of Condition 20.

Importantly, Natural England was consulted on this Design Code condition approval application and raised no objection. This lack of objection can reasonably be assumed to be in the light of the protection to the Fen SSSI provided by Condition 20.

There are those who consider that there are reasonable grounds for believing that the hydrogeological catchment extends *beyond* the hydrological catchment.

However, it should be noted that Natural England - the government's adviser for the natural environment in England, and therefore the nation's highest authority on such matters - expressly limited its concern to the area bound by the latter boundary (i.e. the hydrological boundary), as referred to within Condition 20. It was open to Natural England to make this condition binding upon the whole site. This it manifestly did not do.

So: does the hydrogeological catchment area need to have been defined in order to enable this Council to make a determination on the current application for the approval of reserved matters before it? The answer has to be: no, for the reasons given above.

**3. Re Condition 20. TDC does need detail of what work is currently being carried out. Natural England needs to be asked its view of it: i.e. in its view, does this work cover what it needs to cover?**

Such information has been requested of the applicants but as yet, none has been submitted. This information is indeed required to be provided – however, it should be noted that there is no compulsion on them yet to do so. Condition 20 reads as follows:

*20. No development shall take place within the Wolborough Fen SSSI hydrological catchment unless and until a Scheme based upon an evidence base agreed with the local planning authority in consultation with Natural England) has been submitted to and approved by the local planning authority in consultation with Natural England which sets out detailed measures to ensure that the development does not have an adverse impact on the integrity of the Wolborough Fen SSSI during the construction or operation of the development. The development shall thereafter proceed in accordance with the approved details.*

It should be noted that Natural England has confirmed – on 3 separate occasions – that the Wolborough Fen SSSI hydrological catchment referred to is the hydrological/surface water catchment as indicated within the Devon Wildlife Trust's 2015 'Rigare' report and, in turn, referred to within the FRA.

(These have all been re-saved together under the reference 17/01542/MAJ, all dated 25 Nov 2024 and all can be viewed on the Council's website under this reference.)

The site area for the reserved matters currently before Members lies wholly outside this defined catchment. Accordingly, at this time, there is in fact no 'need' for this information.

**4. The discharge of Condition 10 (Drainage)**  
**What documents were submitted that led to the discharge of this condition?**  
**Who was consulted and what were their responses?**  
**Should NE have been consulted re Condition 10? Ask them for their confirmation either way. If not, what is the justification for not doing so?**



The documents relating to the discharge of this condition (insofar as it has been discharged, ie for only a limited part of the overall site) were submitted and approved as below:

11.6.24. 17/01542/COND7 'strategy' approved for (all of) Area 2a. (ie Catchment 'B')

11.6.24(A) 17/01542/COND7 'details' approved for A2a IP1 (ie the short section of road) only.

and

11.6.24(B) 17/01542/COND14 'details' approved for A2a IP2 (ie the longer section of road), and A2a GI (ie the area of the reserved matters application currently before Members) together only.

These documents are available from the Council's website under the references 17/01542/COND7 and 17/01542/COND14.

As the statutory consultee for drainage matters, Devon County Council the Lead Local Flood Authority was consulted. The LLFA's final responses, within which it lifted its earlier objections, are available on the Council's website under the same references as above.

Natural England was not consulted, as none of the areas for which approval was being sought lay within the hydrological catchment boundary as they themselves defined, i.e. as referred to within Condition 20 (protection of the Fen SSSI).

Confirmation from Natural England as to the correctness - or otherwise - of this approach has been sought. No response has been received at the time of compiling this report. Members will be updated if and when it is.

-o0o-

Officer Conclusion: It is considered that the content of these queries and the responses to them do not alter the Officer recommendation for approval made within the Committee Report. There is no impediment to this Committee making a determination in response to the application for the approval of reserved matters currently before it.

This page is intentionally left blank



**Planning Committee Report**

**Chairman: Cllr Colin Parker**

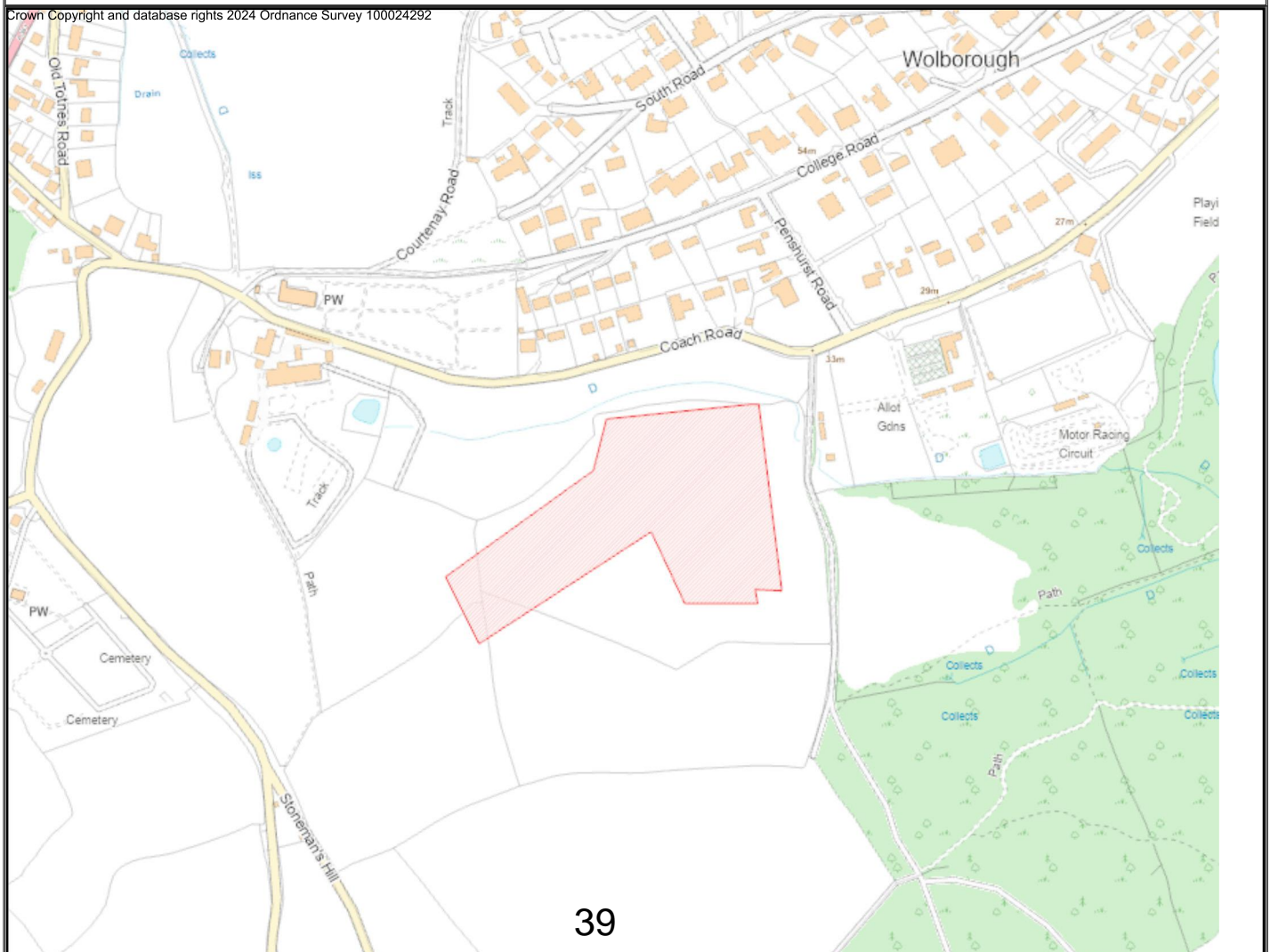
<b>Date</b>	17 December 2024
<b>Case Officer</b>	Patrick James
<b>Location</b>	Parcel 2.1 East Wolborough Wolborough Barton Devon TQ12 1EJ
<b>Proposal</b>	Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance, landscaping, layout and scale)
<b>Applicant</b>	Mr T Biddle
<b>Ward</b>	College
<b>Member(s)</b>	Cllr Janet Bradford, Cllr Liam Mullone
<b>Reference</b>	24/00220/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: RESERVED MATTERS APPROVAL**

Crown Copyright and database rights 2024 Ordnance Survey 100024292



## 1. REASON FOR REPORT

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

## 2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to the conditions as set out below:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Date Received	Drawing/reference number	Description
07 Feb 2024	0755C-P-0560 A	Road Longitudinal Section Sheet 1
07 Feb 2024	0755-C-P-0561 A	Road Longitudinal Section Sheet 2
07 Feb 2024	0755-C-P-0562 A	Road Longitudinal Section Sheet 3
07 Feb 2024	FOR DWG: 0755-102	Parking Matrix
07 Feb 2024	0755-109	Garages
07 Feb 2024	1020_05 REV A	Tree Pit Schedule
06 Aug 2024	0755-110	Bin & Cycle Store
08 Aug 2024	August 24 Rev A	Carbon Reduction Plan
29 Aug 2024	0755-101 A REV L	Location Plan
24 Sep 2024		Affordable Housing Schedule
16 Oct 2024	0755-114 A	Construction Phasing Plan
26 Nov 2024	0755-106 REV B	External Detailing
26 Nov 2024	0755-112 REV C	Building Heights Plan
26 Nov 2024	0755-C-P-0500 REV D	Drainage & Engineering Strategy Sheet 1 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0501 REV D	Drainage & Engineering Strategy Sheet 2 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0502 REV D	Drainage & Engineering Strategy Sheet 3 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0503 REV D	Drainage & Engineering Strategy Sheet 4 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0504 REV D	Drainage & Engineering Strategy Sheet 5 (Excluding drainage

		details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0505 REV D	Drainage & Engineering Strategy Sheet 6 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0506 REV D	Drainage & Engineering Strategy Sheet 7 (Excluding drainage details which are subject of Outline Condition 10)
26 Nov 2024	0755-C-P-0550 REV D	Highway Material Plan
26 Nov 2024	0755-HTB-ISSUE 4	Housetype Booklet
26 Nov 2024	1020/03 REV K	Planting Plan 03 (South)
26 Nov 2024		Retaining Wall Options
28 Nov 2024	1020-02 REV I	Planting Plan 02
28 Nov 2024	1020-01 REV I	Planting Plan 01
28 Nov 2024	0755-115 A	ASHP Plan-A1L
28 Nov 2024	0755-113 C	Refuse and Recycling Plan-A1L
28 Nov 2024	0755-108 C	Materials Layout-A0L
28 Nov 2024	0755-105 C	Vehicle Tracking Layout-A0L
28 Nov 2024	0755-104-3 C	External Works Layout-A0L
28 Nov 2024	0755-104-2 C	External Works Layout-A0L
28 Nov 2024	0755-104-1 C	External Works Layout-A0L
28 Nov 2024	0755-103-1 B	Street Scenes (Sheet 2 of 2)-A0L
28 Nov 2024	0755-103 C	Street Scenes (Sheet 1 of 2)-A0
3 Dec 2024	0755-102 E	Planning Layout-A0L
3 Dec 2024	1020/05 REV N	Details and Notes
3 Dec 2024	0755-107 C	Adoption Plan-A1L

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

## 2. Sample panel of stonework

Prior to the commencement of work to any of the natural stone walls including boundary walls, retaining walls and building elevations as specified on plan referenced 0755-108 REV C (Materials Layout) 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 natural stone 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.

### 3. Materials

Notwithstanding the approved plans and prior to any dwelling reaching damp-proof course (DPC) level, full details of the location, distribution and/or samples of all external materials for that dwelling/garage/cycle-store/bin-store shall be submitted to and approved in writing by the local planning authority. The information shall include:

External finish of walls (including areas of underbuild)

External finish of roof material

Eaves and rainwater goods

Windows and doors (including associated reveals, cills and lintels)

Hard surfacing around buildings; and

finish of canopies/porches

The development shall be carried out and retained in accordance with the approved details.

REASON: In the interests of visual amenity

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

### 3. INTRODUCTION/BACKGROUND

3.1 This application seeks the approval of the fourth set of reserved matters brought forward to be determined 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

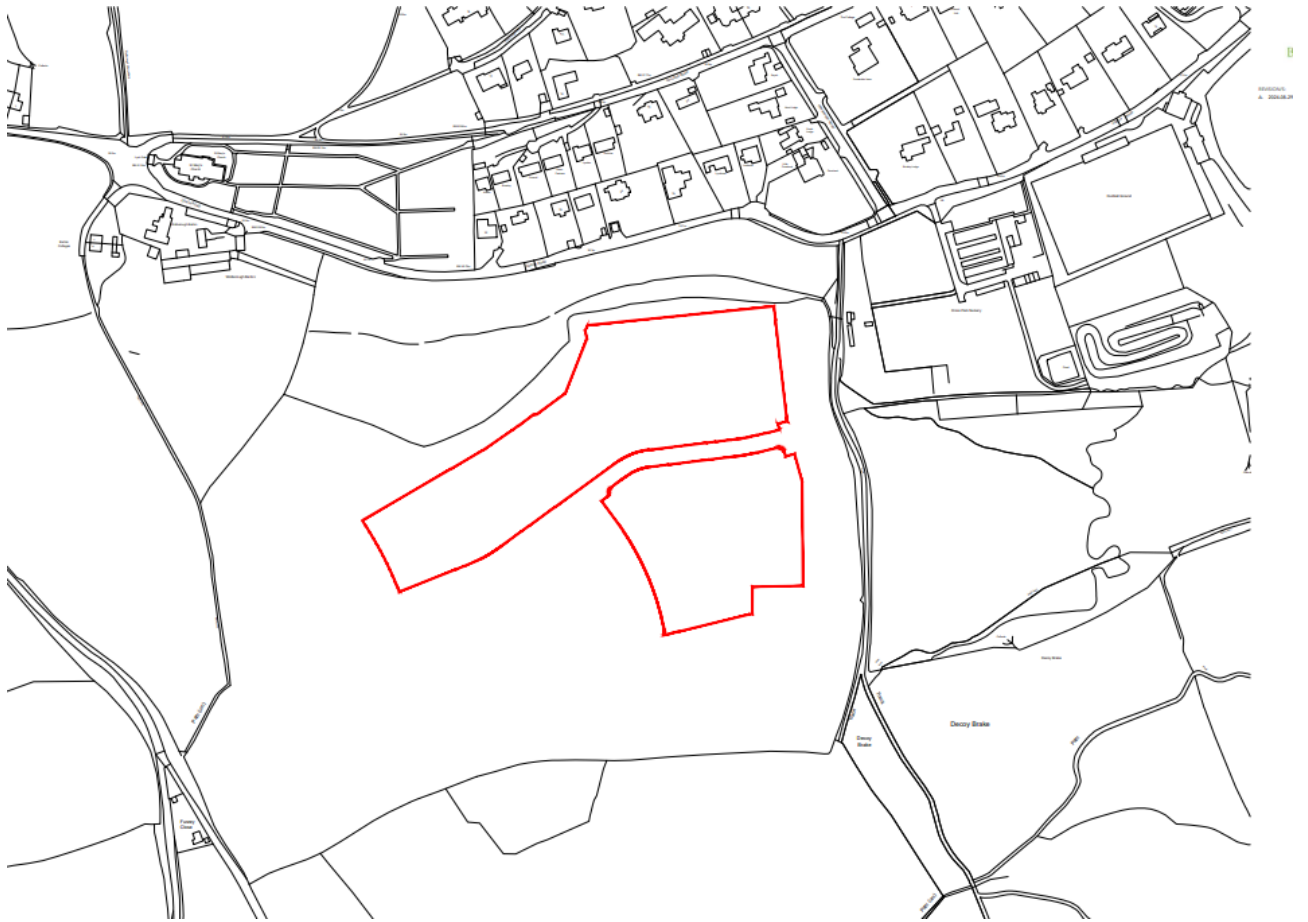
Development: HYBRID application comprising:

*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 decided to allow the appeal and grant planning permission on 3rd June 2020, subject to conditions and 2 legal agreements.

3.3 This application seeks the approval of Reserved Matters for appearance, layout, scale and landscaping for the parcel as below, outlined in red.



*Figure 1: Parcel 2.1*



3.4 Area 2, Phase 2.1 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 1: Phasing Plan (approved under Reference 17/01542/COND2).





*Figure 2: Context Plan.*

3.5 The plans above (Figures 2 & 3) provide information of the surrounding development. Moving from West to East:

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has been submitted, and it is hoped that it will come before the Committee shortly.
- 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 22<sup>nd</sup> October 2024;
- 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 of reserved matters application 23/01310/MAJ, for 94 homes which was approved at the recent Planning Committee meeting of 22<sup>nd</sup> October 2024; and
- green hatched area GLA2a1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

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

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
- LAYOUT
- APPEARANCE (INC HERITAGE)
- LANDSCAPING
- SCALE
- BIODIVERSITY
- CLIMATE CHANGE/CARBON REDUCTION
- NEIGHBOURS' AMENITY
- CONSIDERATION OF OBJECTIONS
- CONDITIONS
- PLANNING BALANCE & CONCLUSION

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

- 4.1 The site lies predominantly within one large agricultural field, and it partially encroaches into 3 more that together lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site lies to the south-east the dwellings and barns of the Wolborough Barton farmstead, and to the west of Magazine Lane ("Newton Abbot Footpath 3") which runs north-south and forms the western boundary of Decoy Country Park.
- 4.2 The land is undulating, sloping down from south-west to north-east; from approx. 55m above Ordnance datum (AOD) to 30m AOD.
- 4.3 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.
- 4.4 A further public footpath – "Newton Abbot Footpath 5" – runs approx. north-south to the west and outside of the boundary of the site.

#### **5 SITE HISTORY**

- 5.1 (Please note that - in the interests of brevity – only the key applications, ie the head permission and the subsequent applications for the approval of reserved matters have been itemised here. The full list of related applications [ie 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);

**24/00694/MAJ** - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area 2a Public Open Space and Green Infrastructure Phase 1). Approval sought for appearance, landscaping, layout and scale - PENDING CONSIDERATION – deferred from the November 18<sup>th</sup> 2024 Committee meeting; to be reconsidered at the meeting to be held on December 17<sup>th</sup> 2024.

**24/01205/MAJ** - Submission of details of appearance, layout, scale and landscaping for the Local Centre of the development in accordance with condition 1 of outline permission 17/01542/MAJ | Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ - PENDING CONSIDERATION.

## **6. PLANNING CONSIDERATIONS**

**The extent to which the submission accords with the outline part of the hybrid (aka 'head') 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 3: Illustrative Masterplan approved at outline(extract).*



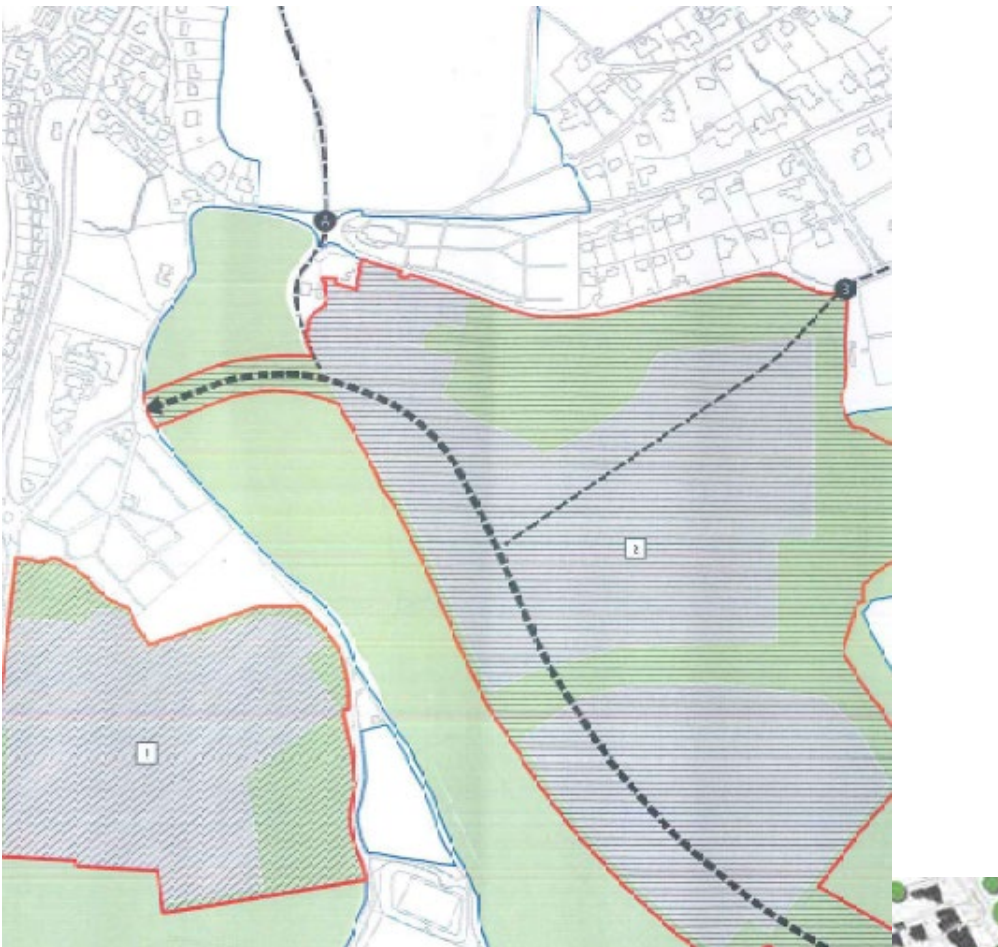


Figure 5: Parameter plan from outline (extract).



Figure 6: Approved Design Code Masterplan (extract).

- 6.2 It can be seen from the above plans that the area of housing that is the subject of the current application is broadly consistent across the two masterplans; and also that it lies within the grey area of the parameter plan, ie that where built form is permitted.
- 6.3 In support of this application the applicant has submitted an extensive Statement of Compliance which seeks to demonstrate the means by which the current application does indeed accord with the contents of the Design Code. This document has been reviewed, and its thrust is concurred with.
- 6.4 Subject to the further analysis below, in the light of the relationship of the submission to the approved Design Code masterplan it is considered that the reserved matters as here applied for do accord with the requirements of the outline part of the hybrid permission.

