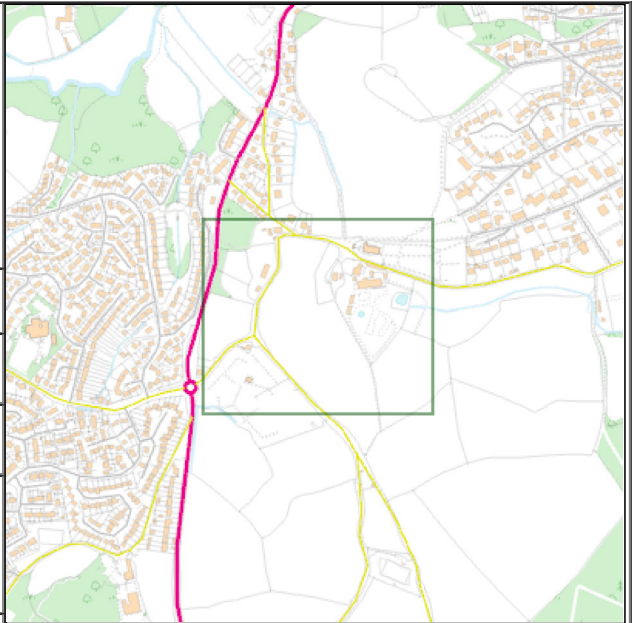


**Planning Committee Report**

**Chairman: Cllr Colin Parker**

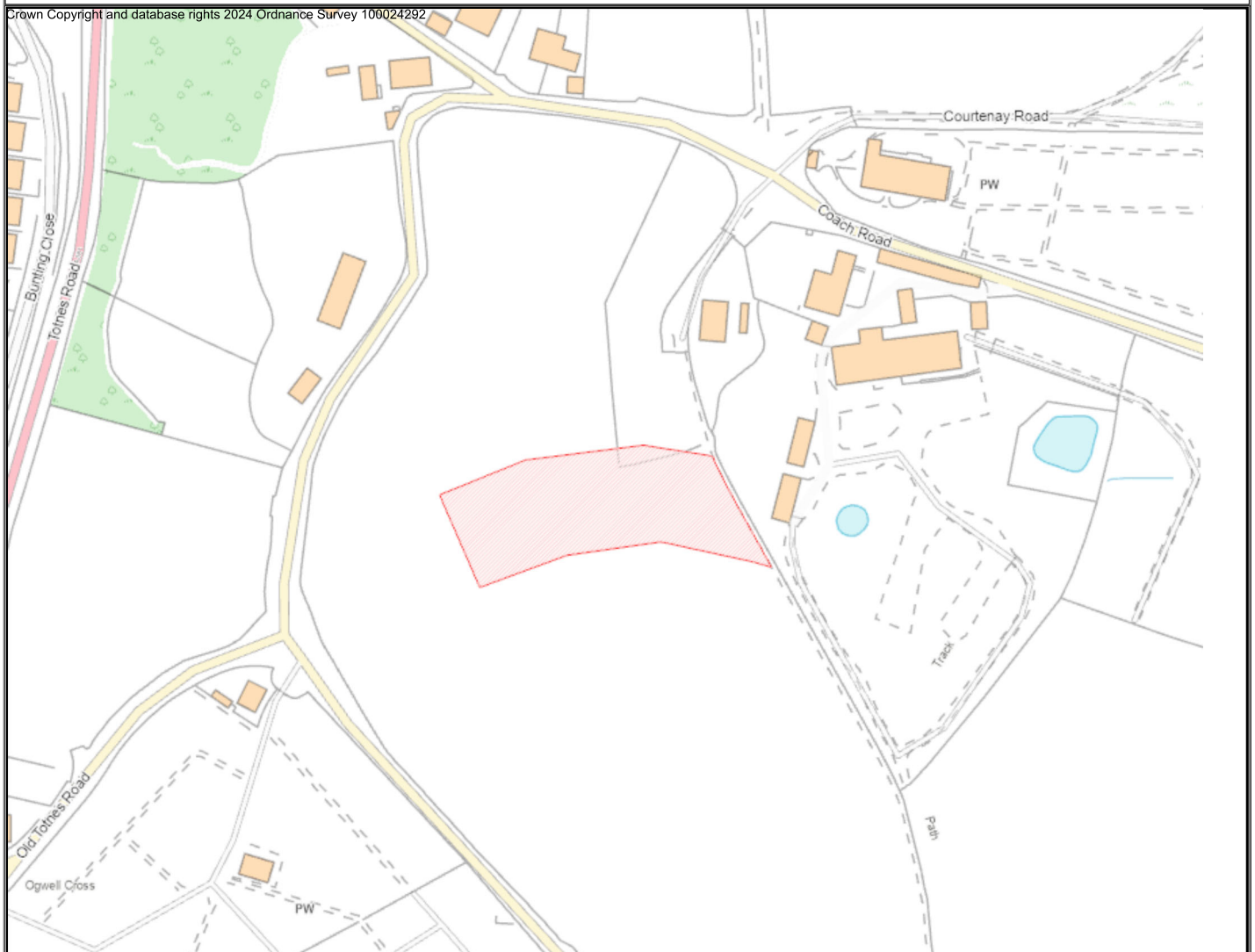
<b>Date</b>	19 March 2024
<b>Case Officer</b>	Patrick James
<b>Location</b>	Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ
<b>Proposal</b>	Approval of details for phase 2 link road in accordance with condition 1 of outline planning permission 17/1542/MAJ (approval sought for appearance, layout, scale and landscaping)
<b>Applicant</b>	Vistry Homes Limited, Baker Estates Limited And The Rew Fami
<b>Ward</b>	College
<b>Member(s)</b>	Cllr Janet Bradford, Cllr Liam Mullone
<b>Reference</b>	22/02069/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: null**