### **Layout**

- 6.5 The layout has been reviewed by officers in the light of the considerations of Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at para 138. The submission performs well against the criteria. In particular the layout of the scheme would:
- Invite trips made by bicycle
  - Provide affordable homes well distributed across the development
  - Add to local distinctiveness through planted areas
  - Create well-defined streets and spaces
  - Feature active frontages
  - Provide a range of homes that meet local community needs
  - Feature street trees; and
  - Create simple street patterns based on a relaxed grid
- 6.6 It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention.
- 6.7 Both Devon Highways Authority and Teignbridge Council's Waste team are now content with the layout with regard to emergency and refuse collection vehicular access.
- 6.8 The concern of the County Highways officer with regard to the somewhat 'cul-de-sac-y' nature of the layout are noted and, to a degree, shared.
- 6.9 However, it should be noted that the proposed development does largely follow the framework as set out in the approved Design Code and Masterplan; and that furthermore, the County Highways Authority was involved in the development process that led to the final versions of these documents.
- 6.10 The levels of connectivity within the site and to the adjacent areas of public open space and to the link road which in turn provides access to the school, local centre etc, are considered sufficient.

- 6.11 Moreover in balance to this deficit, the positive aspects of the proposal are noted.
- 6.12 Firstly, the scheme manages to avoid the specification for large rear parking courts. This reduces the likelihood of anti-social behaviour.
- 6.13 Secondly, the northern and eastern margins of the site feature outward-facing dwellings, looking out over and onto adjacent areas of public open space. This provides a level of passive surveillance, and also avoids unsightly rear garden boundaries appearing conspicuously on show in views from public vantage points.
- 6.14 Next, the density of the development appropriately diminishes across the site, from the higher density form in the west which provides a sense of enclosure for the link road, through to the lower density of the bungalows and other dwellings which allow the scheme to 'bleed' into the adjacent green infrastructure to the east.
- 6.15 Lastly, by virtue of its clear highway hierarchy and onward connections to the wider cycle and pedestrian network, the layout would be largely permeable and legible, in a manner conducive to cycling and walking.
- 6.16 As such, it is considered then that the details relating to layout accord with TDC LP Policies S2 and NA3; and NANDP Policies NANDP2 and NANDP4.

#### Housing Mix

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

- c. 3 bed - 52%*
- d. 4 + bed - 18%*

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

- 1 bed – 8%*
- 2 bed – 23%*
- 3 bed - 45%*
- 4 + bed - 24%*

- 6.24 It is considered then that the housing-type provision of this application accords well with the thrust of the relevant policies of the emerging local plan, and that it meets the evidenced demand for smaller households within the District. Lastly, although the proportion of 4-bed and 4+bed dwellings is slightly high, 15 of these would be bungalows, well-suited to demand from Teignbridge's aging population.
- 6.25 With regard to the provision of affordable housing, the s106 Agreement with the District requires the affordable housing percentage to be 20%; and the tenure mix to be 70/30 with the larger numbers provided as rental accommodation as that is the greatest level of need across Teignbridge. The distribution of the affordable homes across the parcel avoids excessive 'clumping', with the 31 dwellings forming five small, separate clusters. Lastly, the application is supported by TDC's Housing Enabling officer, both in terms of policy and because it reflects current Devon Homechoice demand.

#### Car Parking provision

- 6.26 The approved Wolborough Design Code seeks an average rate of:

- 1 parking space for 1 bed dwellings;
- 2 parking spaces for 2-3 bed dwellings;
- 3 spaces for 4 bed (or larger) dwellings; and
- 1 visitor/ unallocated space per 10 dwellings.

A total of 408 parking spaces would be provided for the 150 dwellings for which approval is now sought, of which 392 would be allocated, and 16 visitor/unallocated. Furthermore, the provision accords with the specification above.

#### Lighting

- 6.27 Lighting will be kept to the minimum necessary due to the site lying within the South Hams Special Area of Conservation (Greater Horseshoe Bats) SAC. Control would be maintained through Condition 12 (Lighting) attached to the head/outline permission.

#### Drainage

- 6.28 Details of the layout strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction)



including mechanisms for ongoing management were submitted to and approved in writing by the Local Planning Authority in collaboration with the Lead Local Flood Authority on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which the subject parcel lies.

- 6.29 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 a large swale to the east of Area 2(a) – to be accommodated within the area of green infrastructure, the subject of current application 24/00694/MAJ - with the maximum attenuated discharge rate as indicated.
- 6.30 The drainage layout of this current application accords with that approved under the above condition.

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

- 6.31 The homes would be of conventional, duo-pitched form, with formal/regular window and door arrangements for their principal elevations. External finishes would include a locally-appropriate range of pastel renders, together with a proportion of brick and both natural and synthetic stone finish also being featured. Rather than seeking slavishly to replicate features from the varied selection of nearby dwellings, their appearance can be considered to exude an air of restrained refinement. This can be reasonably anticipated to aid legibility within the wider site, and it is an appropriate response to the presence nearby of both the grade-I listed church and the conservation area.
- 6.32 A number of other locally-appropriate features are specified, to include contrasting plinths, fenestration with a strong vertical emphasis, attractive pronounced string coursing, varied front-door porches, and feature window-architraving.
- 6.33 Boundary and retaining wall surfacing in visually-prominent locations has been specified to be of locally-distinctive natural stone. It is considered that this material should be the subject of a suitable condition attached to any approval.
- 6.34 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 (as above). It is noted that the existing elevation of the land at the highest point of the site is 55m above ordnance datum (AOD), that of the church is c63m AOD and that the intervening distance between the closest part of the church (the south-east corner) and the nearest dwellings (plots 1 and 13) is 271m.
- 6.35 Whilst it may have been preferable for all of the dwellings to have been required to feature natural slate roofs (in line with the suggestion of one of the third party representations), it is not considered that this would have been a reasonable, proportionate demand in this instance, given the long intervening distance from the church.
- 6.36 The concerns 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 wider scheme is noted and concurred with for this phase, i.e., that the appearance of this housing would have a neutral impact upon the character and appearance of the Wolborough Hill

Conservation Area. Similarly, it is considered that the appearance of this housing within the setting of the church would have less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

### **Landscaping**

- 6.37 TDC's Biodiversity officer has requested details of the location of the hedge-planting intended to compensate for that to be lost as part of the development.
- 6.38 Condition 7 (Ecological Mitigation Strategy) attached to the outline permission states that:
- 6.39 No development shall take place within an approved phase of the development hereby permitted until an ecological mitigation strategy [EMS] for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy shall be based on [1] the proposed mitigation (ie pp 134 - 149) in the Chapter 8 of Volume 2 of the Environmental Statement [ES] submitted as part of the planning application... The Development shall be carried out and maintained in accordance with the approved strategy.
- 6.40 Paragraph 8.6.11 of the ES requires the planting of approx 3000m of new hedging. It is understood that the strategy for this phase – as required by the Condition above - shall closely align with the EMS approved on 8/5/24 for Phase IP1, Reference 17/01542/COND12. Appendix 1 (p26) of that document shows the intended locations for the 3000m of new hedging to be provided.
- 6.41 One existing tree would be required to be felled as part of this scheme, 'T7', a small, Category-C oak set within a hedge to be removed to the west of the site. Although the loss of any tree, in particular an oak, is regrettable, new planting would include 41 newly-planted trees, together with extensive and varied shrubbery and ground-cover as shown on the set of submitted planting plans. It is considered that the proposed landscaping complements and would help to soften the impact of the development, and that it would accord with the requirement of para 136 of the NPPF (Dec 2023) that 'Planning ... decisions should ensure that new streets are tree-lined.' TDC's Biodiversity Officer has reviewed the scheme to which, it having now been amended in accordance with her requests, she raises no objection.

### **Scale**

- 6.42 The built form for the site would be predominantly 2-storey, as shown on plan 0755-112 REV C. There would be a total of 9 x 3-storey and 2½ storey (ie 2 full storeys with attic accommodation) buildings. These are limited to the 2 small blocks of flats, and dwellings lining the main thoroughfares, ie the main link road, and the primary road that serves this development parcel. These are considered to be appropriate locations, helping to define the highways that they face within the road hierarchy.
- 6.43 In contrast, towards the north of the site would sit a total of 15 'pure'- and chalet-bungalows. Their inclusion – and in this location – is welcome on a number of grounds. Firstly, this building-type is popular with the elderly and those with impaired mobility. Secondly their provision accords with local policy and national guidance that seeks a variety of dwelling types. Lastly, being in this location, they would help to soften the impact of the development in views from Wolborough Hill - parts of

which lie within the titular Conservation Area on the opposite side of the shallow valley.

- 6.44 In terms of height, none of the individual buildings proposed would be unduly tall or have an overbearing impact.
- 6.45 Similarly, no single building would be unduly wide or long. As such it is considered then that the details relating to scale do accord with TLP Policy S2, and the approved design code.

#### **Biodiversity/habitat regulations assessment**

- 6.46 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).
- 6.47 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.
- 6.48 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**

- 6.49 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.
- 6.50 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.
- 6.51 She is of the view that, subject to the approval of the suite of ecological-protection conditions attached to the outline permission, and subject to the works being undertaken strictly in accordance with the submitted documents, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.
- 6.52 Natural England has been consulted and raises no objection.
- 6.53 Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 22nd May 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**

- 6.54 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.
- 6.55 The site is well-related to the services and job opportunities of the town. Cycle access separated from the carriageway would be provided to-and-from the town centre between the south-west and the north-east, along 'Route B', one of the 3 principal desire line cycle routes as shown on Parameter Plan 14 1204 P01 Rev B (see Fig 5 in this report) the subject of Condition 6(a) - Design Code, attached to the outline permission. Pedestrian access would also be provided in this manner, and additionally (indirectly) through the adjacent green infrastructure the subject of application 24/00694/MAJ) north-south via Footpath 5 (Magazine Lane).
- 6.56 Other features to address the Climate Crisis would include:
- The specification for Air-Source Heat Pumps (ASHPs) throughout, ie no heating through the burning of hydrocarbons
  - Secure cycle storage for the flat blocks
  - Electric vehicle charging points for all dwellings
  - Pro-active planting, (primarily for amenity impact) but which would also serve to help reduce rates of climate change
- 6.57 Whilst it is disappointing however that the opportunity has not been taken to specify solar photo-voltaic panels for the homes across the site, this is not considered to be an overriding reason to justify withholding any grant of approval.
- 6.58 It is noted that the TDC Climate Change Officer is content that with regards to operational emissions the proposals put forward do comply with TDC LP Policy S6c(Resilience). The scheme has thus taken opportunities to limit its impact.

## **Neighbours' amenity**

- 6.59 There are 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. In particular, in the light of the intervening distances (89m elevation-to-elevation at the closest), topography and extensive mature vegetation, the concerns of one the third party representations that there would be a (material) loss of privacy for the existing occupants of dwellings along Coach Road are considered not to be of an overriding nature that would justify a refusal of this application proposal.

## **Consideration of Objections/Concerns**

- 6.60 It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to

matters controlled through conditions attached to the hybrid permission. As such, they do not form overriding materials considerations in the determination of the application.

- 6.61 The issues raised by those representations that do concern themselves with the (reserved) matters at hand have been considered elsewhere in the body of this report.
- 6.62 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.
- 6.63 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).
- 6.64 The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth during the public enquiry that culminated in the Secretary of State's (SoS's) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

*"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."*

- 6.65 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, and recently so confirmed once more.
- 6.66 Bearing in mind the wording of the condition, this current application site is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.

## **Conditions**

- 6.67 Consideration has been given to the need or otherwise for further conditions to be attached to any approval. The following are covered as below.
- 6.68 Matters relating to drainage are covered by outline Conditions 10 (surface and ground water), 13 (foul drainage) and 20 (protection of the SSSI Fen) as above. These are subject to detailed negotiations with the Devon County Council Lead Local Flood Officer and, in addition - with regard to Condition 20 - Natural England.
- 6.69 In contrast, in order to ensure that the development reflects the distinctive character of the local area, it is considered necessary that a natural stone sample panel condition and a general approval of materials condition be attached to any approval.

## **Conclusion/Planning balance**

- 6.70 There is very little, if any, deviation from the approved parameter plans, Masterplan and Design Code.
- 6.71 Third party objections and concerns have been noted and considered throughout the determination of this application and, where material, these have either been adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.
- 6.72 A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for these 150 homes so that they can be delivered and play a part in addressing the pressing needs of the community – especially those of younger people.
- 6.73 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.
- 6.74 Whether or not the identified 'less than substantial harm' to the setting 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 been considered. In accordance with the s.66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind that the asset's high status.
- 6.75 However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outbalance the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church, particularly taking into account the importance of progressing 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  
S3 Land for Business, General Industry and Storage and Distribution  
S5 Infrastructure  
S6 Resilience  
S7 Carbon Reduction Plans  
S9 Sustainable Transport  
S10 Transport Networks  
S14 Newton Abbot

WE2 Affordable Housing Site Targets  
WE3 Retention of Affordable Housing  
WE4 Inclusive Design and Layout  
WE11 Green Infrastructure  
EN1 Strategic Open Breaks  
EN2A Landscape Protection and Enhancement  
EN5 Heritage Assets  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species  
EN12 Woodlands, Trees and Hedgerows

### **Teignbridge Local Plan 2020-2040\_('the emerging Local Plan')**

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

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

### **Newton Abbot Neighbourhood Development Plan 2016-2033 (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 (22 March 2024)**

Historic England has concerns regarding the application on heritage grounds. These relate to the conspicuous nature of the proposed development along the north-west boundary of Parcel 2.1 as well as the proposed building form

emphasising the link road. These elements will adversely affect the experience and setting of the grade I listed church.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 210, 205 and 212 of the NPPF.

**Historic England** (20 Sept 2024)

It is considered that the revised scheme does not address the points previously raised, and we would refer you back to our earlier response.

**Natural England** (12 June 2024)

No objections

**Natural England** (13 Sept 2024)

We have no further comments to make, please refer back to our previous comments which still apply. Re the WRA's groundwater representation, Natural England have no further comment to make.

**DCC Highways** (28 March 2024)

The site isn't very interconnected and feels rather like a series of separate cul-de-sacs. The "tertiary" roads could certainly benefit from a loop with a separate provision along the northern edge for a footway with links to the local centre. This would also benefit the refuse collection as the tracking seems very tight and reliant on there being no on-street parking. Will the refuse be collected from the road or will a separate bin store be required? Further information is required on the above before a recommendation can be made.

**DCC Highways** (24 September 2024)

The Highway layout appears to be broadly as before. The previous comments about a connection to the local centre and school still stand.

There are now two adoption plans submitted, 0755-107 Rev A and 0755-C-P-0540 Rev B.

The two plans differ in what is being offered for adoption. It is assumed that plan 0755-107 Rev A is the correct one as it has the latest revision but can this please be confirmed.

Plan 0755-C-P-0540 Rev B shows the only turning area for the road for plots 91 - 119 is on proposed block paving. The preferred material now is imprint rather than block paving, but this would still be unsuitable for the turning of vehicles, particularly refuse vehicles.

The above plan appears to show a temporary turning head at the end of the road past plot 76. Please can this be confirmed. There needs to be a facility for vehicles to safely turn until the road is completed as part of the future development.

Further information is required on the above before a recommendation can be made.



[Case officer note: the submitted plans have subsequently been amended in the light of the Highways Officer's comments. Specifically, the kerbing upstands have been adjusted; the highways adoption plan has been suitably revised; lighting is the subject of Condition 12 attached to the outline permission, upon which the highways officer will be consulted; and there are now no areas of block paving shown for vehicles turning areas.]

**DCC Lead Local Flood Authority** (15 March 2024)

Objection. Insufficient information supplied.

**DCC Lead Local Flood Authority** (26 September 2024)

We have no in-principle objection to the above planning application at this stage.

The applicant will be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+ allowance for climate change) rainfall event.

The submitted Wolborough Grange Design Code for Self Build Dwellings Plots 71 - 75 dated August 2024 only details the minimum parking space size of 2.4m x 4.8m and internal dimensions for a single garage of 3m x 6m. The applicant shall mention that the maximum impermeable area for each of the dwelling should be equal or less than 100m<sup>2</sup> as this is what is being allowed for in the design of the drainage of the proposed development

**DCC Lead Local Flood Authority** (28 November 2024)

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

[Case officer note: 'Drainage' is not a reserved matter for which approval is hereby being sought, but is instead covered by Condition 10 attached to the outline permission. For info, the *strategy* for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) to cover all of Area2(a) – within which the site of the current application sits - was submitted to and approved in writing by the local planning authority in accordance with the advice given by the flood authority on 11.6.24 (Reference 17/01542/COND7). The further drainage *details* as requested above remain to be submitted in accordance with the wording of the Condition attached to the outline].

**TDC Affordable Housing Officer** (3 October 2024)

No Objection. The application proposes a total of 155 units of which 31 (20%) are Affordable. The tenure and size breakdown of the Affordable units is as follows:

Affordable Rent:

12 x 1 bed flats

6 x 2 bed flats

1 x 4 bed house

1 x 3 bed house

2 x 2 bed house

(Total 22)

Shared Ownership:

4 x 2 bed house

5 x 3 bed house

(Total 9)

The scheme is therefore policy-compliant in terms of both numbers and tenure (ie a 70/30) breakdown. In addition, 3 of the rented units will be built to M4(2) accessible and adaptable dwellings standards. All meet the nationally described space standards (NDSS) on size and are well situated across the site, avoiding clustering. This application is therefore supported by Housing Enabling in terms of policy and it reflects the current Devon Homechoice demand.

**TDC Biodiversity** (11 March 2024)

No objection. Please can detail be provided on where compensation will be provided for the loss of hedge; and please (slightly) vary the proposed native hedge planting mix.

**TDC Biodiversity** (24 September 2024)

Within the planting plan, please remove the reference to *Cotoneaster horizontalis* which is invasive.

**Biodiversity Consultant** (re HRA/Greater Horseshoe Bats – 22 May 2024)

Subject to the discharge of Outline Condition 7 (Ecological Mitigation Strategy); Outline Condition 8 (Landscape and Ecological Implementation and Management Plan (LEMP)); Condition 12 (Lighting Strategy and Impact Assessment); Condition 14 (Construction Ecological Management Plan) for Parcel 2.1 prior to development and subject to works being undertaken strictly in accordance with the following 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:

- Parcel 2.1 Appropriate Assessment Compliance Statement 13797\_R13c\_April 2024\_TLR\_RR

- Greater Horseshoe Bat Mitigation Plan (July 2017, SLR)

- Greater Horseshoe Bat Mitigation Plan addendum (South West Ecology, 8 March 2019)

- Wolborough Barton Environmental Statement, Chapter 8 (PCL Planning, June 2017)

Wolborough Barton Masterplan and Design Code (December 2022, Vistry Group)

- Planning Layout Dwg no. 0755-102-COL (Focus DP, December 2022)

- Arboricultural Impact Assessment & Tree Protection no 06082 AIA.TPP (Aspect Tree Consultancy 12 December 23)

- Tree Constraints Plan no. 06082 (Aspect Tree Consultancy (13 December 2023))
- Landscape Specification and Planting Plans Dwg nos. 1020\_01; 1020\_02; 1020\_03; 1020\_04; 1020\_05 (Redbay Design, February 2024)
- Outline Drawing 141204 P01 Approved Parameter Plan.

#### **TDC Climate Change Officer** (4 December 24)

- Operational emissions: I am content that the proposals put forward comply with TDC LP Policy S6c. Conditions suggested.
- Embodied Carbon: A number of suggestions, including that consideration should be given to the substitution of high carbon materials such as concrete and steel.
- Sustainable transport: The submission of a travel plan and s106 contributions is suggested.

[Case Officer note: these requests lie beyond the remit of the current application, which is solely for the approval of reserved matters. Furthermore, sustainable travel provision is the subject of Schedule 3 of the s106 legal agreement between Devon County Council as highway authority - agreed at the time of the granting of the outline permission - to provide for bus service funding; £275,000 for off-site ped/cycle provision; and Travel Plan Contributions of £500 per dwelling]

#### **Police Liaison Officer** (4 March 2024)

A set of suggestions made, including:

- External residential communal doorsets for apartments must not have trades button or timed-release mechanism access
- Ground floor windows of apartments are afforded a buffer / defensible space
- Where ownership of parking spaces is ambiguous, they should be clearly marked in order to reduce the potential for conflict.

#### **Police Liaison Officer** (9 Sept 2024)

I have no objection to the scheme. Recommendation suggested re planting, doorway access for the flats, demarcation of parking spaces, etc.

#### **TDC Waste** (6 Sept 2024)

I have reviewed the plans and am happy that the requirements for waste and recycling collections have been considered. Further refinements requested.

## **9. REPRESENTATIONS**

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

A total of 41 third party representation have been received. All are of objection. Comments have been received in particular from the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

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

The main points of objection raised include the following:

- Stop building houses. You are ruining Devon
- Concern that existing infrastructure is insufficient to support the development
- Brownfield sites should be used in preference to this site
- This will kill wildlife
- We do not need more homes
- This is an environmentally sensitive area with a SSSI and so inappropriate for this development
- It will add to traffic congestion, particularly along Coach Road.
- The rate of development in the town is excessive
- It will result in harm to Devon's valued landscape
- The general design of the 'cookie cutter' dwellings is not in-keeping with the surrounding precedent of properties on Coach Road
- The application should make greater efforts to combat the climate emergency
- The roofs should all be natural slate
- It will detract from the Wolborough Hill Conservation Area
- No 3-storey buildings should be allowed here.
- Concern expressed re the drainage measures
- This development should be wholly abandoned, in favour of efforts to promote Newton Abbot's historic and natural heritage
- Many of the homes in developments in Newton Abbot still have unoccupied houses, so there is no need for these
- This land is vital to the emotional wellbeing of the local populace.
- The plots are too small: I consider the minimum size lawn is a lawn that is adequate for playing badminton.
- It does not appear as though the setting of the Church of St Mary will be sufficiently protected
- There would be a loss of privacy for the existing occupants of dwellings along Coach Road
- The conditions attached to the outline should be complied with in advance of any development at all of the wider site, in particular Condition 6(j)
- This is 'best and most versatile agricultural land' that should therefore not be used for development

Lastly it is noted that the Wolborough Residents Association requested, alongside the 'groundwater representation' originally submitted in objection to related and recently-determined reserved matters approval applications 23/00597/MAJ and 23/01310/MAJ (both approved on 24 Oct 2024) that the former also be lodged against this application. In the interests of avoiding duplication, rather than repeating that representation's points and the case officer's detailed response to it, the reader is directed to the report available on the Council's website under the reference 23/00597/MAJ.

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

(12 March 2023) No Objection; and

(25<sup>th</sup> September 2024) No Objection.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area (open market only as affordable units are not liable) is 14,522.90 m<sup>2</sup>. The existing gross internal area in lawful use is 0. The CIL liability for this development is £1,620,609.80. This is based on an open-market-only total gross internal area of 14,522.90m<sup>2</sup> at £70 per sqm, and includes an adjustment for inflation in line with the Building Cost information Service (BCIS) index since the introduction of CIL.

## **12. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining the '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 Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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

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

## **13. HUMAN RIGHTS ACT**

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

## **Head of Development Management**

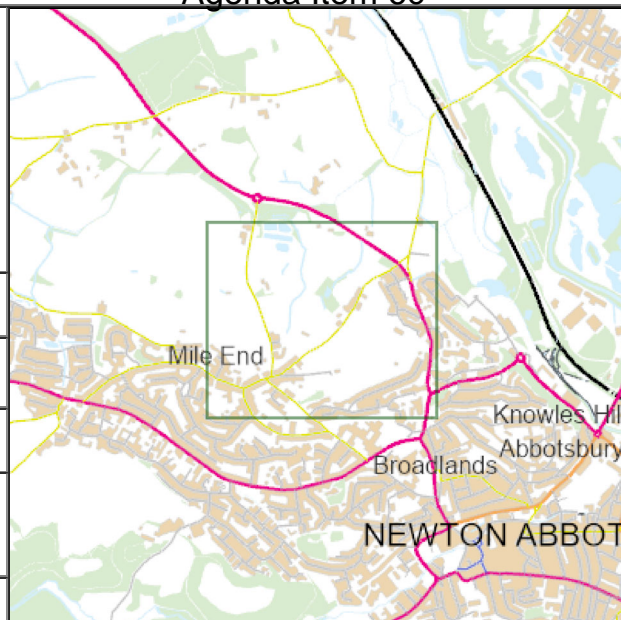
This page is intentionally left blank



**Planning Committee Report**

**Chairman: Cllr Colin Parker**

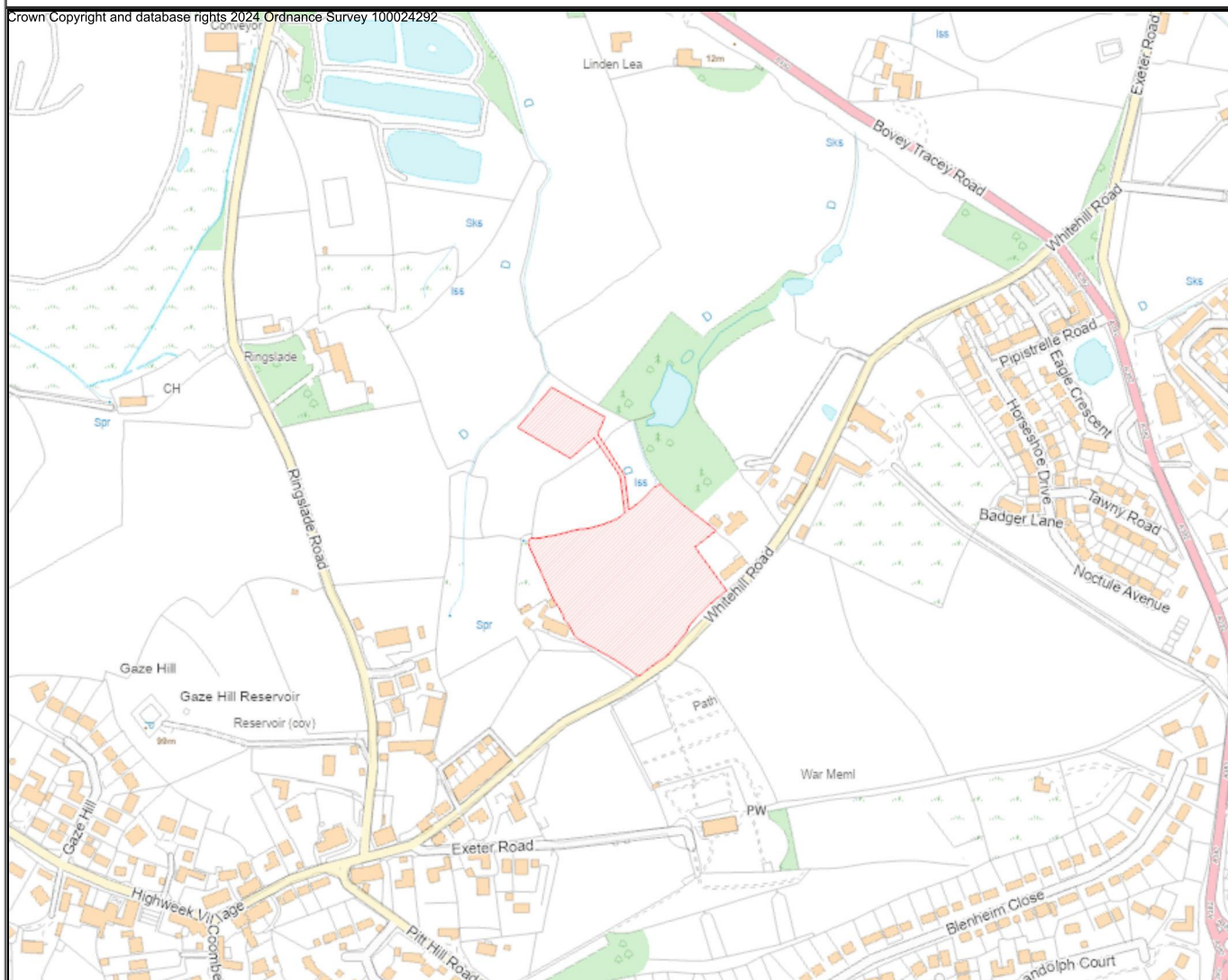
<b>Date</b>	17 December 2024
<b>Case Officer</b>	Taya Cotterill
<b>Location</b>	Land At Whitehill Road Newton Abbot Devon
<b>Proposal</b>	Outline planning permission for residential development, with all matters reserved except for access
<b>Applicant</b>	Mr G Moore
<b>Ward</b>	Bradley
<b>Member(s)</b>	Cllr Philip Bullivant, Cllr Richard Buscombe
<b>Reference</b>	24/00301/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: OUTLINE APPROVAL**

Crown Copyright and database rights 2024 Ordnance Survey 100024292



## 1. REASON FOR REPORT

This application has been called in by the Ward Member for the following reasons:

- The original development at Whitehill Rd (16/01968) required a detailed survey of the area to consider the implications of developments in this area affecting GHBs. This survey identified the Whitehill Road, its hedges and surrounding green spaces and fields as a key element that provided a link and important corridor between the River Teign and other areas important to the bats. Hence, a corridor was specified to facilitate this, and this development is proposed within that corridor.
- The area and proximity to the Grade 1 Highweek Church was considered again as part of the (16/01968) application reviewed by Heritage England who were concerned that the allocation for 16/01968 should not impact on the important visual setting of the church and this allocation and prominence of any housing given visual the steep slope in front of the church (which makes this site particularly prominent) would render this application to be in conflict with the Heritage England advice as it detracts from the key setting of the church.
- The suggested drainage and foul water treatment requires access through land not in the ownership of the applicant and therefore may not be deliverable.
- The restricted access through the top of Whitehill Road was identified on the original plans to deliver the area in the 2013 Neighbourhood Plan with the recognition that access to developments in the North of Whitehill Road should come from Ringslade Road. The reasons for this restriction are still relevant.

## 2. RECOMMENDATION

Resolution to grant permission, subject to:

### **The Applicant entering into a Section 106 Agreement to secure:**

- The delivery of affordable housing to meet local needs at 20% with a tenure mix of 70:30;
- 5% of dwellings to be provided as serviced self-build plots;
- A financial contribution of £26,566 to provide off-site active recreation / sports facilities in Newton Abbot;
- An education financial contribution of £98,868, towards additional secondary school provision in Newton Abbot;
- A financial contribution of £37,556, towards the provision of a new Houghton Barton Community Centre (Within NA1);
- A financial contribution of £17,868, towards the expansion of GP surgeries directly impacted by the development;



- Significant Biodiversity Net Gain within the application site and off-site blue line land, the management for 30 years, and monitoring fee of £4,131.08.

**And the following planning conditions:**

1. Approval of the Reserved Matters of Layout, Scale, Appearance and Landscaping of each Phase shall be obtained from the Local Planning Authority in writing before any development on that Phase is commenced.

REASON: To enable full and proper consideration of the proposed development.

2. Application for approval of all Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development of a Phase shall be begun before the expiry of two years from the date of final approval of the Reserved Matters for that Phase, other than the self-build plot, which shall be begun before the expiry of five years from the date of final approval of the Reserved Matters for that Phase.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

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

Date Received	Drawing/reference number	Description
21 Feb 2024	41BH701	Site Location Plan
21 Feb 2024	100	Proposed S278 Layout
30 Sep 2024	815-BH1	Building Heights Plan

REASON: In order to ensure compliance with the approved drawings

5. Should the development be carried out in multiple phases, the first Reserved Matters submission shall be accompanied by a phasing plan to confirm the intended approach. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Each Reserved Matters application shall demonstrate that the total number of residential dwellings on the application site as a whole does not exceed 28.

REASON: In order to define the permission and to reflect the development that has been assessed to be acceptable in relation to Local and Neighbourhood Plan Policy.

**Information required as part of Reserved Matters applications:**

6. As part of the first Reserved Matters application, a Landscape Ecology Management Plan (LEMP) for the entire site shall be submitted to and approved by the Local Planning Authority. The plan shall provide details of:
- a) location of non-native hedging to be removed.
  - b) a Hedge and Tree Plan, showing hedges to be retained, coppiced, translocated, enhanced and planted.
  - c) native species mix to replace non-native hedging, together with details of planting, establishment and management over first 5 years.
  - d) ongoing management of boundary hedges and area south of the development for the benefit of wildlife, including hazel dormice.
  - e) landscaping scheme for developed area of site for amenity, landscape and wildlife, including species mixes, sizes, planting, establishment, management for the first five years and ongoing management.
  - f) details of who will be responsible for ongoing management of public areas and how this will be funded.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved LEMP details. All planting/creation to be undertaken prior to first occupation of the development.

REASON: For the benefit of amenity, landscape and biodiversity.

7. As part of any Reserved Matters application relating to a specific phase of the development, full details of carbon reduction measures, including a Carbon Reduction Statement and Carbon Offsetting Calculator for that Phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the development will minimise its carbon footprint and achieve a reduction in CO<sup>2</sup> emissions of at least 48% over the Building Regulations 2006 Part L2A, which translates to a 24% reduction in emissions over Part L2A 2013; a fabric first approach should be taken. The submitted details shall demonstrate how energy, water, soil and materials will be minimised and shall make provisions for, where possible, the re-use of materials on site and the use of locally sourced materials. The development shall thereafter be carried out in accordance with the approved details.

REASON: To minimise CO<sup>2</sup> emissions in accordance with policies S7 and EN3 of the Teignbridge Local Plan 2013-2033 and in the interests of sustainable development. The condition should be pre-commencement to ensure that the necessary measures can be incorporated into the development and to avoid redesign / unnecessary delays during construction when construction design details become fixed.

**Prior to Commencement Conditions:**

8. Prior to the commencement of development, a Green Infrastructure Plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority, to include details of the laying out, equipping and implementation of the

area(s) of green infrastructure, including children's play space, together with provision for its future maintenance, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of associated site clearance and preparation works.

REASON: To ensure that open space is provided in accordance with Policy WE11. This condition should be pre-commencement to ensure that sufficient consideration has been given to accommodating green infrastructure within the site layout.

9. Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - (b) A detailed drainage design based upon the approved Whitehill Road, Newton Abbot Flood Risk Assessment and Drainage Strategy (Report Ref. 20018-A-FRA, Rev. A, dated 2nd November 2022) and the results of the information submitted in relation to (a) above
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from the landowner/DCC highways/SWW
  - (g) 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) - (g) above.

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. The condition 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.

10. Prior to the commencement of development, a Lighting Design Strategy, Assessment based on the Lighting Strategy Report (The Lighting Bee, 2024), shall be submitted to and approved by the Local Planning Authority. The Strategy shall be developed by a lighting engineer and ecological consultant and shall include:

- a) A map showing "dark areas" that will be maintained on site, which shall extend at least 5m from the face of all existing and new hedges;
- b) An evidence-based assessment of light levels of the proposed development, including light spill from buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site, with the levels of predicted illuminance and light spill in and adjacent to the dark areas shown by appropriate isolines/lux levels;
- c) That all external lighting shall produce only UV-free, narrow spectrum, low-intensity light output, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more;
- d) Details of how a light level no higher than 0.5 lux will be achieved within the dark areas. This to include details of fenestration, location type and number of lighting units, hard and soft landscaping and other measures;
- e) That public realm lighting is set on a timer to be off between 00.30 and 05.30; and is bollard mounted and directed/cowled downwards and away from dark areas;
- f) That private external lighting shall consist only of PIR, motion activated security lighting on short timers (1 minute maximum), in association with front doors, directed/cowled downwards and away from dark areas; and
- g) That parking areas and turning heads are located, orientated and screened to avoid headlights shining onto dark areas.

The Lighting Design Strategy shall be implemented and maintained as approved. No lighting other than that detailed in the Strategy shall be installed during the lifetime of the development.

REASON: For the benefit of bats and other light-averse wildlife. The condition should be pre-commencement since it is essential that the Lighting Design Strategy is shown to be acceptable before works begin to avoid redesign of the site layout.

11. Prior to the commencement of development, including vegetation removal, a detailed Bespoke Greater Horseshoe Bat Mitigation Plan shall be submitted to and approved by the Local Planning Authority, demonstrating how the development would provide a dedicated greater horseshoe bat non-developed area of land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. This shall be supported by a detailed lighting plan showing lux contours with detailed design and specification.

Once approved, the works shall take place in strict accordance with the Bat Mitigation Plan.

REASON: For the benefit of legally protected bat species and to accord with the NA2 Whitehill: development Framework Plan SPD, and Local Plan Policies NA2, EN10 and EN11. A pre-commencement condition is needed, as commencement may result in destruction of foraging area.

12. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:
  - a) A non-technical summary;

- b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30-years from the completion of development; and
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Works shall proceed in accordance with the approved details or in accordance with a revised HMMP which shall have first been submitted to and approved in writing by the local planning authority. The habitat creation and enhancement works as set out in the approved HMMP or approved revised HMMP shall be maintained for a period of 30-years.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040. The HMMP is required to be approved prior to the commencement of development to ensure that the actions needed to create and enhance habitat onsite as well as maintain it for 30 years from the completion of development have been appropriately secured.

13. The development shall not commence until a timetable for implementation of the approved Habitat Management and Monitoring Plan (HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The submitted timetable shall include dates for:
  - a) Implementation of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
  - b) Completion of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
  - c) Submission of monitoring reports to the local planning authority; and
  - d) The start and end of the 30-year period.
  - e) The HMMP shall be implemented in accordance with the approved timetable or in accordance with an alternative timetable which shall have first been submitted to and approved in writing by the Local Planning Authority.

Within one month of implementation of the approved HMMP, notice of implementation shall be given in writing to the Local Planning Authority.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040. It is understood that the timetable for implementation may

require revision to address changes to the development's delivery / build out programme.

14. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- a) a survey of the extent, scale and nature of contamination.
  - b) an assessment of the potential risks to:
    - human health
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems, and
    - archaeological sites and ancient monuments.

REASON: Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

15. Where contaminated is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to occupation or the development being brought into use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

16. Prior to commencement of development on any part of the site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
- (a) the timetable of the works.

(b) daily hours of construction.

(c) any road closure.

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

(h) hours during which no construction traffic will be present at the site.

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work; and

(o) details of any temporary vehicular access required in connection with the development.

The development shall thereafter be carried out accordance with the details set out in the approved CMP.

REASON: In the interests of highway safety to minimise disruption to the vehicular traffic/pedestrian route and to protect the residential amenity of local residents. This condition is required prior to commencement of development as the construction traffic has the potential to adversely impact local amenity without the agreement of further details. These adverse impacts on local amenity may occur from the movement of the first construction traffic at the commencement of the development, without reasonable controls in place.

17. The site access and visibility splays shall be constructed, laid out and made

available for use prior to the commencement of any building works hereby approved and maintained for that purpose in accordance with the Diagram 20018-100 Proposed S278 Layout where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

18. Prior to the commencement of any Phase of the development, including vegetation removal, a walkover of the site shall be carried out by a suitably qualified ecologist, to ensure that no new badger setts are present in areas to be impacted. If badger setts are present, the survey results and appropriate mitigation measures shall be reported to the Local Planning Authority for approval. Works shall proceed in accordance with the agreed mitigation measures.

REASON: For the protection of existing badger habitat and in accordance with Local Plan Policy EN9. The condition should be pre-commencement to ensure that any badgers that are present on site are protected, prior to construction vehicles arriving on site.

19. Prior to commencement of any Phase of the development, including site clearance, demolition and vegetation removal, a detailed Construction Ecological Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP shall include:
- a) minimising impacts on species and on habitats including minimising impact from installing pipes/swales/lagoon in and the northern and central fields.
  - b) location and type of 13cm square hedgehog holes at ground level, to be installed in every garden wall and solid garden fence.
  - c) location and type of 10+ dormouse boxes to be installed in the hedge of central and northern field; and
  - d) location of 2+ reptile hibernacula to be installed in retained grassland
  - e) measures to prevent animals becoming trapped in excavations/pipes.
  - f) measures to avoid harm to nesting birds when clearing vegetation.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved CEMP details.

REASON: For the benefit of legally protected species and to provide biodiversity enhancements. A pre-commencement condition is required, as the CEMP is to detail how protected reptiles will be removed from the site prior to commencement of site clearance.



20. Prior to the commencement of any Phase of the development, an updated Waste Audit Statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document, for that Phase. The following points shall be addressed in the statement:

- a) Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- b) The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- c) Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- d) The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- e) Identify the main types of waste generated when development is occupied.
- f) The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
- g) The development shall be carried out in accordance with the approved statement.

REASON: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

#### **Prior to Construction Conditions**

21. Prior to any construction activity that is conducive to the disturbance of hazel dormice, the applicant shall submit to the Local Planning Authority either:
- a) a copy of the licence issued by Natural England pursuant to The Conservation of Species and Habitat Regulations Act of 2010 (as amended) authorising the development to go ahead; or
  - b) a statement in writing from a qualified competent ecologist to the effect that he/she does not consider that the development will require a licence.

The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the licence or written statement required by a) or b) within 21 days thereafter its receipt.

REASON: The submission to, and written confirmation of acceptance by, the Local Planning Authority of either a copy of the licence issued by Natural England or a written statement from a qualified competent ecologist to the effect that they do not consider that the development will require a licence prior

to any construction activity that is conducive to the disturbance of hazel dormice is fundamental to ensure there is strict protection afforded to a protected species.

22. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

### **Prior to Occupation Conditions**

23. Prior to first occupation of any dwelling in any particular Phase of the development, vehicle and cycle parking facilities for that Phase of development shall be provided in accordance with details (including reference of allocation of said facilities to individual users) that have first been submitted to and approved in writing by the Local Planning Authority. Parking spaces shall thereafter be maintained and allocated in accordance with the approved details.

REASON: To provide cycling facilities to reduce the reliance on the private vehicle, in line with Local Plan Policy S1.

### **General Compliance**

24. For the avoidance of doubt, the number of residential dwellings hereby permitted shall not exceed 28 in number.

REASON: To properly clarify the extent of this outline planning permission.

25. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and site investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation, or the development being brought into use, on the site affected.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

26. The ridgeline of any buildings on any part of the development shall not exceed those shown on the Building Heights Plan reference 815-BH1 and this shall be demonstrated through the submission of any Reserved Matters applications.

REASON: To minimise the Landscape Visual Impact of the development.

27. The Biodiversity Gain Plan (the BGP) shall be prepared in accordance with the Technical Note Biodiversity Metric Calculation Tool submitted with the application dated 13 June 2024 and prepared by Richard Green Ecology. The development hereby permitted shall be carried out strictly in accordance with the approved Biodiversity Gain Plan.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040.

28. Within three months of completion of the habitat creation and enhancement works as set out in the approved Habitat Management and Monitoring Plan (HMMP) and timetable for implementation, a completion report, evidencing the completed habitat creation and enhancement works shall be submitted to and approved in writing by the local planning authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP and timetable for implementation of the approved HMMP.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040.

29. All existing native hedges and hedgerow shall be retained, except where removal is necessary to create access. No materials shall be brought onto the site, or any development commenced, until protective fencing has been erected around all trees and hedges. The fencing shall be in accordance with Figure 2 of BS 5837 2012. The fences shall be maintained until all development has been completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Cotoneaster and other invasive, non- native plant species shall be removed. Where these occur in boundary hedges, they shall be replaced with a mix of locally appropriate native tree and shrub species.

REASON: To protect vegetation in the interests of biodiversity and visual amenity and to provide biodiversity enhancements

30. As a result of the presence of legally protected species on site, the works shall proceed in strict accordance with the precautions, measures and enhancements described in the Ecological Impact Assessment (by Richard Green Ecology, dated February 2024, see especially section 4). For the sake of clarity, the necessary mitigation measures include the following:
- A) enhancement measures include clearance of habitat under ecological supervision, including hedgerow clearance undertaken in accordance with a dormouse mitigation licence,
  - B) habitat manipulation,
  - C) sensitive timing of works,
  - D) provision of a means of escape from open excavations, physical protection of retained habitats,
  - E) the provision of integrated bat boxes at a ratio of one per dwelling,
  - F) integrated bird boxes at a ratio of one per dwelling,
  - G) the creation of hibernacula for reptiles and other wildlife and
  - H) all hedgerows to be cleared to be thoroughly checked for hedgehogs by a professional ecologist.