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## 1. REASON FOR REPORT

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

## 2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to conditions covering the following matters. The precise number and formation of which to be delegated to the Interim Head of Development Management, to include:

1. Accordance with the approved plans, as below.

<b>Date Received</b>	<b>Drawing/reference number</b>	<b>Description</b>
30 Jan 2024	959-05A	Area 2 Infrastructure Phase 1 Application Areas
30 Jan 2024	959-04A	Area 2 Infrastructure Phase 1 Sections
26 Feb 2024	959-03F	Area 2 Infrastructure Phase 1 Landscape Proposal (inc. Line of Section)
30 Jan 2024	959-02C	Area 2 Infrastructure Phase 1 Site Boundary
30 Jan 2024	19545-PHL-01-05 REV F	Link Road Appearance
30 Jan 2024	19545-PHL-01-04 REV G	Extent of Adoption
30 Jan 2024	19545-PHL-01-03 REV G	Swept Path Analysis
30 Jan 2024	19545-PHL-01-02 REV E	Highway Profiles
30 Jan 2024	19545-PHL-01-01 REV I	Highway Layout
30 Jan 2024	19545-PHL-01-01 REV I	Preliminary Drainage Layout

2. Details of the construction of the Devonshire hedgebanks.

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

## 3. INTRODUCTION/BACKGROUND

3.1 This application seeks the approval of the first set of reserved matters to be submitted following the allowance of the appeal on the grounds of non-

determination of the hybrid permission (part outline, part full) by the Secretary of State as below:

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

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

**Development:** HYBRID application comprising:

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

*Full proposal for a change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works.*

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

3.2 This application limits itself to seeking approval for the approval of Reserved Matters for appearance, layout, scale and landscaping for a short (approx.160m) gently arcing section of the primary link road through the site, as below in red:

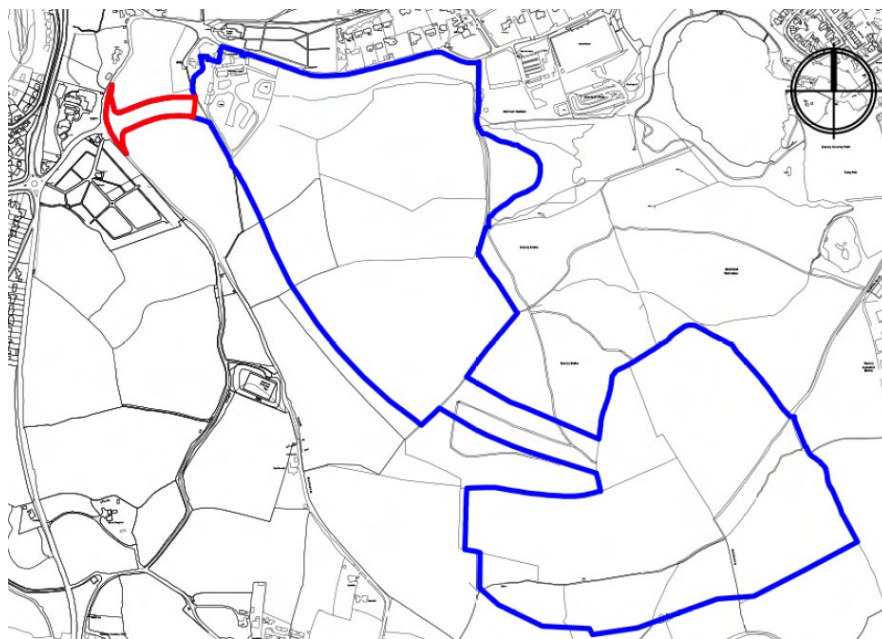


Figure 1: Location of this phase within the head/outline permission.