REASON: In the interest of protection of legally protected species. and ensuring biodiversity enhancements.

31. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and trees.

REASON: To permit continued use of the site by light-averse bats

32. Notwithstanding 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 development of the types described in Classes AA, A, B and C of Part 1 of Schedule 2 (which includes the enlargement or alteration of a dwellinghouse, the construction of additional storeys, and additions or alterations to the roof of a dwellinghouse) shall be undertaken on the dwellings hereby approved (other than those expressly authorised by this permission).

REASON: To ensure that the character and appearance of the area are protected and to avoid overdevelopment in the interests of local amenity.

### **3. DESCRIPTION**

- 3.1. The application site is currently greenfield land and in agricultural use. It measures 1.72 hectares, with a developable area of 1.44 hectares. Existing boundaries are comprised of hedgerows which include a number of large trees typical of the rural setting.
- 3.2. The application site is allocated for development within Policy NA2 of the adopted Teignbridge Local Plan 2013-2033. The wider allocation covers approximately 30 hectares and was intended to provide a sustainable, high quality mixed-use development, including 450 homes, employment uses and community facilities.
- 3.3. Unfortunately, notwithstanding the policy requirements, it is well established that the NA2 allocation will not deliver 450 homes as initially intended due to the minerals company stating their position of not releasing the necessary minerals rights on the tranche of land to the north of the application site. The Council has acknowledged this change in policy context within the evidence base for the Proposed Submission Teignbridge Local Plan 2020-2040, which anticipates that a total of 259 units will be delivered within NA2 up to the year 2030/2031.
- 3.4. The site within the application's red line comprises one, larger and broadly square-shaped field to the south, bordering Whitehill Road, and two smaller fields to the north, to remain undeveloped, other than the necessary surface water drainage system. All three fields are within the control of the applicant.
- 3.5. Detached residential dwellings border the site to the immediate east and west. To the south lies All Saints' Church (Grade I Listed) and its graveyard. To the east, within the blue line to the opposite side of Whitehill Road, lies an application site which recently received outline planning consent for 5 dwellings.
- 3.6. Owing to recent works to prevent vehicular traffic from utilising the Whitehill Road – Exeter Road junction, the only access to the site is via Highweek Village.
- 3.7. Hedgerows and mature trees surround the site aside from an existing field entrance at the southernmost corner to Whitehill Road. There is a single veteran tree within the body of the site's southern field. An area TPO applies to the wider Whitehill Area.

#### **4. UPDATE SINCE PREVIOUS PLANNING APPLICATION**

- 4.1. This application follows a delegated refusal of application reference 22/01291/MAJ in March 2023, for the following reasons:
  - Owing to the limited bat survey effort it is not possible to make a sound assessment of impacts on protected bat species nor to have certainty that mitigation measures would be appropriate or effective. A Habitats Regulations Assessment of this scheme would not be able to rule out adverse impacts on the integrity of the South Hams Special Area of Conservation (SAC) component site as designated for greater horseshoe bats. The proposal is therefore contrary to Policies EN8, EN9, EN10 and EN11 of the Teignbridge Local Plan 2013-2033, section 15 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

- The application has not demonstrated that an adequate solution for both the management of surface water drainage and the protection of potential archaeological resource can be achieved. In the absence of an alternative drainage solution, the scheme could therefore give rise to unjustified harm to below ground heritage assets. The proposal is therefore in conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework (NPPF) paragraph 194. Conflict with paragraphs 199 and 200 of the NPPF cannot be ruled out.
- In the absence of any mechanism to secure measures to provide affordable housing in accordance with Policy NA2 and WE2, provision for self-build dwellings in accordance with Policy WE7, a community facility in accordance with Policy NA2 and contributions to mitigate the impact upon education in accordance with Policy S5, the Local Planning Authority cannot secure the obligations necessary to make the development acceptable in planning terms. The proposal is therefore in conflict with the policies of the Teignbridge Local Plan 2013-2033.

4.2. In response to the reasons for refusal, the following additional information has been submitted:

- Results of further Bat Surveys which have informed a detailed assessment of the impacts of the proposed development on protected bat species and guided the identification of appropriate mitigation and enhancement measures.
- Results of a detailed archaeological assessment which confirms that the site is not subject to any underground archaeological constraints that would impinge on the ability to deliver a suitable scheme for the management of surface water drainage; and
- Draft Planning Obligations Heads of Terms proposing the provision of affordable and custom / self-build housing in accordance with the requirements of the adopted Local Plan.

4.3. It is Officers' opinion that these previous reasons for refusal have now been overcome and therefore a recommendation for approval is put forward to Members.

## **5. APPLICATION PROPOSAL**

5.1. The description of the proposed development is as follows:

5.2. Outline planning permission for residential development, with all matters reserved except for access.

5.3. The description of development generally refers to 'residential development' rather than a specific number of dwellings. However, 28 dwellings are shown on the indicative Site Layout submitted, and other supporting plans and documents. Therefore, the impacts of, and obligations required by, the development have been calculated on the basis of 28 dwellings. As such, a condition limiting the number of dwellings to be shown at Reserved Matters stage, is deemed necessary.

- 5.4. An indicative layout (within the document entitled Design and Access Statement with Design Code) has been provided to demonstrate how the site could be developed in compliance with the relevant policy documents and environmental constraints. However, the final detailed layout would be confirmed as part of a subsequent Reserved Matters application. A Design Code is included as part of the submitted Design and Access Statement, to establish a framework within which a future Reserved Matters planning application can be assessed. Although the Design and Access Statement and Design Code are helpful to establish what the proposal could look like, they have not been proposed as 'approved documents' given that some elements of the designs presented, are not fully agreed by Officers.
- 5.5. A new vehicular access point is proposed from the northern edge of Whitehill Road. The new access would create a priority access junction into the site, with vehicles having to indicate to continue along Whitehill Road. Visibility splays of 2.4m x 25m at the re-aligned junction of Whitehill Road with the site access road have been proposed.
- 5.6. The illustrative layout demonstrates 20% or 6 units (policy-compliant) of affordable housing and 5% or 1 (policy-compliant) self-build dwelling proposed. Full details of the tenure, size, design and location of the affordable units and the area for self-build would be provided at Reserved Matters stage.

## **6. ASSESSMENT AGAINST PLANNING POLICIES**

### **Principle of Development: Compliance with Policy NA2 and the NA2 Supplementary Planning Document (SPD)**

- 6.1. The application site is allocated under Policy NA2 for residential-led development.
- 6.2. Policy NA2 is set out below. The application is also subject to the NA2 Whitehill Development Framework Plan SPD which amplifies and clarifies the requirements of Policy NA2.

#### **NA2 Whitehill**

*A site of approximately 30 hectares is allocated at Whitehill to deliver a sustainable, high quality mixed-use development which shall:*

- a) include a comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders;*
- b) deliver 2 hectares of land for employment development, for office, general industrial or storage and distribution uses as appropriate to the site and its wider context, ensuring that there is also a mix of size of unit; support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses;*
- c) deliver at least 450 homes with a target of 20% affordable homes;*
- d) provide a community facility that provides a focal point for the new neighbourhood;*

*e) improve the road network to allow ease of movement through the site and reduce traffic through Highweek Village;*

*f) create a network of green infrastructure that contributes to the overall strategic network;*

*g) maximise opportunities for either the generation of on-site renewable energy at a domestic scale or community scale renewable energy generation;*

*h) create areas for local food production;*

*i) provide formal recreation space on site; and*

*j) a bespoke Greater Horseshoe Bat mitigation plan for Whitehill must be submitted to and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. The plan must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects.*

- 6.3. Development of the wider NA2 allocation was expected to come forward in a comprehensive manner. Indicative land use plans within the SPD set out proposals which would respond to the site constraints, notably the protection of the setting of the Grade I Parish Church of All Saints from development as well as the Greater Horseshoe Bat flyway linking to the NA1 allocation.
- 6.4. However, development of NA2 has not proceeded in a comprehensive manner. It has become clear that Devon County Council will not support development within the Mineral Consultation Area. Only two notable consents for housing have been granted within NA2 (14/01797/MAJ, which was superseded by 16/01968/MAJ off Exeter Road for 202 dwellings and 19/02066/OUT opposite this site for 5 dwellings). No comprehensive approach has been put forward and there is an expectation that this application site will form the last, or one of the last, applications of the deliverable allocation.
- 6.5. Whilst the Policies Map that supports the NA2 allocation shows the application site as developable for housing, the SPD identifies the indicative use for this site as green infrastructure for the wider allocation. The SPD does not replace Policy NA2 Whitehill which remains in force as part of the Statutory adopted Teignbridge Local Plan, but was intended to guide how proposals for housing, employment land, green spaces and road infrastructure should be planned and delivered in a comprehensive manner across the allocation, assuming multiple landowners and developers. However, it does not preclude alternative planning proposals being considered provided these are compliant with Policy NA2 and other policy requirements of the Local Plan.
- 6.6. Other than the ongoing construction of homes within the wider allocation, it is considered that there have not been any changes to the site's circumstances or policy context that would preclude the LPA's support of housing on this site. Given that the site falls within the settlement limits of Newton Abbot and is well related to existing and future residential development, the principle of residential development in this location is supported.



### Affordable Housing

- 6.7. The application proposes a policy-compliant 20% affordable housing contribution, to be delivered on-site. The LPA calculates 20% to equate to 6 dwellings on a 28-dwelling scheme.
- 6.8. It is proposed to secure the on-site delivery of 6 affordable units, with a 70:30 tenure split, through a Section 106 agreement. The size and location of these units are to be determined at Reserved Matters Stage.

### Self-Build Housing

- 6.9. The application proposes a policy-compliant level of self-build units equivalent to 5% of dwellings, in accordance with Policy WE7 Custom Build Dwellings. This has been agreed as 1 serviced plot, to be secured through the Section 106 Agreement.

### Employment Land Contributions

- 6.10. The NA2 SPD notes at paragraph 6.7 that:

*Securing employment land and economic prosperity is an important aim of the Local Plan particularly in the Heart of Teignbridge area. Policy NA2 requires that development at Whitehill shall deliver 2 hectares of land for employment development. An area for this is identified on the local plan's Policies Map, which forms part of the NA2 site allocation to the northeast of the A382 Bovey Tracey Road.*

*(6.8) Since the adoption of the local plan, draft proposals for improving the A382 route have been produced by Devon County Council. The proposed alignment of the improvements to the A382, includes a major new roundabout connecting the A382 to Jetty Marsh Road that will be constructed within the area allocated for employment development. If implemented this would preclude the development of this land for employment uses.*

*(6.9) Given the uncertainty over the employment land allocation it is proposed that development at NA2 Whitehill should, through S106 planning obligations fund the delivery of equivalent employment land provision (which is not infrastructure), elsewhere at NA2 or within a reasonable commuting distance from this allocation. For this reason, the area allocated for employment land that is shown on the Policies Map for the adopted Teignbridge Local Plan is excluded from this Development Framework Plan. However, that area nevertheless remains allocated and will continue to form part of the statutory adopted Local Plan.*

*(6.10) All phases of development shall share responsibility for delivery of the off-site employment land component paid through S106 planning obligations proportionate to the number of homes proposed in each development proposal (on a per dwelling basis), to deliver serviced employment land that is ready for market. Suitable land in kind may be considered, in lieu of Section 106 payment, subject to the agreement of the local planning authority.*

- 6.11. The SPD sets a per-dwelling contribution requirement of £1,700 per dwelling.
- 6.12. At present, officers do not consider that there is a specific scheme or project, within a reasonable commuting distance of the site, to which such an employment

contribution could be made and therefore cannot justify seeking a contribution in this instance.

#### Community Building

- 6.13. Criterion d) of the NA2 Local Plan Policy requires that the allocation's development shall entail the provision of a community facility.
- 6.14. The SPD specifies a requirement for a £1000 per dwelling contribution towards such a facility. No facility has yet been delivered as part of the development of NA2 and given the restrictions to delivering the wider allocation as a whole, it is significantly unlikely a facility would be delivered within the allocation area.
- 6.15. Recent planning applications in the vicinity have secured payments to improve the Highweek Scout hut, but this work is now fully funded.
- 6.16. Therefore contributions from this development should be sought towards the Houghton Barton Community Building. The total cost of this project is estimated at in excess of £875,000 and hence contributions from this scheme would be pooled with those from other nearby developments, including the expansion of NA1.
- 6.17. An index-linked equivalent figure to the £1,000 noted in the SPD, which dates from 2016, is sought. The index-linked contribution would therefore be £1,341.30 per dwelling, equating to £37,556 based on 28 dwellings, to be secured through the Section 106 Agreement.

#### NHS Funding: GP Services

- 6.18. The NHS Devon have sought funding for the expansion of GP services locally. This site falls within the catchment for four local surgeries, which cumulatively are oversubscribed only if additional anticipated patient numbers from consented and/or commenced planning applications are taken into account. A contribution of £17,868 is sought, which is calculated on the basis of a requirement for 5 additional square metres of practice space arising from this development.
- 6.19. The proposed development is for 28 dwellings, and this will create an estimated of population of 62 new residents within the development based an average household size of 2.23. The closest GP surgeries to the proposed development are Devon Square Surgery, Cricketfield Surgery, Albany Surgery and Kingsteignton Medical Practice. It is envisaged that the vast majority of the residents of the proposed development would register as patients within these practices.
- 6.20. The current combined medical centres providing primary care are up to their capacity and would not be able to absorb the increased patients arising from the proposed development. The only way to mitigate the impact is to increase the physical capacity of the existing surgeries. Three of the four practices have plans to expand their facilities on site and therefore the S106 contribution would be used to fund these expansions.
- 6.21. There is recent case law related to this matter: The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin) (13 February 2023). The LPA considers that, as a result of this case law, it is possible in principle to seek the funding request for expansion to primary care GP services, but not for gap funding for NHS services.

- 6.22. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 6.23. These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area. It is considered that the request for a contribution to expand existing GP surgeries in the area meet these tests and therefore £17,868 will be secured within the Section 106 Agreement.

#### Education Contributions

- 6.24. DCC as the Education Authority has requested contributions in order to mitigate the impact of the development of 28 dwellings on the capacity of local education provision. Primary contributions are collected through CIL and hence it is only the provision for secondary education which will be required to be provided by the developer.
- 6.25. DCC acknowledges that CIL towards primary education in Newton Abbot has been identified in Teignbridge District Council's CIL programme and on this basis, it is expected that CIL will be available towards the delivery of new primary provision within Newton Abbot. The CIL programme does not include funding towards secondary. S.106 contributions are requested towards secondary as without this, the development is unable to mitigate its education impact.
- 6.26. It has been identified that the proposed 28 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on primary and secondary schools in Newton Abbot. It has been forecast that the secondary schools within Newton Abbot do not have capacity for the number of pupils likely to be generated by the proposed development.
- 6.27. The contribution sought towards secondary provision is £98,868 (based on the DfE extension rate of £23,540 per pupil). The Education Authority has advised that this figure would be spent on expansion at Newton Abbot College, specifically the building of new classrooms to create additional school places.
- 6.28. There was a new classroom block, with three classrooms, built in Dec 2022, for which this funding could contribute. Alternatively, the College are looking to expand through the provision of two additional classrooms, for which the funding would directly contribute.
- 6.29. In principle, noting the limited delivery of the wider allocation, the development of this site for housing is therefore considered acceptable. An assessment of compliance with the wider policies of the development plan and the criteria of NA2 is set out below.

### **Impact upon Heritage Assets with Archaeological Interest**

6.30. Regarding archaeology, the Whitehill Development Framework Plan SPD sets out:

*(7.15) The Whitehill area includes land which has a high archaeological potential for the presence of prehistoric and Romano-British archaeological deposits. In particular there is the potential of roadside development adjacent to the known Roman road that runs towards this site, and prehistoric activity is recorded - in the Historic Environment Record - in the wider landscape.*

*(7.16) Development proposals for the NA2 Whitehill allocation will be required to be supported by a series of requirements approved by the Council and the County Council:*

- *An archaeological desk-based assessment;*
- *A programme of targeted geophysical survey – investigating known archaeological sites or areas with the highest archaeological potential, followed – if required – by;*
- *A programme of intrusive archaeological investigation of any anomalies or archaeological sites identified by the desk-based work that will be affected by the development of the area.*

6.31. Following the refusal of Application Reference 22/01291/MAJ an archaeological trench evaluation was undertaken by AC Archaeology during January 2024. The evaluation comprised the machine excavation of seven trenches totaling 175m in length with each 1.6m wide. These were positioned to target anomalies identified by a previous geophysical survey and to provide representative coverage of the proposed development area. The only archaeological feature exposed was a probable clay extraction pit of late 18th to early 19th century date in the northern part of the site and recorded as a wider shallow negative earthwork extending beyond the trench. Some of the linear anomalies interpreted from the results of the geophysical survey were demonstrated to correspond to gravel-filled land drains. The extraction pit is one of a number of similar features of function and date recorded nearby.

6.32. No evidence for early occupation was identified during the work in the form of archaeological features or finds.

6.33. The Senior Historic Environment Officer at Devon County Council confirmed that the archaeological investigation of the site demonstrated its low archaeological potential and therefore the Historic Environment Team had no further comments to make on this planning application.

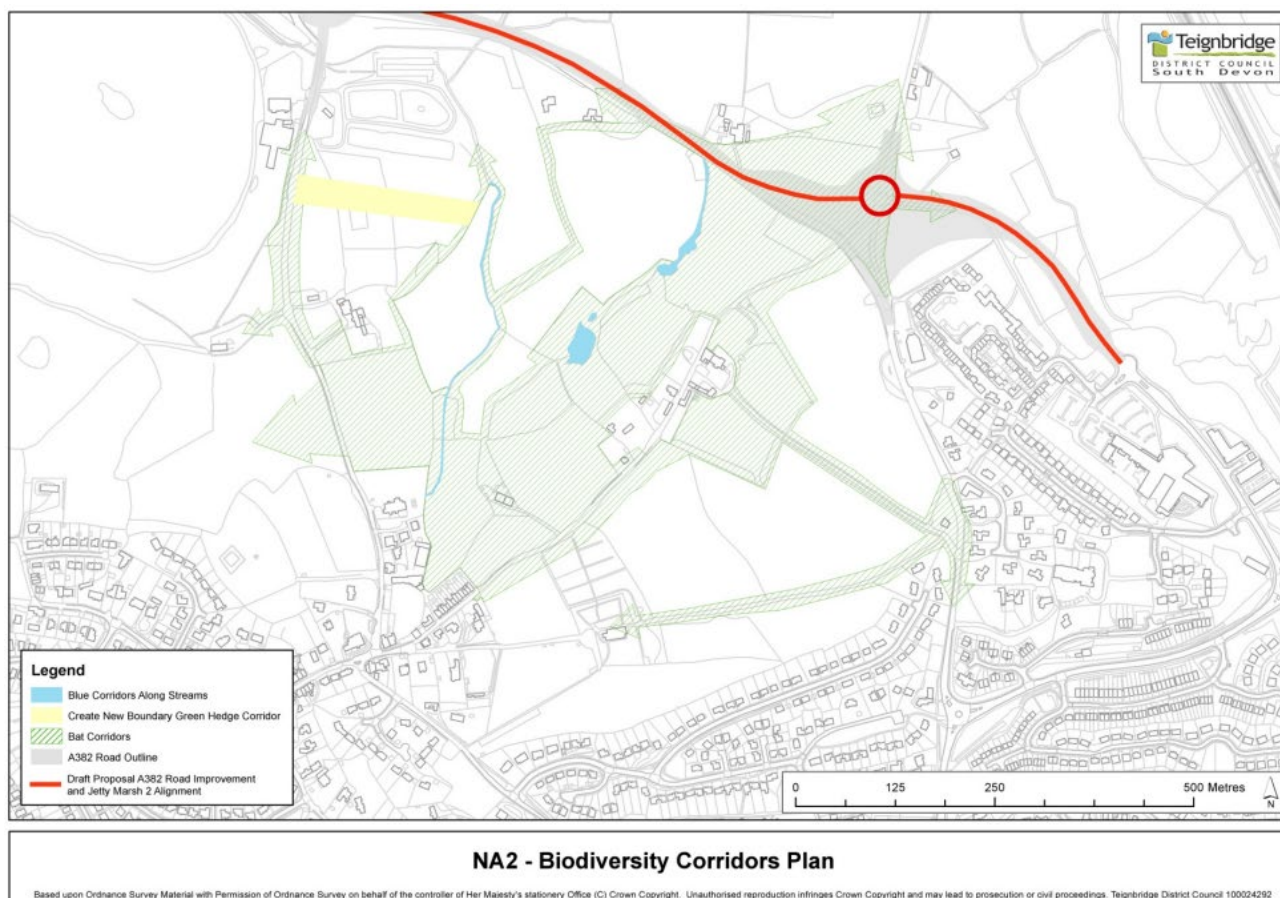
6.34. The proposal is therefore considered to accord with Policy EN5 of the Local Plan and Policy NANDP11 of the Newton Abbot Neighbourhood Development Plan.

### **Impact on Biodiversity and European Sites**

#### **South Hams Special Area of Conservation and Greater Horseshoe Bats**

- 6.35. The application site is within the Landscape Connectivity Zone (LCZ) identified for Greater Horseshoe Bats (GHB) that form the special interest of the South Hams SAC (Special Area of Conservation).
- 6.36. GHBs are very light-averse (avoiding light levels above 0.5lux) and need to follow dark, linear landscape features (such as hedges) to navigate around the landscape.
- 6.37. Policy EN9 of the Local Plan states that development that would be likely to directly or indirectly harm internationally important sites including Special Areas of Conservation will not be permitted unless it meets criteria including public benefits which outweigh the harm, the benefits cannot be provided through an alternative less harmful location, losses are mitigated where possible, are unavoidable losses and fully compensated, and for international designation sites conservation status must be maintained. Policy EN11 seeks further protection of protected species and EN10 requires a habitat regulations assessment to avoid harm to sites which form the special interest of the South Hams SAC – Roosts, strategic flyways and sustenance zones.
- 6.38. The SPD para. 6.79 notes:
- Bat activity survey work on the southern part of the NA2 Whitehill allocation was completed in summer 2014. This found that none of the pasture fields within the site are used for grazing by cattle, but one or two fields were used for sheep grazing. Static monitoring of bat movements along the main hedgerows that run east – west across the NA2 Whitehill allocation site showed occasional GHB use of all mature hedgerows for flight movements across the site (including the double- hedge/road route between south and north NA2). This activity was of a relatively low level, with one bat being recorded on average every 2/3 nights. However, this does indicate that NA2 does provide a link for GHBs between confirmed Strategic Flyways further to the east and west.
- 6.39. And para 6.80:
- Assessment of other surveys undertaken in the surrounding area shows how GHBs use NA2 as part of a wider landscape that is described in the HRA screening assessment. The NA2 Whitehill allocation includes a mix of pastures, mature hedgerows, scrub, large pond and wetland habitat that can support commuting and foraging greater horseshoe bats.

- 6.40. On the basis of the ecological work undertaken for the SPD, a Biodiversity Corridors Plan was developed, intended to inform the layout for the wider allocation, on the basis the land surrounding the corridor would be developed. (see below).



- 6.41. The Corridors Plan identified the application site's southern two fields for retention as 'bat corridor', with potential development to take place within the northern field (where the SUDS basin feature is proposed).
- 6.42. As set out above, development of the NA2 allocation has not proceeded as anticipated, owing to the minerals constraint, and the lack of any comprehensive approach to the site's wider development. This land parcel therefore forms one of the limited remaining options, if only option, for the development of the allocation. The LPA therefore wishes to support development of the site, if possible, to ensure the delivery of new housing and the wider benefits brought by the allocation, subject to any proposal demonstrating that it would not have adverse impacts on the Greater Horseshoe Bats or wider SAC.
- 6.43. Para 6.70 of SPD notes:

*Fully detailed measures for avoidance, mitigation and compensation can only be drawn up in light of site-specific survey. Planning applications within the NA2 Whitehill allocation must therefore be accompanied by adequate and up-to-date species and habitat surveys, assessment of likely impacts of the development on the biodiversity and full details of how those impacts will be avoided, mitigated or compensated, informed by this document. To comply with paragraph 118 of the NPPF, detailed proposals for wildlife enhancements should also be provided.*

- 6.44. The sensitivity of this site and its potential role as a commuting and foraging route for Greater Horseshoe Bats (GHBs) was therefore clearly established through the work underpinning the allocation.
- 6.45. The applicant has proposed a suite of measures to avoid impacts on Greater Horseshoe Bats and the wider SAC, including the retention of most hedges and lighting controls. Outline plans include buffer zones of 10-16 metres from the boundaries of garden plots to existing hedgerows. Existing flight paths to the north, east and west would be retained, and dark buffer zones would be established through the creation of 200m of species-rich native hedgerows as garden plot boundaries, and 80 m of species-rich hedgerows with trees on banks alongside the new entrance. Foraging potential for all bat species in the northern and central fields would be improved through the creation of diverse meadow grassland and the creation of a swale with native marginal plant species. Greater horseshoe bat foraging and commuting habitat would be provided by the planting of 70 deciduous trees, and the creation of 280 m of species-rich hedgerows.
- 6.46. Given the above, an Appropriate Assessment was completed and submitted to Natural England for review. This concluded that the LPA is able to ascertain that the proposal would not result in adverse effects on the integrity of the South Hams SAC.
- 6.47. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.
- 6.48. In accordance with NA2 Whitehill: Development Framework Plan SPD, a bespoke Greater Horseshoe Bat mitigation plan would be required to demonstrate how the development would provide a dedicated greater horseshoe bat non-developed area of land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. This has been conditioned prior to commencement and would need to be supported by a detailed lighting plan showing lux contours with detailed design and specification provided with Reserved Matters details.
- 6.49. Whilst the Biodiversity Officer has therefore expressed concerns with the indicative layout as submitted, there would be scope for these concerns to be overcome, and lighting impacts to be controlled, through the later planning stages, such that an adverse impact of lighting on bat commuting habitat features could be ruled out at this outline point.

#### In-combination effects with other plans or projects

- 6.50. There is risk of in-combination impacts, from other developments within the NA2 allocation, and more widely for Newton Abbot Local Plan allocations collectively (e.g. NA1 and NA3). For the present application, NE has advised that an in-combination impacts HRA is required. This has therefore an assessment of in-combination impacts has been carried out which concluded that unmitigated, this proposal could have adverse in-combination impacts with the developments approved under application references 16/01968/MAJ (202 dwellings) and 19/02066/OUT (5 dwellings). However, provided the proposal is delivered in accordance with the proposed mitigation measures, it can be reasonably concluded

that there would not be an adverse impact on the South Hams SAC. This assessment has been reviewed by Natural England who agrees with the conclusions.

#### Impact on Other Legally Protected Species

- 6.51. Bats: As well as GHBs, at least six other bat species were recorded within the three fields. In the absence of mitigation, the development would result in the loss of just over 1 ha of foraging habitat and increased light levels (luminance) over the site and surroundings. Light-averse species such as barbastelle and horseshoe bats could be disrupted from flying around the site. As such mitigation is proposed, including open grassy corridors at a minimum distance of 10 m from the hedgerows on the site would be provided, with the exception of a single-storey garage without windows. The creation of a swale in the northern field, the creation of meadow grassland in the central field and native tree planting throughout the site would attract a range of invertebrates, providing foraging resource for bats. Hedgerow creation and enhancement would also provide habitat connectivity for bats. To provide ecological enhancement, it is proposed to install integrated bat boxes at a ratio of one per dwelling.
- 6.52. Hazel Dormice: Dormice, a European Protected Species, were found to be present in the existing hedges. A dormouse mitigation licence would be required from Natural England for the removal of any species-rich native hedgerow with trees. Protected species licensing requirements are in addition to the requirements for planning permission. Licences are subject to separate processes and specific policy and legal tests. The LPA must be satisfied that if a licence is needed it's likely to be granted by Natural England before any planning permission is issued. For a European Protected Species, the three tests comprise:
- the activity is for a certain purpose, for example it's in the public interest to build a new residential development.
  - there's no other satisfactory solution that will cause less harm to the species.
  - the development does not harm the long-term conservation or survival of any population of the licensed species.
- 6.53. The application site has been allocated for housing in the Local Plan and therefore the first test is considered to met, given the public benefit of fulfilling part of this allocation. The widened access to the site has been carefully considered by both DCC Highways Officers and TDC Officers to reduce the amount of hedgerow removal required to achieve the required visibility splays for highway safety. This has resulted in the realignment of Whitehill Road so that access to the site is on the outside of the bend and implementing a priority junction to slow traffic speeds.
- 6.54. When considering the third test, the mitigation measures proposed have been assessed. Mitigation measures would include replacement dormouse habitat of equal or better value to be provided through the creation of 280 m of species-rich hedgerows and the strategic planting of native trees to provide connectivity at canopy height where any gaps in the southern boundary hedgerow cannot be avoided. A detailed lighting scheme has been conditioned to minimise light spill onto the retained and enhanced habitat. Wooden dormouse nest boxes would also be provided in retained habitat to provide suitable nesting locations whilst replacement habitat matures. These boxes would remain in situ for their natural life, to increase



the carrying capacity of the site for dormice. It is considered that the mitigation proposed would result in no net loss of quantity or quality of habitat, and habitat links would be retained with the replacement hedge in the range of the existing population. There would also be a long-term management strategy for the site for the benefit of the species. After considering the three tests, it is therefore considered likely that Natural England would grant the EPS license. However, appropriate planning conditions have been applied, securing the necessary mitigation and monitoring measures.

- 6.55. Nesting birds: The removal of less than 30 m of the southern boundary hedgerow for vehicular access would result in a minor loss of bird nesting habitat. The additional hedgerow and tree planting is proposed to compensate for habitat loss. It is also proposed to install a built-in nest box on each of the new dwellings.
- 6.56. Reptiles: The site currently provides suitable habitat for slow worms and other reptiles, and it is considered likely that they are present on the site. Development of the southern field is unlikely to have any greater impact on reptiles than current practices of cutting the grassland for silage, as it is anticipated they will be able to colonise gardens once established. To mitigate against any impacts during construction, Heras fencing (or similar) would be installed to provide a minimum 2 m buffer around all retained hedges to avoid accidental damage during site preparation and construction. The field margins should be allowed to grow rank to provide suitable habitat for reptiles. The development areas, including the location of the proposed swale in the northern field, should be managed by regular mowing to a low sward height (<100 mm) prior to works, to dissuade any reptiles from these areas into the retained grassland buffers and central field prior to work. The arisings should be removed following the mowing. This should be undertaken in the reptile active season (April – October). During the recommended fingertip search for dormouse in during hedge removal, a check for reptiles should also be undertaken. Any reptiles found should be moved outside of the development boundary into suitable habitat. Reptile habitat enhancements would be provided within the retained grassland on the site, including provision of reptile hibernacula and/or log/brush piles. The creation of species-rich garden boundary hedgerows (200 m) and species-rich hedgerow with trees on a bank (80 m) would also provide cover and foraging opportunities for reptiles.
- 6.57. Amphibians: It is considered unlikely that great crested newts (GCN) are present on the application site and the majority of potential GCN habitat would be retained (wet grassland in the central field and hedge bases). Other amphibians such as common toad are also likely to be restricted to field margins, hedge banks, and wet grassland in the central field. Measures to protect and dissuade reptiles would also dissuade amphibians from the development areas. The proposed swale in the northern field and meadow grassland in the central and southern fields, along with hedgerow creation and the recommended reptile/amphibian hibernacula would compensate for the loss of habitat.
- 6.58. Badgers: Whilst there were no signs of badgers on site, 4 sett entrances were found in a nearby garden. The loss of neutral grassland would reduce potential foraging habitat. A walkover of the site would be carried out by a suitably qualified ecologist before the development works begin, to ensure that no new badger setts are present in areas to be impacted. It is recommended that any excavations over 1 m deep during site construction should, as a precaution, be left with a sloping scaffold plank in them so that any badgers that fall into them can escape. An alternative is to

cover any excavations overnight. Excavations should be checked daily for any trapped wildlife.

- 6.59. Hedgehogs: The removal of the hedgerow could potentially result in the killing or injury of hedgehogs and would result in the minor loss of foraging habitat, with a minor reduction in habitat connectivity. The removal of 1.13 ha of neutral grassland would also result in the minor loss of foraging habitat. Hedgehogs could also become trapped in open excavations. The hedgerow to be cleared should be thoroughly checked for hedgehogs by a professional ecologist. Any hedgehogs found should be captured and moved outside of the clearance/development boundary. Measures to avoid entrapment of badgers would also apply to hedgehogs. Hedgehog gaps in fencing could also be secured at Reserved Matters Stage.
- 6.60. The above set of mitigation and enhancement measures are set out in the submitted EclA. The compliance with these measures has been conditioned.

#### Biodiversity Net Gain (BNG)

- 6.61. Mandatory Biodiversity Net Gain (BNG) applies to this application. The applicant has submitted a completed Biodiversity Metric Calculation taking account of existing and proposed habitat as a result of the development, equating to a 46% increase in Hedgerow Units but a -32% decrease in Habitat units. There is no percentage change to Watercourse units as the baseline is calculated as 0 units.
- 6.62. Some onsite biodiversity net gain enhancements are offered within the application red line including:
- 6.63. The planting of 70 trees;
- 6.64. The creation of up to 280m of mixed-species native hedgerow;
- 6.65. The creation of enhanced wildflower grassland;
- 6.66. The creation of a reedbed and bioswale.
- 6.67. Some off-site BNG enhancements will be created within the applicant's blue line blue line, and it is stated that the remaining balance will be delivered via an off-site habitat bank. Therefore, the management of retained, enhanced and created habitats within the red and blue lines will be secured for 30 years within the Section 106, including an appropriate sum to cover ongoing monitoring.
- 6.68. The ecological survey was undertaken on 10 August 2021, with an update survey in June 2022. Habitats and their condition were confirmed by the Biodiversity Officer during a site visit on 27 March 2024. There was no sign that habitat degradation has taken place since January 2020.
- 6.69. Irreplaceable habitats on site consist of 4 veteran oak trees. These are all proposed to be retained and protected with fencing during works. The largest, a free-standing tree, is to be retained as a feature within the area of Open Space. The other 3 are in the hedge between the central and southern fields, which is to be retained.
- 6.70. Following the grant of outline planning permission, but before commencement of development, the application will need to submit a Biodiversity Gain Plan a Habitat

Management and Monitoring Plan and have them approved by the LPA. The applicant has confirmed that they would intend to submit this with the first Reserved Matters application.

- 6.71. Final SUDs details are to be agreed at Reserved Matters stage, however if the details of the SUDs significantly change from the options presented, it would be necessary for the applicants to submit a revised Biodiversity Metric. The Ecology Technical Note says that it is intended to submit the Biodiversity Gain Plan and Habitat Management and Monitoring Plan at Reserved Matters. It will therefore be necessary to finalise the SUDs before completing these two documents. This is acceptable as, although seeing them as part of the Reserved Matters application would be helpful, they are not legally required until after permission is granted (and before commencement).

**Impact upon the setting of Listed Buildings and the Character and Appearance of the Conservation Area**

- 6.72. The listed buildings within the NA2 landmark setting, as set out in the SPD, include:
- Highweek Hill (White Hill);
  - Daracombe Beacon – this is situated further to the west
  - All Saints Church, Whitehill (Grade I Listed)
  - Ringslade Farmhouse (Grade II Listed)
  - Whitehill End (Grade II Listed)
  - St Mary's Church (Wolborough) - All Saints Church (Highweek)
  - Church of St Michael, Kingsteignton – All Saints Church
  - (Highweek) (Grade I)
  - Whitehill House (Grade II)
- 6.73. The following listed buildings are identified as being located in close proximity to the application site:
- All Saints Church (Grade I Listed)
- 6.74. The Inspector's assessment of listed building impacts for application reference 14/01797/MAJ (also within allocation NA2, located to the east of this application site, off Exeter Road) provides useful context for the approach to assessment of this site. At paragraph 77 the Inspector commented, and the Secretary of State agreed:

*“There can be no doubt, therefore, that the proposal would have an impact on the setting of the Church, and, because it would involve some encroachment into its prominent hill-top setting, its significance. It is however, important to place this impact in its proper context. The appeal site is part of a wider tract of land allocated for development through LP Policy*

*NA2. The allocation has been examined and gone through a process of comparison with other prospective sites. In that context, it appears to me axiomatic that some impact on the setting, and thereby the significance, of the Church must have been factored in when the allocation was found sound. There can be no in-principle objection to the development of the appeal site and the proper question to address is whether there is anything in the design of the scheme that makes the impact more harmful than it should be?”*

- 6.75. The appeal was allowed and in the planning balance, the Secretary of State commented that:

“...the Secretary of State gives substantial weight to the public benefits of securing housing, in line with the Policy NA2 allocation, even in the presence of a healthy housing land supply. Against the development he weighs the ‘less than substantial’ impact to the significance of Church Path, the impact on the significance of the Parish Church of All Saints and Whitehill House, to which he affords substantial weight, having regard to his duties under s66(1) of the LBCA Act. He concludes that the benefits of the proposal outweigh its negative impacts”.

- 6.76. Historic England has advised that they do not wish to comment on this proposal.

- 6.77. This proposal has similar potential to 14/01797/MAJ and the subsequent 16/01968/MAJ to impact upon the hillside setting of the Grade I Church. To a lesser extent (noting the smaller scale of the proposal), application ref. 19/02066/OUT will also impact upon the setting of the Church.

- 6.78. The LPA’s Conservation Officer provided the following comments:

*The Grade I listed Church and its graveyard and their setting are the most significant heritage asset to be considered in this case. I consider that the setting of the heritage asset has been extensively examined as part of the Local Plan allocation process, and that a design response that looks to respond to the local landscape, site topography and local distinctiveness is a basis for preserving the wider views and significant setting of the Church tower in the landscape.*

- 6.79. It is the view of Officers that the impact of this scheme upon the significance which the Grade I Listed church derives from its setting amounts to less than substantial harm. This site falls below the church’s graveyard and will be visible in both short and long-distance views of the Church, and hence will impinge upon the rural setting of this particularly significant heritage asset.

- 6.80. It is important to consider this impact within its policy context. The application site is part of a wider tract of land allocated for development through LP Policy NA2. NA2 has been previously examined and gone through a process of comparison with other prospective sites. In that context, the impact on the setting, and thereby the significance, of the Church was factored in when the allocation was found sound and therefore there can be no in-principle objection to developing the application site itself in this context.

- 6.81. The particular design of the scheme’s built development (namely scale, appearance and layout) has the potential to further or lessen the degree of less than substantial harm that will arise. The Conservation Officer has previously provided advice on the

appropriate approach and this advice should inform any Reserved Matters submissions.

- 6.82. The Conservation Officer has expressed concern with the particular design approach set out within the layout/design code document drawings, namely the design of the buildings themselves, and the indicative approach of replicating a broadly 'Victorian' style, albeit with the potential for a contemporary interpretation:

*I am however significantly concerned with the weight given to a former planning officer's suggestion to adopting a modern interpretation of traditional 'Victorian' forms. This is not a healthy response to the need to achieve a 'local distinctive' architecture and has evidently overly influenced the indicative design responses in a way that will more than likely lead to 'lazy pastiche' the document identifies at paragraph 4.5 it is trying to avoid.*

- 6.83. The Design and Access Statement with Design Code is only an indicative document. It proposes a number of high-quality design approaches but does not commit the developer to any particular dwelling style. The exact form, materials and appearance of the houses remain reserved matters and are not discussed in any detail in the document.
- 6.84. There will be potential for the Conservation Officer's suggestions to be taken on board at RM stage. These include helpful suggestions such as: use of locally derived materials, cob and stone often lime rendered, deeper window reveals, grounding rendered building with black plinth, softer lime render with rounded corners, prominent lateral chimney stacks onto street frontages, and cobbling to front of dwellings, thatch, clay roof tiles and even corrugated sheet.
- 6.85. A scheme which took a more formal response to building character at the southern end of the site adjacent to Whitehill Road, could be considered to be in line with the character of the existing buildings fronting Whitehill Road, but which relaxed to a more rural character as the development moves through the development to the north. The use of the character areas as set out in the Design Code will be helpful as a guide to such an approach.
- 6.86. Having regard to the above, it is concluded that the impact of the proposal on designated and undesignated heritage assets is considered to give rise to less than substantial harm, however, this is outweighed by the benefits of the development, and there are not considered to be any heritage reasons for refusal of this proposal.
- 6.87. For the reasons set out above, the proposed development is considered to be acceptable, subject to conditions, in terms of the setting of those listed buildings as set out above, having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.88. In coming to this decision, the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses and have given it considerable importance and weight in the planning balance.

## **Access, Highways and Sustainable Transport**

- 6.89. Access is the only matter to be considered as part of this application, and full details have been submitted with this application. It is proposed to alter the priority arrangement such that vehicles will be directed into the site and those wishing to travel further down Whitehill Road will need to make a right-hand turn.
- 6.90. This approach is considered acceptable from a highways perspective and will likely slow traffic speeds down Whitehill Road. It also provides the opportunity for a pavement, to improve pedestrian links. The loss of hedgeback to facilitate the works is regrettable but is unfortunately necessary to ensure adequate visibility splays. It can be compensated on-site and the LPA will expect to see compensatory proposals through any Reserved Matters submission.
- 6.91. Whitehill Road has recently been subject to a traffic order which resulted in its closure at the junction with the A382, considerably reducing the volume of traffic using the road. It is now a 'closed road', with access only possible via Highweek Village.
- 6.92. A number of representations, and the call-in request, raise concern with the impact of additional traffic through Highweek Village, and with the safety of the access arrangements to the site.
- 6.93. Policy NA2 requires at criterion e) that development: 'improve the road network to allow ease of movement through the site and reduce traffic through Highweek Village'.
- 6.94. The Transport Statement sets out a prediction of 22 two-way vehicle trips during the typical AM peak period 08:00 to 09:00 and 11 during the typical PM peak period 17:00 to 18:00. This equates to an average of broadly one vehicle every 3 minutes during the AM peak and every 6 minutes during the PM peak. This is not considered to result in a severe or detrimental impact to the operation of the local road network such that a refusal of the application could be justified.
- 6.95. The Highway Authority generally agrees with the submitted Transport Statement and agrees that the number of vehicle movements, likely to be attracted to the development, is unlikely to have a severe impact on the existing Highway network.
- 6.96. That being said, the Highway Authority has concerns over the construction phase of the project. In particular, how deliveries of larger items are going to be carried out to the site without causing any damage to the surrounding vehicles, walls, and street furniture. According to National Guidance "Manual for Streets", the minimum width for a large vehicle to be able to safely manoeuvre is 2.75m and 4.1m is the minimum for two vehicles to pass. There is a pinch point at the top of Whitehill Road of 2.8m and there is approximately 3m by the parked vehicles. The majority of the road from the cottages to the site is 4.1m or over. Parking outside of the properties on Highweek Village may cause difficulties for some larger vehicles turning left onto Highweek Village from Ringslade Road.
- 6.97. Access for construction vehicles and deliveries will need to be planned in detail, and all construction traffic will have to be carefully managed to prevent it from travelling through the village centre of Highweek itself. A detailed construction management plan has been conditioned, to include how all construction traffic will get to the site. This is to include all groundworks equipment such as excavators and deliveries of large items such as roof trusses. A condition survey of both the existing highway

and any stone walls and street furniture, will need to be undertaken before work on site commences.

- 6.98. The LPA is aware that Whitehill Road is narrow and it is considered likely that there will frequently be the need for cars to stop to allow others to pass, or even to reverse, when accessing the site. Drawing upon the Highway Officer's comments, this is not considered inherently unsafe (indeed it is a very common feature of rural areas) but it is acknowledged that it would be inconvenient for residents.
- 6.99. There would be an opportunity for the applicant to seek improvements to the highway by gaining control of land to the west of the site to install passing places or similar features, to prevent the need for a conflict between vehicles which meet between the site and the row of cottages on Whitehill Road to the west. This is not strictly necessary but would likely alleviate the concerns of local residents and could be considered an improvement to the scheme.
- 6.100. Overall, therefore, the access arrangements and highway impacts of the scheme are considered acceptable. The site is within easy walking and cycling distance of amenities within Highweek Village along Whitehill Road and notably Newton Abbot's secondary schools along Pitt Hill Road and is considered to comply with Local Plan Policy S9 as well as the requirements of the NPPF.
- 6.101. Compliance with the Neighbourhood Plan's policy requirements regarding the provision of Electric Vehicle charging points for off-street parking spaces would be secured at Reserved Matters stage.

#### **Landscape Character and Appearance of the Area**

- 6.102. The site lies within the Lemon Valley & Ridges/Bovey Basin Landscape Character Areas.
- 6.103. A number of the public representations have raised objection to the loss of countryside and landscape character resulting from the proposed development. It is important to note that the landscape impacts of development in this location have already been assessed and a degree of change to the landscape was considered acceptable through the plan making process. Nonetheless, it is good planning to ensure that impacts on the landscape and countryside are minimised and development is located appropriately on the site, having regard to site topography and the character and appearance of the area.
- 6.104. Policy EN2A requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 6.105. Policy S2 of the Local Plan requires new development to be of high-quality design which will support the creation of attractive, vibrant places. Designs should be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with distinctive character. Account should be taken of a number of objectives, inter alia, a) the integration with and, where possible, the enhancement of the character of the adjoining built and natural environment, particularly affected heritage assets; and k) respect for the distinctive character of the local landscape and seascape, and the protection and incorporation of key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets, and skylines.

- 6.106. National guidance within the National Planning Policy Framework (NPPF) also highlights the importance of high-quality design and requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and respecting the intrinsic value of the countryside.
- 6.107. Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2.
- 6.108. The site presently consists of pastoral field bordered by hedgerows / trees of varying quality and height, has a rural/edge of settlement character, and does not form part of a designated landscape. Nevertheless, a Landscape and Visual Impact Assessment (submitted by Clark Landscape Design) has been submitted to inform the application. This concludes that although the application site is open to the north, there are limited views into the site even from the higher ground of Greycoat Lane, PV5 and PV6. The main views into the site would be from Whitehill Road with the main impact from the loss of some of the existing roadside hedgerow. Overall, the visual impacts are assessed as Minor to Neutral with the main views into the site limited to passing vehicles along Whitehill Road and glimpsed views from Greycoat Lane. Proposed mitigation measures include the following:
- 6.109. Access Road: The access road design will limit the extent of hedgerow removal but where there is scope for translocating the existing hedgerow and bank within the new site layout that would be the preferred option otherwise a new hedgerow and bank will be established along the new road alignment.
- 6.110. Hedgerow and Tree Planting: The existing trees and hedgerows would be retained as landscape features and along the southern and higher parts of the site new planting will be established to provide a landscape buffer between Whitehill Road and the proposed housing. Within the housing layout there would be scope for new tree and shrub planting which will be selected to enhance the biodiversity of the wider landscape and where appropriate act as wildlife corridors.
- 6.111.
- 6.112. Building Materials: To help maintain a low visual impact it is proposed to use recessive building materials such as slate grey roofing.
- 6.113.
- 6.114. It is considered that the proposed development has the potential to be largely in keeping with the urban fringe aspects of the local landscape character (including existing built elements of the locality) but there will inevitably be a reduction in rural character due to the proposals. It is stated that additional tree and hedgerow planting, once established, would reinforce existing retained boundaries and provide a suitable transition between the built development and the rural and the predominantly rural landscape to the south and west.
- 6.115. It is considered that with appropriate mitigation and care in the design approach, a scheme could come forward at detailed stage which would comply with Policy S2 & EN2A and NANDP 2 of the NANDP.

### **Existing Trees**



- 6.116. The application site (as surveyed for in the arboricultural assessment) consists of three fields surrounded by mature trees and hedgerows. There is a single veteran oak (category A) within the middle of the southern field.
- 6.117. Approximately 20 metres of existing hedgerow would be lost in order to facilitate the access road but otherwise all existing vegetation would be retained with adequate spatial relationships to the houses (as shown on the indicative layout) such that it will be protected following the development. Importantly this includes the veteran tree within the southern field, as well as a row of category A oaks on the northern boundary of the southern field. The indicative layout appears to provide a suitable response to the status of the veteran tree by allowing it to form a key place-making feature within the Public Open Space, whilst ensuring its protection.
- 6.118. Full details of replacement and additional hedgerow planting is conditioned to be provided at Reserved Matters stage, both through the provision of detailed Landscaping proposals and further Biodiversity Net Gain information.
- 6.119. Whilst the loss is regrettable, it is of limited overall scale and is necessary in light of the design of the access road. The realignment of Whitehill Road reduces the amount of hedgerow removal required to achieve the necessary visibility splays for the new priority junction.
- 6.120. Although Landscaping is a matter to be reserved, the Biodiversity Net Gain information submitted with this application indicates that the final layout would include the planting of 70 trees and the creation of up to 280m of mixed-species native hedgerow, to meet its BNG requirements.
- 6.121. It is therefore considered that the scheme can achieve no net loss of trees and hedge bank and achieve a satisfactory long-term relationship between trees and the development of the site.
- 6.122. Suitable conditions have been attached requiring the protection of all trees and hedgerows during construction, and therefore the proposal is considered to meet the requirements of Policy EN12.

### **Impact on Residential Amenity of Surrounding Properties**

- 6.123. Policy S1 'Sustainable Development Criteria' requires that the development performs well against 10 criteria. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 6.124. A number of public representations raise concerns about the potential impacts on neighbouring amenity, both during construction and when the proposed development is occupied.
- 6.125. The main properties likely to be affected lie immediately to the east and west of the site at Lower Loady Farm, Loady Park House and Higher Loady Park.
- 6.126. Further details for each plot will be submitted at Reserved Matters stage and will be assessed against the provisions of the Local Plan to prevent any unacceptable adverse impact.

- 6.127. The Design and Access Statement and Design Code sets out indicative proposals to protect neighbouring amenity and these appear broadly acceptable but will be subject to detailed design at Reserved Matters stage. Proposals include reduced building heights and windows in blocks that abut the existing properties, along with enhanced boundary landscaping.
- 6.128. Whilst a certain level of disruption during the construction phase is inevitable, Devon County Council Highways Authority has requested a condition requiring the submission and approval of a Construction Management Plan (CMP) prior to the commencement of the development in the interests of local amenity. It is considered reasonable to attach this condition to any approval owing to the narrow nature of Whitehill Road.
- 6.129. For the purposes of this Outline application, the proposed development is considered to accord with Policy S1 of the Teignbridge Local Plan.

### **Housing Design and Layout Considerations**

- 6.130. As an outline application with only access in detail, matters of layout, appearance, scale and landscaping remain to be considered at the Reserved Matters stage. However, officers note the design of the scheme set out within the Design and Access Statement with Design Code document, which indicates that a high-quality approach can be achieved.
- 6.131. This site presents a number of design challenges in terms of its topographical, drainage and ecological constraints as well as the need to protect neighbouring amenity, deliver sufficient green infrastructure to meet Local Plan Policy WE11, protect the setting of the grade I Church and respond to the local context of Whitehill and Highweek Village.
- 6.132. It is considered that the submitted document does not meet the typical requirements of a Design Code per se, nor that a bespoke design code for this application is a particular requirement in light of the limited scale of the proposal. However, the commitment to several design elements set out within the Design Code document is welcomed and these features would be expected to be included within any Reserved Matters submissions. These comprise:
- Protection of the veteran tree and opportunities to form a focal area of informal green space around the tree.
  - Use of split-level house types to prevent the need for unattractive retaining walls.
  - Active frontages on to the area of public open space and any pedestrian walkways
  - Primary orientation of dwellings along the east-west contour to maximise opportunities for south-facing solar gain.
  - Protection of habitat/green infrastructure features through their siting outside private gardens
  - No building greater than two storey but the use of under-croft storage/parking where required.

- Stone boundary walls.

6.133. Overall, it is considered likely that a scheme can be delivered which would meet the requirements for high quality design set out at Policy S2 of the Local Plan and within the NPPF and National Design Guide.

### **Flood Risk and Foul and Surface Water Drainage**

- 6.134. The application is accompanied by a Flood Risk Assessment and Drainage Strategy, confirming that the site lies within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources.
- 6.135. The submission demonstrates that the proposed development would not increase flood risk to the site or the surrounding area. Two options have been proposed for the surface water runoff, an infiltration option, and an attenuation option. Both have been designed to cater for a 1 in 100-year storm event with an allowance of 40% for climate change. They have also been designed to have 1 in 3 embankments and a minimum freeboard of 0.4m. Either way, the scheme will need to make use of a substantial drainage basin located to the north of the dwellings. The owners of neighbouring Lower Loady Farm have raised concerns relating to the surface water drainage options presented and the potential for impact on a small lake stocked with native fish, leading into 6 wildlife ponds all supplied by springs and a small stream which arise on the boundary of the southern and central field within the application site. The concerns relate to the proposed method of draining the site, whereby water would be directed to the northern field, bypassing the stream feeding the lake and wildlife ponds. The site generally slopes in north easterly direction and currently surface water runoff is intercepted at the centre of the site via this watercourse, referred to as the watercourse between the southern and the central fields. Through discussions with the Lead Local Flood Authority Devon County Council (LLFA), under the Land Drainage Act, typically they would require developers to keep the watercourse open rather than culverting the watercourse. Given the concerns raised by Lower Loady Farm, the watercourse between the southern and the central fields can be required to be left open and any runoff from the southern field of the site would still enter into this watercourse. As the matter of Layout, and therefore the final surface water drainage strategy is to be finalised at Reserved Matters Stage, both the LLFA and TDC's biodiversity officer have agreed that this provides enough comfort for the purposes of this outline application, to prevent the watercourse from drying up. The applicant is aware that the Biodiversity Net Gain Metric may need to be rerun, in the event the final surface water drainage solution is considered to adversely impact on these neighbouring habitats.
- 6.136. The Lead Local Flood Authority (Devon County Council) have advised that the scheme is acceptable subject to a condition requiring a detailed, workable design to be reviewed and approved. Further work will therefore be needed but the drainage officer is satisfied, at this stage, that the site could be satisfactorily provided with a sustainable drainage scheme.
- 6.137. There are several different connection points for the foul drainage on site, into the foul sewer along Exeter Road to the northwest or several potential points into the combined sewer to the southwest of the site around Ringslade Close or Highweek Inn.
- 6.138. Several Public Representations raise concern regarding the Foul Drainage options that would require the use of neighbouring third-party land. Given that there are

feasible alternatives for the disposal of foul water, in the event that using neighbouring land is unworkable, the LPA is satisfied that a drainage solution would work for this site and would require full details at Reserved Matters stage.

- 6.139. South West Water has confirmed they are able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. SWW has also confirmed there is sufficient capacity in the local sewerage network downstream from this development so there will not be a need for further network reinforcement. The wider development in the area will be assessed further to understand the impact on our networks.

### **Carbon Reduction and Waste**

- 6.140. The submission is supported by a Carbon Reduction Plan and Energy Strategy. Given that the application seeks outline permission, detailed building modelling and energy assessments have not been sought. The report identifies possible solutions to providing low carbon homes which could be adopted by future developers. For example, building orientation and fenestration, landscaping and building fabric. It is also proposed that consideration is given in the detailed design to methods for heating and hot water, ventilation and on-site energy generation.
- 6.141. In line with Policies S7 and EN3, the LPA would expect a Reserved Matters submission to be accompanied by detailed measures to achieve the carbon reduction levels outlined under Policy S7.
- 6.142. Although the Climate Change Officer has requested further surveys to be undertaken prior to determination, such as an Overheating Assessment, given that this is an Outline application and that the size of buildings and materials to be used are yet to be determined, this is considered unreasonable at this stage.
- 6.143. It is likely that Carbon reduction measures could achieve the requirements of Policy S7 and hence the outline application is considered to accord with Policies EN3 and S7 of the Teignbridge Local Plan.

### **Green Infrastructure, Public Open Space and Play Provision**

- 6.144. Local Plan Policy WE11 sets out the LPA's requirements for green infrastructure within new developments. Its requirements are echoed in Policy NA2 and the NA2 SPD.
- 6.145. Criterion f) of the Local Plan Policy requires the creation of 'a network of green infrastructure that contributes to the overall strategic network' as well as h) 'areas for local food production' and i) 'formal recreation space on site'.
- 6.146. The SPD goes further, identifying significant areas of the allocation which are zoned for green infrastructure, notably the main body of this application site.
- 6.147. Owing to the restrictions on the delivery of this allocation, the LPA accepts that the delivery of the SPD masterplan is now unfeasible, and hence it is reasonable to consider the development of this land parcel for housing. Development for housing,

however, does not negate the development's obligations to secure adequate green infrastructure as required by WE11.

6.148. The key requirements of WE11 are 10sq.m per dwelling of play space plus 100sq.m of other green infrastructure (110sq.m per dwelling in total).

6.149. The LPA's officer responsible for advising on green infrastructure provision has provided a bespoke breakdown of the requirements for this site (see detailed consultation response on the application file). To summarise, based on 28 dwellings, the requirements comprise:

- Formal and informal green space – 17 m<sup>2</sup> per dwelling, 476m<sup>2</sup> in total.
- Amenity greenspace or natural and semi-natural greenspaces – 50m<sup>2</sup> per dwelling, 1400m<sup>2</sup> in total.
- Children's play space – 10m<sup>2</sup> per dwelling, 280m<sup>2</sup> in total.
- Allotments / community orchard – 6m<sup>2</sup> per dwelling, 168m<sup>2</sup> in total.
- Active Recreation/Sports – 27m<sup>2</sup> per dwelling, 756m<sup>2</sup> in total.

6.150. It is Officers' preference that the formal/ informal/ amenity greenspace, Children's playspace and community orchard is provided on site. The indicative site layout provided demonstrates that most, if not all, of this requirement would be able to be provided within the redline and this should be demonstrated within the first Reserved Matters submission.

6.151. Given the topography of the site, providing formal sports facilities on site would likely be difficult to deliver and therefore an off-site contribution recommended by Sport England for formal sports facilities is calculated at £26,566 and would be secured through the S106 agreement.

6.152. Further details of how the required Green Infrastructure and Open Space provision would be provided, laid out, managed and maintained are secured through condition.

6.153. Therefore, subject to off-site contributions being secured through the Section 106 agreement, the proposed development is considered to offer an acceptable level of informal and informal space in the development, which is acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

## **Waste**

6.154. DCC Waste have requested that further information regarding the waste impacts of the scheme be submitted for consideration pre- determination.

6.155. This request is noted but it is not considered necessary for an outline application. For example, 'The amount of construction, demolition and excavation waste in tonnes', as requested, is not possible to properly assess until the detailed reserved matters stage.

- 6.156. This matter does not therefore form a reason for refusal of the application. A condition has been applied requesting the information to be provided as part of any Reserved Matters submission.

### **Contamination**

- 6.157. The British Geological Survey (BGS) map of the area shows that the site is situated on the Devonian to Carboniferous Gurrington Slate Formation, which consists of purple and green slates with silty layers and occasional local lavas. Based on the findings of the Preliminary Contamination Risk Assessment, the expected contamination levels are not anticipated to pose a risk to human health. No radon protection measures are necessary, and no further ground gas protection measures are currently deemed required for the development or for the water environment.
- 6.158. TDC's Environmental Health Officer recommended three conditions relating to contamination which have been attached.

### **The Planning Balance and Conclusions**

- 6.159. In the determination of this application, Members will need to balance the benefits of delivering what will likely be the final parcel/phase of Local Plan Policy NA2, against the impacts identified in the report above.
- 6.160. The proposal would provide 28 new homes for Newton Abbot, on an identified housing allocation that is now deemed largely undeliverable due to mineral constraints. The proposal offers policy compliant 20% affordable housing, equating to 6 affordable units on site, in addition to 1 custom / self-build unit. The application site is located inside of the settlement limits of Newton Abbot and within walking distance of key services and facilities.
- 6.161. The proposal would bring some economic benefits through construction and through the additional spend generated by new residents, who would also help to sustain local services.
- 6.162. The biodiversity and landscape harm identified is considered to be sufficiently mitigated, with appropriate enhancements proposed to achieve the required 10% biodiversity net gain. The proposed development would not have an adverse impact on the South Hams SAC.
- 6.163. The short-term highway impact during construction would be managed through a detailed Construction Management Plan. The proposed access and realignment and widening of Whitehill Road would improve traffic speeds. The minor increase in traffic generation from the development is considered to not have an adverse effect on the local highway network.
- 6.164. The impact of the proposal on designated and undesignated heritage assets is considered to give rise to less than substantial harm, however, this is outweighed by the benefits of the development.
- 6.165. Further details relating to landscaping proposals, surface water and foul drainage are to be considered at Reserved Matters stage, however the details submitted as

part of this application are considered acceptable for the purposes of an outline application.

6.166. It is considered that the proposal would amount to sustainable development when assessed against the NPPF, taken as a whole and is also shown to accord with policies of the Teignbridge Local Plan and Newton Abbot Neighbourhood Development Plan.

6.167. Therefore, subject to the proposed conditions and obligation set out above, it is recommended that planning permission be granted.

## **7. POLICY DOCUMENTS**

### **Teignbridge Local Plan 2013-2033 (TLP)**

S1A (Presumption in favour of Sustainable Development)S1  
(Sustainable Development Criteria)  
S2 (Quality Development)  
S4 (Land for New Homes)  
S6 (Resilience)  
S7 (Carbon Emission Targets)  
S9 (Sustainable Transport)  
S14 (Newton Abbot)  
S21A (Settlement Limits)  
S23 (Neighbourhood Plans)  
WE1 (Housing Plan, Monitor and Manage)  
WE2 (Affordable Housing Site Targets)  
WE4 (Inclusive Design and Layout)  
WE11 (Green Infrastructure)  
EN2A (Landscape Protection and Enhancement)  
EN3 (Carbon Reduction Plans)  
EN5 (Heritage Assets)  
EN4 (Flood Risk)  
EN7 (Contaminated Land)  
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)  
NA2 (Whitehill)

### **Whitehill, Newton Abbot (NA2) Development Framework Plan Supplementary Planning Document (adopted April 2016).**

### **Devon Waste Plan**

W4 Waste Prevention

### **National Planning Policy Framework (2019)**

### **National Planning Practice Guidance**

### **Newton Abbot Neighbourhood Development Plan**

NANDP2 (Quality Design)

NANDP3 (Natural Environment and Biodiversity)  
NANDP4 (Provision of Cycle/ Walkways)  
NANDP5 (Provision of Community Facilities)  
NANDP11 9prpotection of Heritage Assets)

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

(Draft Local Plan, currently at Examination. Only relevant policies of medium to high weight have been listed.)

GP1: Sustainable Development (Medium weight)  
GP3: Settlement Limits and the Countryside (Medium weight)  
GP6A: Open Space and Recreation Facilities (Medium weight)  
CC3: Electric Vehicle Infrastructure (Medium Weight)  
CC4: Sustainable Transport (Medium Weight)  
CC5: Renewable and Low Carbon Energy Generation (Medium Weight)  
DW1: Quality Development (High Weight)  
DW2: Development Principles (High Weight)  
DW3: Design Standards (High Weight)  
EC1: Business Development (Medium Weight)  
EC5: Working from Home (High Weight)  
EC8: High Speed Digital Networks (Medium Weight)  
H3: Affordable Housing Controls (Medium Weight)  
H5: Homes Suitable for all (Medium Weight)  
H6: Custom Build (Medium Weight)  
H9: Local Connection Test and Cascade (High Weight)  
H12: Residential Amenity (High Weight)  
EN1: Setting of Settlements (Medium weight)  
EN4: Landscape Protection and Enhancement (High Weight)  
EN6: Flood Risk and Water Quality (High Weight)  
EN7: Air Quality (High Weight)  
EN8: Light Pollution (High Weight)  
EN9: Contaminated Land/ Land Instability (High Weight)  
EN10: Biodiversity and Geodiversity (Medium Weight)  
EN11: Important Habitats and Features (High to Medium Weight)  
EN12: Legally Protected and Priority Species (Medium Weight)  
EN13: European Wildlife Sites (High Weight)  
EN15: South Hams SAC (High Weight)  
EN16: Trees, Hedges and Woodlands (High Weight)  
EN17: Heritage Assets (medium Weight)

## **8. CONSULTEES**

- 8.1. TDC Waste Officer: No comments on the Outline application. The detailed layout of the site would need to be assessed at Reserved Matters.
- 8.2. TDC Housing Enabling Officer: Proposal indicates policy compliant scheme. As this application is still at outline stage, we would expect further details on the mix of tenure, size, design and location of the affordable units to be provided at Reserved



Matters stage and to meet the requirements of the affordable housing policies in the Teignbridge Local Plan.

- 8.3. DCC Waste Officer: Due to the greenfield nature and topography of the site, it is recommended the minimisation of inert waste is considered by the applicant when finalising the layout, design and levels. It is recommended that a condition is attached to any consent to require the submission of an updated Waste Audit Statement prior to the commencement of development.
- 8.4. DCC Senior Historic Environment Officer: The archaeological investigation of this area has demonstrated its low archaeological potential, as such, the Historic Environment Team has no comments to make on this planning application.
- 8.5. Devon and Somerset Fire and Rescue Service: Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 meters.
- 8.6. DCC Lead Local Flood Authority: Our objection is withdrawn and we have no in-principle objections to the planning application at this stage, assuming that a pre-commencement planning condition is imposed on any approved permission.
- 8.7. Historic England: Not offering advice on this application.
- 8.8. South West Water: Clean Potable Water: South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.
- 8.9. Foul Sewerage Services: There is sufficient capacity in the local sewerage network downstream from this development so there will not be a need for further network reinforcement. The wider development in the area will be assessed further to understand the impact on our networks.
- 8.10. NHS Devon: Request for S106 contribution of £17,868 to improve capacity at Devon Square Surgery, Cricketfield Surgery, Albany Surgery, Kingsteignton Medical Practice.
- 8.11. TDC Climate Change Officer: The development would be constructed to Building Regulations Part L 2021, it is technically policy compliant with S7. Various other assessment have been requested, however these cannot be accurately carried out at Outline Stage and therefore an updated Statement will be secured at RMs.
- 8.12. DCC Highways Officer: Satisfied with the submitted Transport Statement and access details. Concerns regarding how construction traffic would access the site. Recommends pre-commencement condition.
- 8.13. TDC Biodiversity: Multiple consultation response have been received due to ongoing discussions around on-site management principles. These can be read in full on the application webpage.

- 8.14. DCC Minerals: The application site lies within the Mineral Safeguarding Area for the ball clay resource, with Policy M2 of the Devon Minerals Plan seeking to safeguard such resources from sterilisation or constraint by new development. Devon County Council concludes that in accordance with Policy M2, criterion (d) of the Devon Minerals Plan, there is an overriding strategic need for the development, and therefore, the County Council has no objection in its role of mineral planning authority to the current proposal.

## **9. REPRESENTATIONS**

- 9.1. At the time of compiling this report, 32 representations have been received, 30 in objection and 2 with neutral comments. The representations can be viewed in full on the application webpage and the points raised have been summarised with the below comments in no particular order.

### **Drainage:**

- 20 acres of land owned, including a small lake and 6 wildlife ponds, all fed by springs on the southern and central field boundary of the application site.
- Springs depend entirely on rainfall; during dry periods, they diminish significantly.
- Concern that development in the southern field will block stormwater from entering the ground system, leading to permanent drying up of springs.
- Water from the development site would be redirected to the northern field, bypassing the stream feeding the lake and ponds.
- Springs are essential for maintaining the wetland nature of surrounding fields.
- Request for clarity on who would be responsible if the springs dry up and aquatic life is lost.
- No significant changes in drainage proposals since the previous application; concerns about the viability of the proposed foul sewer option that crosses private properties.
- The drainage solution appears overly simplistic and is likely to be resisted by landowners.

### **Road Safety and Traffic Concerns:**

- Concern over traffic on Whitehill Road, with near-misses and a history of pedestrian accidents (e.g., a 73-year-old injured in March).
- Issues with reversing vehicles near cottages, creating risk for pedestrians and residents.
- Domestic oil supplier unable to deliver due to the narrowness of the road, indicating difficulty for construction vehicles.
- Objection from the Newton Abbot Civic Society citing inadequate road infrastructure for increased traffic and the potential harm to the local church setting.
- Whitehill Road is a narrow lane, already difficult to navigate with parked cars and construction vehicles.
- The development would increase traffic significantly, with an estimated 50 extra cars and additional delivery vans.
- The narrow junctions (e.g., Pitt Hill, Ringslade Road) are already dangerous, with reports of near misses.
- Safety concerns for pedestrians, especially elderly residents, children, and pets, as there are no pavements on Whitehill Road.

- The increase in traffic would make it difficult for emergency vehicles to pass.
- Concern that the development would compromise future walking and cycling networks, especially as the A382 corridor and Jetty Marsh link are completed.
- Photos in the transport statement were taken during times of low parking; Whitehill Road is congested during peak hours, with parked cars on both sides, making it difficult for vehicles to pass.
- Construction traffic may block parked cars, preventing residents from accessing their properties.
- Concerns about reliable access for emergency services during construction and once the development is complete.
- The reality of vehicle flow is often more congested than stated, with vehicles frequently needing to reverse to find passing places.
- Dangerous conditions for vehicles and pedestrians, especially with decomposing leaves on the road.
- Plans should include provisions for pedestrians, cyclists, and mobility-impaired individuals, with links to the A382 and Jetty Marsh schemes.
- There is a need for continued focus on active transport routes like walking, cycling, and running.

### **Loss of Habitat and Ecological Impact:**

- Strong opposition to the development's impact on local wildlife and the destruction of green space.
- Concerns about increased pollution and road safety around local homes, particularly from traffic cutting through Ringside Road.
- Personal experience with verbal abuse and traffic noise, highlighting lack of adequate infrastructure for pedestrians and local residents.
- The area is historic with old trees and wildlife, and the development would harm the environment.
- Proposal for 28 houses is detrimental to the local community, especially those living on narrow Whitehill Road.
- The area supports various species, including dormice, Greater Horseshoe bats, deer, badgers, and birds of prey.
- Concerns about the destruction of habitats, hedgerows, and flight corridors for protected species like bats and cirl buntings.
- Suggestion to preserve the site as a nature reserve instead of developing it.
- The site is rich in wildlife, including bats and dormice, with hedgerows supporting these species.
- Objection to the loss of this important habitat for development; alternative sites with less ecological impact should be considered.
- Whitehill Road is part of a greater horseshoe bat corridor, and the development would remove significant hedgerow sections, disrupting this habitat.
- Mitigations offered for the development are not comprehensive and fail to consider the cumulative impact on the area's biodiversity.
- Protected species surveys identify the site as important for bat species and dormice.
- The Ecological Impact Assessment (EclA) mentions required mitigation plans (Greater Horseshoe Bat Mitigation Plan, habitat management, new hedgerows), but no clear details are provided, raising doubts about their feasibility.
- Plans show buildings and gardens up to the boundary hedgerows, making buffers impossible and leading to unavoidable lighting impacts.
- Concerns over inappropriate management of the boundary hedgerows.

- The central field is wet/marshy grassland, and excavation for drainage could impact this sensitive habitat.
- The application achieves a -21% Biodiversity Net Gain (BNG), falling short of the required +10%, with no clear plan to address this deficit.
- The use of "habitat banking" to make up the shortfall lacks sufficient details to ensure compliance with BNG policy.

#### **Tree Protection and Impact:**

- Plot 24 is within the root protection area of a protected tree (T5) in the back garden, risking damage to the tree.
- Concern over future pruning of the tree due to the close proximity of the development

#### **Landscape and Heritage Impact**

- The development would damage panoramic views towards Highweek Church and urbanise a rural area, impacting its appeal.
- Over 50 metres of Devon hedgerow and native habitat would be destroyed, impacting the historic and ecological value of the area.
- The proposed development would negatively affect the setting of the Grade I listed All Saints Church Highweek.

#### **Construction Impact:**

- The construction period would be disruptive due to heavy plant machinery, obstructing access on narrow roads.

#### **Overlooking and Loss of Privacy:**

- Concern about the impact of three-storey houses (plots 1-8) overlooking the property, especially as they would be built on a steep slope.
- This goes against the NA2 masterplan, which limits buildings to two storeys along the southwestern edge to preserve rural views
- Plots 23, 24, and 25 would directly overlook the back garden and house, leading to a loss of privacy and potential noise disturbance.
- Request for increased buffering and privacy measures, including a 10-foot wall along the property boundaries.

#### **Conflict with Policy**

- The NA2 Whitehill Development Framework Plan (DFP) specifies maintaining green infrastructure and reducing traffic through Highweek Village, but the proposed development contradicts these goals.
- The DFP includes provisions for a substantial bat corridor, which will be compromised by the proposed development.
- The development contradicts the Teignbridge Local Plan by failing to improve road networks to ease movement and reduce traffic through Highweek Village.

- The Local Plan emphasizes sustainable transport, but the current proposals do not contribute effectively to this aim, nor do they address the cumulative traffic impacts from other developments in the area.

### **Design**

- The development's density is too high and too close to the historic Higher Loady, which could negatively impact the area.

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

- 10.1. Newton Abbot Town Council: The application be refused due to poor access and egress onto the highway.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

## **12. ENVIRONMENTAL IMPACT ASSESSMENT**

- 12.1. At the adjoining site (also part of the NA2 allocation) a Screening Opinion was issued to the applicant under application reference number 14/01979/MAJ on 08 July 2016 (for 202 dwellings) by the Planning Inspectorate under Regulation 12(1) of the town and country planning (environmental impact assessment) regulations 2011 (SI 2011/1824).
- 12.2. The screening decision confirmed that: 'in the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location'.
- 12.3. Subsequent applications, 16/01968 (202 dwellings) and 19/02066/OUT (5 dwellings) was screened under the Environmental Impact Assessment Regulations and the Council's Screening Opinion was that that the development would not have significant effects on the environment and therefore was not considered to be EIA Development.
- 12.4. The current application sits within the same allocation (NA2) and is for the construction of up to 28 dwellings. Having regard to the above screening opinions and any individual or cumulative impact from the additional development proposed under this application, it is assessed that the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

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

- 13.1. Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).
- 13.2. This development is subject to the general Biodiversity Gain Condition and prior to commencement of the development the Biodiversity Gain Plan will need to be submitted to and approved by the Local Planning Authority.
- 13.3. The submitted Biodiversity Gain Plan will demonstrate at least 10% BNG above the baseline conditions (as set out within the submitted Statutory Biodiversity Metric) to be delivered in accordance with the biodiversity gain hierarchy.
- 13.4. This development is expected to deliver at least 10% BNG via the following:
- Significant on-site delivery by creating and enhancing on-site habitats, see in particular proposed planning conditions 13, 14, 25 and 26 and Section 106 to secure the delivery and monitoring.
  - Off-site delivery by creating and enhancing off-site habitats, to be secured by Section 106; and
  - Purchase of off-site units.
- 13.5. The proposed on-site habitat enhancement is significant and will be secured for 30 years by way of a s106 agreement including a monitoring fee.

#### **14. CARBON/CLIMATE IMPACT**

- 14.1. The Carbon and Climate impact of this development has been considered in the Observations section of this report, and subject to conditions, the development is considered to satisfactorily address these matters.

#### **15. HUMAN RIGHTS ACT**

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

#### **Head of Development Management**



**Planning Committee Report**

**Chairman: Cllr Colin Parker**

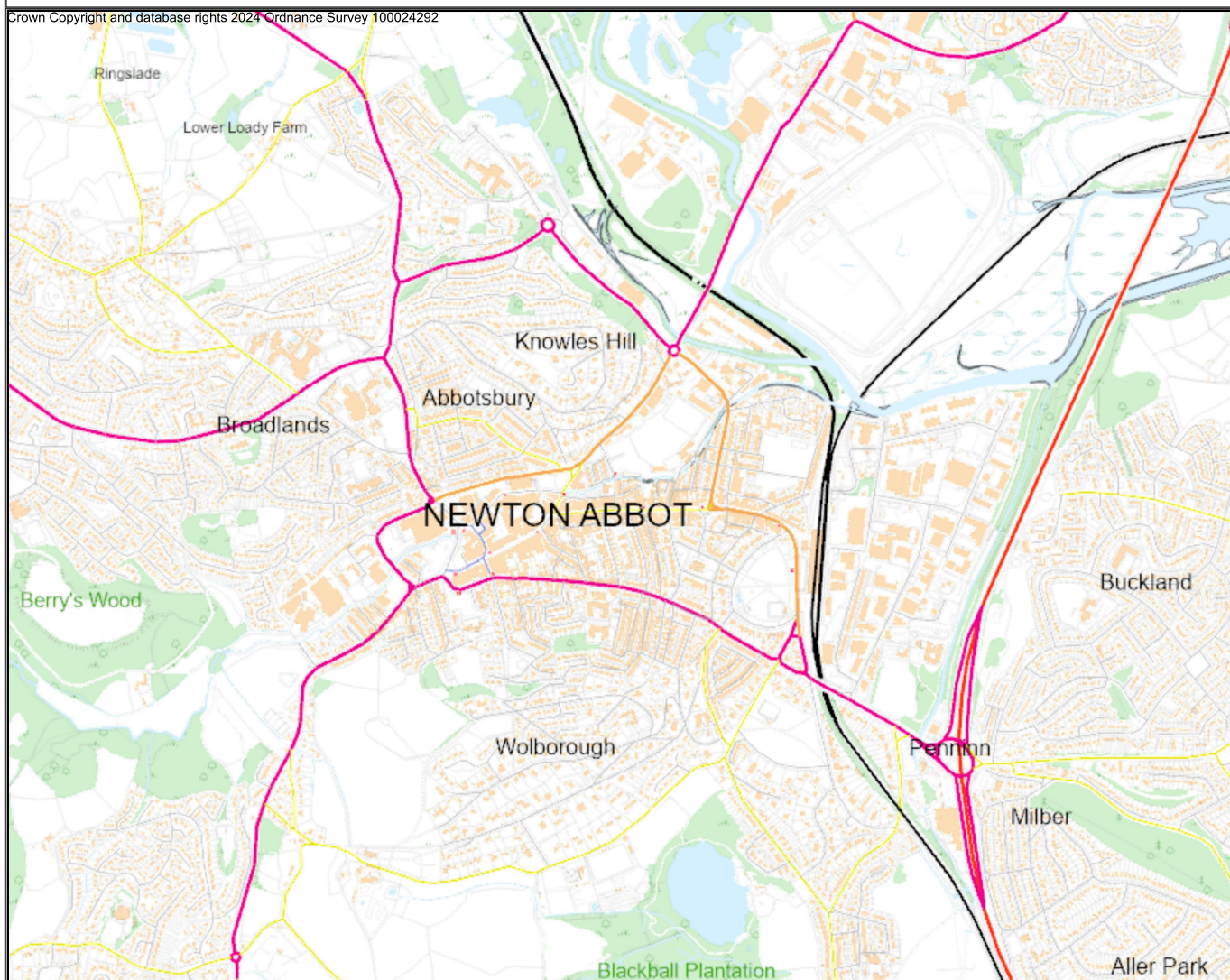
<b>Date</b>	17 December 2024
<b>Case Officer</b>	Artur Gugula
<b>Location</b>	Various Sites Around Newton Abbot Devon
<b>Proposal</b>	Installation of Pulse Smart Hubs with integrated digital screens
<b>Applicant</b>	Mr O Smith
<b>Ward</b>	Buckland And Milber
<b>Member(s)</b>	Cllr Mike Ryan, Cllr Alex Hall, Cllr Colin Parker
<b>Reference</b>	24/00814/FUL



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED**

Crown Copyright and database rights 2024 Ordnance Survey 100024292



## 1. REASON FOR REPORT

This application has been called-in to Planning Committee by the Ward Member should the application be recommended for approval for the following reason:

- It is felt that the proposals would be out keeping with the local street scene.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

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

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

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

Date Received	Drawing/reference number	Description
21 May 2024	NEWABB-O12-KR/2024/01	Site Location Plan
21 May 2024	NEWABB-O12-KR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O12-KR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O12-KR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-O11-CR/2024/01	Site Location Plan
21 May 2024	NEWABB-O11-CR/2024/02	Existing Site Plan
21 May 2024	NEWABB-O11-CR/2024/03	Proposed Site Plan
21 May 2024	NEWABB-O11-CR/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-009-WS/2024/01	Site Location Plan
21 May 2024	NEWABB-009-WS/2024/02	Existing Site Plan
21 May 2024	NEWABB-009-WS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-009-WS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-008-HS/2024/01	Site Location Plan
21 May 2024	NEWABB-008-HS/2024/02	Existing Site Plan
21 May 2024	NEWABB-008-HS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-008-HS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-007-ES/2024/01	Site Location Plan
21 May 2024	NEWABB-007-ES/2024/02	Existing Site Plan
21 May 2024	NEWABB-007-ES/2024/03	Proposed Site Plan



21 May 2024	NEWABB-007-ES/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-006-CS/2024/01	Site Location Plan
21 May 2024	NEWABB-006-CS/2024/02	Existing Site Plan
21 May 2024	NEWABB-006-CS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-006-CS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-005-BS/2024/01	Site Location Plan
21 May 2024	NEWABB-005-BS/2024/02	Existing Site Plan
21 May 2024	NEWABB-005-BS/2024/03	Proposed Site Plan
21 May 2024	NEWABB-005-BS/2024/04	Proposed Elevations/Technical Specification
21 May 2024	NEWABB-003-NW/2024/01	Site Location Plan
21 May 2024	NEWABB-003-NW/2024/02	Existing Site Plan
21 May 2024	NEWABB-003-NW/2024/03	Proposed Site Plan
21 May 2024	NEWABB-003-NW/2024/04	Proposed Elevations/Technical Specification
28 Nov 2024	NEWABB-00-MLP-2024-01_REVB	Master Site Location Plan

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

3. Prior to commencement of any work to locations numbered 005, 006, 007, 008, and 009 as identified on the Master Site Location Plan reference NEWABB-00-MLP-2024-01\_REVB hereby approved, a scheme for the removal of the existing information boards at these locations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- (a) timetable for removal of the information of the boards;
- (b) details of the manner in which the boards will be removed, and;
- (c) details of the manner in which the ground will be made good (including surfacing materials).

The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ensuring that the street furniture clutter is not increased as a result of the development within a setting of listed buildings and in Conservation Areas.

4. Prior to any of the hubs hereby approved becoming operational, a scheme for the management, maintenance, repair, and removal if hubs cease to operate for each of the hubs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained and retained in accordance with the approved details.

REASON: In the interest of ensuring that the hubs remain in good working order for the benefit of the public and to ensure that their appearance is maintained.

5. The screens located on elevations 'A' and 'D' of each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be fully turned off and shall not be operational between the hours of 12:00am and 06:00am Monday to Sunday.

REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.

6. The screens located on elevations 'A' and 'D' on each of the hubs as identified on all Proposed Elevation/Technical Specification drawings hereby approved shall be operated and maintained in strict accordance with the approved 'Lighting level' section of the Design, Management & Operational Statement (page 39).

REASON: In the interest of mitigating against disturbance to the residential amenity of the surrounding properties resultant from illumination of the digital screens.

### **3. DESCRIPTION**

#### **The site and description of proposal**

- 3.1. The proposals are located in various locations spread around the centre of Newton Abbot. These are listed in detail below. It shall be noted that the numbering of locations is out of sequence as some have been removed from the proposal – it was felt that the numbering should remain consistent throughout the life of the application to avoid confusion.

#### **Location: No 003 – Pavement Adjacent to Newfoundland Car Park**

##### **Nearby Heritage Assets:**

- Nearby Newton Abbot Wolborough Street Conservation Area (35m to west)
- Nearby Grade II Listed buildings (50m to west and 65m to north-east)

#### **Location: No 005 – Pavement Adjacent to Austins**

##### **Nearby Heritage Assets:**

- Immediately adjacent to Grade II Listed building (Austins)
- Nearby to Grade II\* Listed building (St Leonard's Tower (40m to west)
- Nearby to Grade II Listed buildings (on all sides)
- Nearby Newton Abbot Wolborough Street Conservation Area (30m to west)

#### **Location: No 006 – Pavement Adjacent to 40 Courtenay Street**

##### **Nearby Heritage Assets:**

- None

#### **Location: No 007 – Pavement on East Street**

##### **Nearby Heritage Assets:**

- Nearby Newton Abbot Wolborough Street Conservation Area (5m to west)

- Nearby Grade II Listed buildings (5m to west, 20m to south, and 25m to north)

**Location: No 008 – Pavement on Highweek Way**

**Nearby Heritage Assets:**

- Nearby Grade II Listed Buildings (35m to north and 35m to north-west)
- Nearby Newton Abbot Wolborough Street Conservation Area (100m to south)

**Location: No 009 – Pavement Adjacent to 23-27 Wolborough Street**

**Nearby Heritage Assets:**

- Adjacent to Newton Abbot Wolborough Street Conservation Area (5m to north)
- Nearby Grade II Listed Buildings (50m to west and 40m to east)
- Nearby to Grade II\* Listed building (St Leonard's Tower (75m to east)

**Location: No 011 – Pavement Adjacent to Cricketfield Road Car Park**

**Nearby Heritage Assets:**

- None

**Location: No 012 – Pavement on Kingsteignton Road**

**Nearby Heritage Assets:**

- Nearby Grade II Listed Building (60m to south-west)

- 3.2. The proposal involves the installation of 8 'Pulse Smart Hubs' within the above pavement/pedestrian locations in Newton Abbot. The number of the hubs has been initially reduced from 14 to 9, and then to 8. The hubs measure approximately 2.54m high, 1.28m wide, and 0.35m deep. They comprise of large digital screens capable of showing moving advertising. The casing is made of black and red fibreglass. The side of each hub would feature a user interface with a touch screen. The glazing would be 4mm + 1mm + 4mm toughened glass. The foundation of the hubs would be between 400mm and 550mm deep.
- 3.3. The purpose of the hubs is to provide digital information, advertising, communication, Wi-Fi connectivity power point (for charging phones), and emergency health support and contact (in the form of a defibrillator, drug overdose medication and 999 calls). The design, material, colour, and large digital advertising screen are modern in their appearance and nature. It is proposed that the existing information boards will be removed and replaced with the hubs in the following locations nos. 005, 006, 007, 008, and 009.
- 3.4. All of the hubs would be located within the South Hams SAC Landscape Connectivity Zone. All of the hubs (except no.003) are located within Flood Zone 3.
- 3.5. Hub nos. 001,002,004, 008,010,013, and 014, which initially were included as part of this application submission, have been removed from the proposal following feedback from consultees and Officers.

## **Relevant planning history**

24/00815/ADV - Installation of Pulse Smart Hubs with integrated digital screens –  
PENDING CONSIDERATION (Corresponding advert consent)

### Principle of development

- 3.6. The proposal is located within the defined settlement limits of Newton Abbot. Policy S21A sets out that development will be permitted where it is consistent with the provisions of the Local Plan. As such, providing that other relevant policies are complied with (which will be assessed further in the report), the principle of the development proposed is considered acceptable in this location.

### Assessment of impacts on heritage and character of the area

- 3.7. Given the scattered nature of the proposals in 8 different locations, the impacts of the visual appearance of the area and relevant heritage assets are assessed for each hub in turn as below.

#### ***Location: No 003 – Pavement Adjacent to Newfoundland Car Park***

- 3.8. The site has a backdrop of railings and trees and the car park itself, together with the buildings to the rear of it. There is a glazed street map and a public information board close by, as well as a covered car park pay station and a small utility building in close proximity to the site of Hub 3. In this location and with this backdrop, the hub would not appear visually intrusive but would have an acceptable impact upon the street scene and public amenity.
- 3.9. The proposal, by virtue of its distance to nearby heritage assets and location amongst various similar or larger electrical equipment and street furniture (telecoms mast, telecoms boxes, electrical boxes, lamp post, signage etc), is not considered to have an adverse impact on the wider setting of the nearby Conservation Area or listed buildings.

#### ***Location: No 005 – Pavement Adjacent to Austins***

- 3.10. Hub 5 is to be located outside the Austins Department Store, replacing an existing totem sign, a few metres from the department store.
- 3.11. The buildings surrounding the site are principally three or four storey in height. They are a mix of retail units and Class E uses. While grey and white are the principle colours of the adjacent Austins buildings (there are two of them, one either side of Bank Street), there is a greater variety of colour to the buildings along Bank Street, Wolborough Street and East Street. The limited colours of the hub are such that it would not appear as an intrusive addition to the street scene but would preserve the character and appearance of the area.
- 3.12. In respect of the surrounding heritage assets, the hub would be sited in a location with other similar street furniture clutter (which includes non-digital information/advertising box, phone box, triple refuse bin, electrical box, and two lamp posts), and advertising on the adjacent Austins building. The addition of a pulse hub in this high street location is therefore considered to have limited further impact – and which would be mitigated further through removal of the existing information/advertising box. Nevertheless, the level of impact to the setting and

wider setting of the nearby heritage assets is deemed to be negligible or minor at most. The various public benefits of the pulse hub are considered to outweigh the lower level of less than substantial harm to the setting of the listed buildings and setting of the nearby Conservation Area, and there do not appear to be any nearby more appropriate locations to site the pulse hub in this area.

***Location: No 006 – Pavement Adjacent to 40 Courtenay Street***

- 3.13. Hub 6 is to be located outside the Howden Insurance Group Building, near the junction of Courtenay Street and Union Street, replacing an existing totem sign.
- 3.14. The hub would be located fairly centrally between the rows of shops either side of this pedestrianised part of the town centre. There are a few street trees near the proposed hub but little additional street furniture. Given the variety of shop frontages and colours in the vicinity of the site, the proposed hub would not have a harmful or detracting impact, particularly as it would be replacing an existing totem sign. The limited colours of the hub are such that it would not appear jarring or visually intrusive in this setting. The effect of the proposed hub on the street scene would be acceptable.
- 3.15. There are no nearby designated heritage assets which would be affected by the proposal.

***Location: No 007 – Pavement on East Street***

- 3.16. Hub 7 is to be located to the rear of Austins Department Store, opposite the Union Inn Public House along East Street. It would replace an existing totem sign. The buildings in the vicinity of the site are between two and four storey in height. They are a mix of town centre uses. There is a limited palette of colours present in the immediate street scene, mainly white, grey and pale blue. The limited colours of the hub are such that it would not appear as an intrusive addition to the street scene but would preserve the character and appearance of the area.
- 3.17. Although close to the adjacent Conservation Area and listed buildings within, the proposed location is where an existing information/advertising box is (to be removed) and next to a double bin and bench. It is also on the side of the street away from the Conservation Area and viewed against the backdrop of more modern development in the form of the later addition to Austins.
- 3.18. The impact to the wider setting of the adjacent Conservation Area and listed buildings is therefore considered to be negligible or minor at most. Again, the various public benefits of the pulse hub are considered to outweigh the lower level of less than substantial harm to the setting of the listed buildings and setting of Conservation Area, and there do not appear to be any nearby more obviously appropriate locations to site the pulse hub in this gateway area to the main high street.

***Location: No 008 – Pavement on Highweek Way***

- 3.19. Hub 8 is to be located opposite the Newton Abbot Library, at the junction of Market Street and Highweek Way, immediately adjacent to some trees and bushes. It would replace an existing totem sign. The buildings in the vicinity of the site are between two and four storey in height, in a mix of town centre uses. The site is in an open setting, it being located adjacent to a large, predominantly pedestrianised area

to the front of the Asda Supermarket car park. There is a limited palette of colours present in the immediate area. The limited colours of the hub are such that it would not appear as an intrusive addition to the street scene but, together with its limited size, would have an acceptable impact upon the streetscene.

- 3.20. The site is not particularly close to the nearest listed buildings, which also lie on the opposite side of the road, and the Conservation Area is a greater distance away – with the site not providing any meaningful wider setting or the proposal having potential impact to this. Furthermore, the proposed location is where an existing information/advertising box is (to be removed), and next to a triple bin and lampposts, whilst sited against the backdrop of a non-listed building.
- 3.21. Thus, there is not considered to be any material impact to the wider setting of nearby listed buildings or to the Conservation Area.
- 3.22. This site also appears to be an ideal location for such a hub; at the intersection of crossroads and pavement with high footfall and opposite the library.

***Location: No 009 – Pavement Adjacent to 23-27 Wolborough Street***

- 3.23. Hub 9 is to be located opposite Carpetright, replacing an existing totem sign. The buildings in the vicinity of the site are between two and three storey in height, in a mix of town centre uses. The site is in a reasonably open setting, being located in a fairly wide pedestrianised street. The palette of colours present in the immediate area is limited; the limited colours of the hub are such that it would not appear as an intrusive addition to the street scene but, together with its limited size, would have an acceptable impact.
- 3.24. Although adjacent to the Conservation Area, this is a part of the Conservation Area which relates solely to the pedestrianised road and does not include any buildings; essentially connecting the main historic areas to its east and west and having little value itself. The proposed siting of the hub is also within a line of trees, lamp posts, bins and benches, in a location whereby an existing information/advertising box already exists (to be removed). Thus, the proposed hub is not considered to have a material impact on the setting of the Conservation Area. Additionally, the nearest listed buildings are some distance away, and the siting of the proposed hub is not within a location whereby these listed buildings are viewed / appreciated.
- 3.25. Thus, there is not considered to be any material impact to the wider setting of nearby listed buildings or to the setting of the Conservation Area.

***Location: No 011 – Pavement Adjacent to Cricketfield Road Car Park***

- 3.26. Hub 11 is to be located adjacent to the Cricket Field Car Park, at its south-western corner, at the junction of Cricket Field Road and Marsh Road. Sited adjacent to a car park, the site is fairly open. The nearest buildings on the opposite side of Cricket Field Road and Marsh Road are two or two and a half storeys in height, in a limited palette of colours. There are two covered, pay station structures near the site of the proposed hub. Considering the backdrop of the car park, the nearby structures and buildings, and its limited size and visual impact, the hub would have an acceptable impact upon the streetscene and the character of the area.
- 3.27. There are no nearby designated heritage assets which would be affected by the proposal.

### ***Location: No 012 – Pavement on Kingsteignton Road***

- 3.28. Hub 12 is to be located on the bridge across the road from Sherbourne House and the Sherbourne Road Car Park. Sited adjacent to the river but among buildings of up to three and a half storeys in height, in a variety of colours of building materials; the proposed hub would have an acceptable impact upon the streetscene due to its limited size and visual impact,
- 3.29. In respect of heritage assets, the proposal is considered not to have any material impact to the wider setting of the nearest or any other listed buildings in the larger area by virtue of separation distance.

### ***Character of the area summary***

- 3.30. As set out above in consideration of the location of each hub, it is concluded that the proposals would not have an unacceptable impact on the character of the area, and thus would comply with provisions of Policies S1 and S2 of the Local Plan and Policy NANDP2 of the Neighbourhood Plan.

### ***Heritage impact summary***

- 3.31. The proposed hubs are considered to offer significant public benefit through their information sharing features, digital wayfinding, access to defibrillator, access to drug overdose treatment medicine, emergency safety button, emergency services call button, free Wi-Fi and calling. This benefit is considered to outweigh any minor heritage impact as described above for each hub, deemed to be the at the lower level of 'less than substantial.' As such the scheme is considered in compliance with paragraphs 200, 201, 205, 206 and 208, Policy EN5 of the Local Plan and Policy NANDP11 of the Neighbourhood Plan.
- 3.32. It is considered appropriate to recommend a condition requiring the submission of a scheme for removal of the existing information boards/totems to ensure that such is undertaken in a timely and appropriate manner.
- 3.33. In coming to this decision, the council must be mindful of the duty as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings and conservation areas, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

### **Residential amenity**

- 3.34. The locations of the proposed hubs are within the town centre of Newton Abbot. While there are residential properties above many of the shops in close proximity to their locations, it is not considered that the hubs would have an adverse impact upon residential amenity due to their limited degree of luminance and their siting in relation to those properties. The submitted Design, Management & Operational Statements sets out that the illuminance levels from the hub screens would always remain within the Institute for Lighting Professionals guidelines. In consultation with TDC Environmental Health department, it is concluded that in order to control the disturbance and annoyance resultant from the hubs to nearby properties, it is appropriate to recommend a condition which would ensure that the screens are turned off between 12am and 6am every day. Visual intrusion and harm to the

outlook of the occupiers of the nearby residential properties would not arise from the hubs due to their small scale and distance to any residential properties.

#### Biodiversity

- 3.35. The proposals are exempt from mandatory Biodiversity Net Gain – this point is covered in more detail further within this report.
- 3.36. Due to their urban locations the proposals would not have any direct impact and would not result in any loss of habitats and biodiversity.
- 3.37. It is acknowledged that all of the locations are in the South Hams SAC Landscape Connectivity Zone designated for commuting opportunities for the greater horseshoe bats, however the proposals would not affect any linear features such as hedges which would disturb commuting routes. Similarly, owing to their urban locations it is unlikely that the presence of light sensitive bats would occur in these locations which are already significant lit up during the night. As such it is considered that the proposals would not result in any unacceptable light spill which would affect the light-averse species.

#### Trees

- 3.38. Only one of the proposed hubs (Hub 3, opposite Carpetright facing Newfoundland Way Car Park) would potentially impact upon trees. However, the hub would be sited sufficiently far from them (around 5m) that, with the limited depth of foundations (between 400mm and 550mm deep), it would not harm these trees.

#### Highways

- 3.39. The proposed hubs are to be sited on pavements rather than the roads themselves. The County Highway Authority has assessed the application and has not raised any objection to it from a highway safety point of view. In addition, the hubs have been positioned as to not impede pedestrian and cycle (where relevant) access. Consequently, the proposal is considered acceptable in the context of highway and traffic safety.

#### Drainage and flood risk

- 3.40. It is acknowledged that 7 out of the 8 hubs are located within Flood Zone 3 (high risk of flooding). There was no flood risk assessment or drainage scheme submitted for the hubs. However, a pragmatic approach is deployed here – a flood risk assessment and a drainage scheme are considered not necessary in this instance. The footprint of each hub would not exceed 0.5 sqm and it would be located within an existing impermeable area. As such, it is considered that the proposal would not result in flood risk increasing at hub locations or elsewhere. Any surface water resultant from the development would be accommodated within the existing drainage system serving the pedestrian areas.

#### Climate change impact

- 3.41. Due to the small-scale nature of the proposals, it is considered that the operational impact on carbon emissions would be low. The applicant has confirmed that the hubs will be powered via connection to the grid, however all energy is sought from a 100% renewable sources. The materials used are stated to be sustainable and



recyclable with 80% of all metals used sourced from recycled metals. The screens are energy efficient to reduce power usage (via light sensors to adjust brightness during dusk and dawn). Overall, bearing the above in mind the proposal is considered to be acceptable in respect of carbon and climate change impacts, whilst also taking into account the public benefits resultant from the installation of the hubs.

### Designing Out Crime

- 3.42. The comments of the Designing Out Crime Officer are noted. While it may be preferable that all of the hubs be covered by existing CCTV, it is not considered necessary given their town centre locations.
- 3.43. The Designing Out Crime Officer is satisfied that the hubs be fitted with their own CCTV in terms of safety and recommends that a management plan regarding their servicing and maintenance is produced. While it has been requested that these be conditioned, it is not considered necessary to condition the provision of CCTV in the hubs as they would be installed with CCTV anyway (albeit this would not be operational 24/7). A condition regarding the servicing and maintenance of the hubs is however considered reasonable to ensure that they are kept in good order and maintain an acceptable impact on the street scene.
- 3.44. With regard to the privacy concerns raised by members of the public, the agent for the application has confirmed that the operation of the hubs fully complies with the General Data Protection Regulations (GDPR) and privacy laws. The only camera that actively records is located just above the touch screen. It is not a 24-hour camera but is triggered solely when the emergency button is pressed. During recording, a clear message is displayed on the screen notifying users that recording is in progress. The recordings are stored locally for a maximum of seven days and are automatically deleted unless the Police request the footage within that timeframe. There is also a feature called the Vulnerable Person Emergency Protocol, whereby the hub notifies the Police CCTV room when the emergency button is pressed. This allows police officers to immediately view the hub and its surroundings. The camera is a wide angled camera that captures anyone in need who is standing in and around the front of the touch screen. The Vulnerable Person Emergency Protocol does not require external CCTV to work but where a town has CCTV in the centre, further measures have been implemented where the CCTV room is immediately notified of the emergency button being pressed and the external CCTV can then get the city centre cameras focussing on all activity around the hub and neighbouring streets. As Newton Abbot has CCTV in the town centre, it is intended to work with the Police and partners to implement the same initiative, where possible.
- 3.45. There are also cameras above the hubs' screens which are not used for recording but are in place for potential footfall counting. This would operate without capturing or storing any personal data. The hubs would not record biometric data. The footfall counting data would comply with the GDPR by not collecting identifying information but it being anonymous data, based on sensors. The agents for the application have stated that the Town Council would be notified of any significant changes to the technology in the hubs over time that may require formal public consultation.

### Other matters

- 3.46. A number of objections have been raised to the proposed development. In terms of the concerns regarding radiation from the hubs, the agent for application advises that the company that would install the hubs is committed to adhering to relevant government regulations and industry guidelines; specifically, they would comply with the principles set by the International Commission on Non-Ionizing Radiation Protection for public exposure levels. The hubs would not cause any significant interference with other radio systems, electrical equipment or national air traffic services or health issues.
- 3.47. The concerns raised about the ability of smaller local businesses to be able to advertise on the hubs are noted, however this is an issue between those businesses and the operators of the hubs. Whether there are other options to provide the services proposed in the hubs is not known.
- 3.48. It is not known that the hubs would add to global warming or carbon dioxide emissions, or have an adverse impact upon air quality, in a manner greater than any comparable structure or piece of technology.
- 3.49. It is not considered that there is a conflict of interest in the application with Newton Abbot Town Council being a joint applicant as the case is determined by the District Council as the Local Planning Authority, and not the Town Council. The application (including the reduced number of hubs) has been properly advertised by site notices and letters.

### Planning balance and conclusions

- 3.50. In conclusion, the proposals are considered to be compliant with the provisions of the Local and Neighbourhood Plans. It is acknowledged, that some very minor harm would be resultant from the development in respect of impact on heritage assets, however this is outweighed by the public benefits (this includes public access to information sharing features, digital wayfinding, access to defibrillator, access to drug overdose treatment medicine, emergency safety button, emergency services call button, free Wi-Fi and calling) of the proposals. As such, in the absence of any other relevant material planning considerations to indicate otherwise, approval is recommended.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033 (2014)

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

EN9 Important Habitats and Features

### 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  
H12 Residential Amenity  
EN6 Flood Risk and Water Quality  
EN11 Important Habitats and Features  
EN15 South Hams SAC

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

NANDP2 Quality of Design  
NANDP3 Natural Environment and Biodiversity  
NANDP11 Protection of Designated and Non Designated Heritage Assets

National Planning Policy Framework  
National Planning Practice Guidance

## **5. CONSULTEES**

### TDC Conservation Officer

Following comments made – no objection overall:

- Sitting of the hubs is considered justified.
- Hub in location No.1 should be re-located to outside of the Conservation Area (note that this has now been removed from the application altogether).
- Clarification and conditioning of the removal of existing information boards to be replaced by the hubs.

### DCC Highways

No objections.

### Designing Out Crime Officer

No objection to the proposal with comments as below:

- The reduction in the number of hubs is supported. However, it is recommended that hubs 1 and 9 are considered for removal as it is preferable that all hubs are covered by existing CCTV (note that these have in fact been removed from the proposals)
- It is supported that all hubs will be fitted with CCTV. A condition regarding this is requested.
- It is recommended that a management plan regarding servicing and maintenance schedules be produced for the hubs. This should be conditioned too.

### TDC Environmental Health (Nuisance)

Conditions to secure the following recommended:

- The advertising boards to not operate between 00:00 (midnight) and 06:00.

- Lighting levels need to adhere to the Institute of Lighting Professionals limit levels as set out in the design and access statement.

## 6. REPRESENTATIONS

At the time of compiling this report, there have been 9 letters of objection and 8 letters of support submitted for this application.

The letters of objection have raised the following issues (in no particular order):

- The ICNIRP guidelines are irrelevant with regards to protecting public health from biological effects and long-term exposure.
- This form of radiation resultant from the development and the ICNIRP guidelines raises a number of health and safety concerns.
- The Bio Initiative Working Group reviewed thousands of scientific papers that show biological harm from such radiation emissions. This group of experts calls for the precautionary approach and urgent action due to chronic EMF-related diseases that are a potential risk for everyone.
- Public officials are called upon to reject this application and launch a full investigation calling for a complete review of the whole planning process for this technology taking health into consideration based on independent research demonstrating biological effects below the ICNIRP guidelines.
- 14 hubs are excessive, given the size of the area, and some of the hubs are very close to each other.
- There are concerns regarding vandalism and light pollution.
- The ability for smaller local businesses to be able to advertise on the hubs is questioned – would they be of local benefit?
- These would be additional street furniture that would not be necessary.
- The proposal is declared to be cost neutral to the tax payer, but if it results in health impacts, it will not be cost neutral.
- If some of the services are essential, they should be separated from the other ones to be provided.
- Given the potential health concerns associated with the hubs, they will be a 'no-go zone' for many people.
- Healthier options to provide essential services should be explored that do not add to the existing high radiation burden.
- The Council has a responsibility for public health care and if the hubs have not been demonstrated to be safe, they should not be permitted.
- Who intends to monitor the cumulative radiation in Newton Abbot?
- The hubs would have 'Built in CCTV monitoring for evidentiary purposes' - these have not been given the public's consent and would breach human rights.
- What capabilities would the CCTV have, would it include biometric data for facial recognition, what data would be collected and who would it be shared with?
- There is not enough independent evidence recorded on the safety of 5G masts.
- Simple research on the web reveals the radiation from the proposed hubs is unlikely to be safe.
- The hubs may add to global warming.
- The hubs would not be in keeping with the traditional small market town and may pose a distraction for drivers on the A381 or Queen Street.

- If any of the 14 hubs can be seen from a listed building, they would breach planning legislation.
- The sustainability argument is also questionable when assessing the additional power requirements for the hubs and the electricity usage involved in any construction works, also, the power used and therefore CO2 emissions generated by the hubs functioning 24/7 for at least 18 hours a day.
- The proposal is incompatible with paragraph 141 of the National Planning Policy Framework, which states, “The quality and character of places can suffer when advertisements are poorly sited and designed”.
- The proposal is incompatible with paragraph 160 of the NPPF which states, “To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources... while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)”.
- The proposal is also in conflict with Local Plan Policy NA8 Newton Abbot Town Centre Development f) contribution to improving air quality and meeting sustainable development objectives.
- No evidence of the adverse impacts regarding public health, nuisance or biodiversity being addressed has been submitted.
- Not everyone, in particular the elder generation, wants to live off their SMART phones and neither Newton Abbot Councillors nor chosen stakeholders have been given the authority to impose this onto people. It is an equalities issue.
- Newton Abbot Town Council is named as a joint applicant; is this not a conflict of interest?
- Was the proposal properly consulted on the formative stage?
- Would the proposal ‘avoid unacceptable harm to public amenity?’
- How damage- proof are they?
- What would the cost of purchase be to the community as well as the cost to run on an annual basis?
- Who would pay for repairs to the hubs and the equipment with them?

The letters of support have raised the following points (in no particular order):

- This is an excellent proposal.
- This will provide excellent, instant local information for residents and visitors alike.
- The increased availability of defibrillators alone makes them worthwhile as they will save lives.
- The ability to make free calls and to charge phones will also help many in difficult or emergency situations.
- If they are also used to link vulnerable people with local charities such as the Citizens Advice Bureau, this will also help those people to get the help and support they need.
- The proposed hubs will be far more useful than the existing static displays present.
- The hubs will be great in promoting the town.
- The hubs are very innovative and will certainly help those with no access to Wi-Fi and means to contact family members in an emergency; and
- The hubs look like they would be an enhancement to the town centre and an improvement to the existing info points.

One representation has been received following notification of the amended number of hubs (nine), from the Newton Abbot and District Civic Society, commenting on the following grounds;

- Nine hubs are much more reasonable.
- Hub 1 affecting the setting of Queens Gate just within the Conservation Area could perhaps be relocated.

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

Newton Abbot Town Council

No objection.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because the type of development is not chargeable under the schedule.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

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

This development is subject to the general Biodiversity Gain Condition and prior to commencement of the development the Biodiversity Gain Plan will need to be submitted to and approved by the Local Planning Authority.

This development is exempt from the general Biodiversity Gain Condition because the proposals do not affect any area and/or linear habitat and therefore are subject to the de minimis exemption.

## **11. 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**

## TEIGNBRIDGE COUNCIL DISTRICT

<h2 style="text-align: center;">PLANNING COMMITTEE</h2> <p style="text-align: center;">CHAIRMAN: Cllr Colin Parker</p>
--

<b>DATE:</b>	<b>17 December 2024</b>
<b>REPORT OF:</b>	<b>Head of Development Management</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

**23/00011/TREE**

**KINGSKERSWELL** - Harpins Brake Cottage Kingskerswell  
Appeal against the partial refusal of 22/01350/TPO: Ash: Fell.

Appeal Allowed. Delegated Decision

**24/00014/REF**

**DAWLISH** - Brook House Church Street  
Appeal against the refusal of planning application 23/01227/FUL  
Reduce the height of the boundary wall, reduce a large flower bed and remove three small flower beds to provide additional parking and re-alignment of wall

Turned Away. Delegated Decision

**24/00032/REF**

**DAWLISH** - Land Adjacent To Rock Cottage Harbour Way  
Appeal against the refusal of planning application 24/00189/FUL -  
Construction of two dwellings plus associated creation of vehicular access and landscaping (phased development)

Appeal Dismissed. Delegated Decision

**24/00037/FAST**

**DUNCHIDEOCK** - Mikindani Dunchideock  
Appeal against the refusal of planning application 23/02044/FUL  
Two mobile pole mounted solar panels - retrospective

Appeal Allowed. Delegated Decision

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

This page is intentionally left blank



TEIGNBRIDGE COUNCIL DISTRICT

**PLANNING COMMITTEE**

**CHAIRMAN:** Cllr Colin Parker

<b>DATE:</b>	<b>17 December 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 for November 2024

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

This page is intentionally left blank