- a. "Area 2, Infrastructure Phase 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:

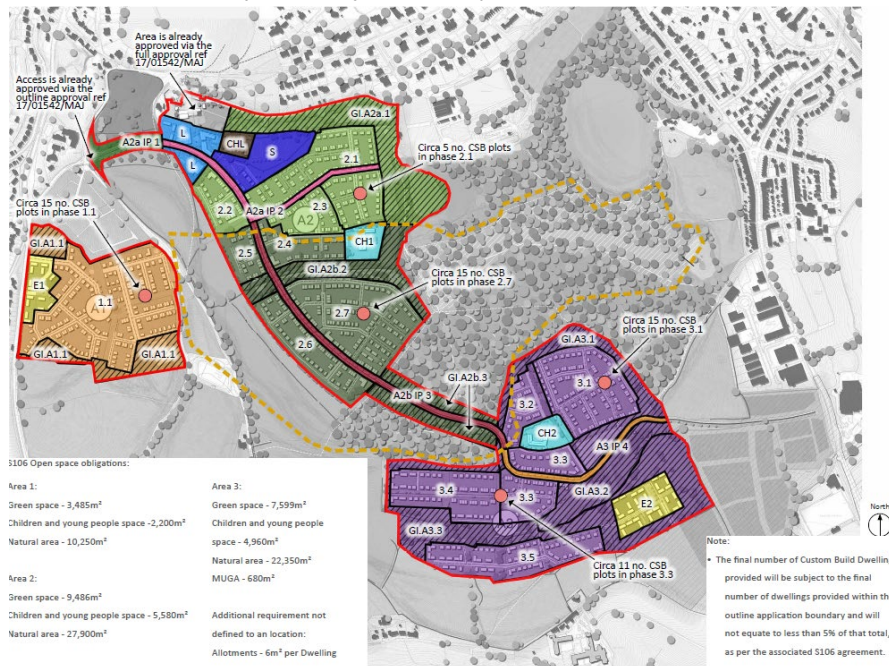


Figure 2: Approved phasing plan (approved under Reference 17/01542/COND2).

- b. Being submitted by the consortium of developers responsible for the main part of the wider site, the application limits itself to the details relating to a short section of road that connects to the detailed entrance access as approved under the hybrid permission. For clarification, 'Access' in so far as it relates to the western site entrance, was approved at the outline stage and so is not a matter reserved for consideration now. However, in line with the statutory definition of 'access', matters relating to this topic for the *internal* part of current site area fall for consideration now. The plan below indicates the site entrance access details as approved under the hybrid permission.

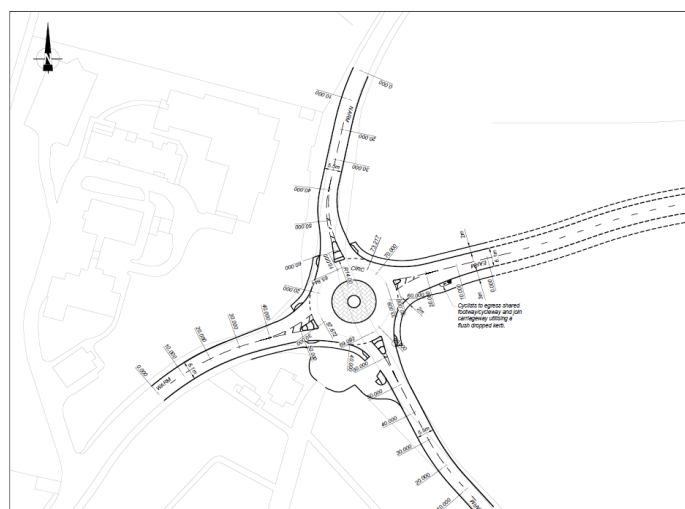


Figure 3: Site entrance access details as approved under reference 17/01542/MAJ.

3.3 'Scale' is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as: 'the height, width and length of each building proposed within the development in relation to its surroundings.'

3.4 Notably 'scale' is included within the list of reserved matters for which approval is hereby sought. However, as there are no buildings within this phase, there is no scale to be approved.

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

- **The extent to which the submission accords with the outline part of the hybrid permission**
- **Layout**
- **Access (internal only)**
- **Appearance (inc. heritage)**
- **Landscaping**
- **Biodiversity**
- **The climate crisis/carbon reduction**
- **Other matters**
- **Consideration of objections**
- **Conditions**
- **Planning balance & conclusion**

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

4.2 The site – which runs approximately east-west - forms part of an agricultural field that lies to the south-west of Newton Abbot and to the east of the village of Ogwell. More specifically, the site runs between Ogwell Cross Cemetery to the west and the dwellings and barns of Wolborough Barton farmstead to the east. The western margin, where the road would connect to the highway network is currently defined by a treed hedgebank that lines Old Totnes Road.

4.3 The land slopes gently down from west to east, from approx. 58m to approx. 52m above Ordnance datum (AOD).



**4.4**The grade I listed Parish Church of St Mary the Virgin stands on high ground (c.63m AOD) to the north-east, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

**4.5A** public footpath - Newton Abbot Footpath 5 – runs approximately north-south across the main axis of the proposed road, adjacent to the east end of the application site.

## **5 SITE HISTORY**

**17/01542/MAJ (18/00035/NONDET)** - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) Full - Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works. – ALLOWED on APPEAL (3rd June 2020) by the (then) Secretary of State.

**22/00810/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 – PENDING CONSIDERATION.

**23/01310/MAJ** - Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 86 dwellings (Parcel 2.2 and Parcel 2.3), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure- PENDING CONSIDERATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6 PLANNING CONSIDERATIONS

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

**6.2**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 shall comply with the approved Design Code.



*Figure 4: Illustrative Masterplan from the outline (extract).*



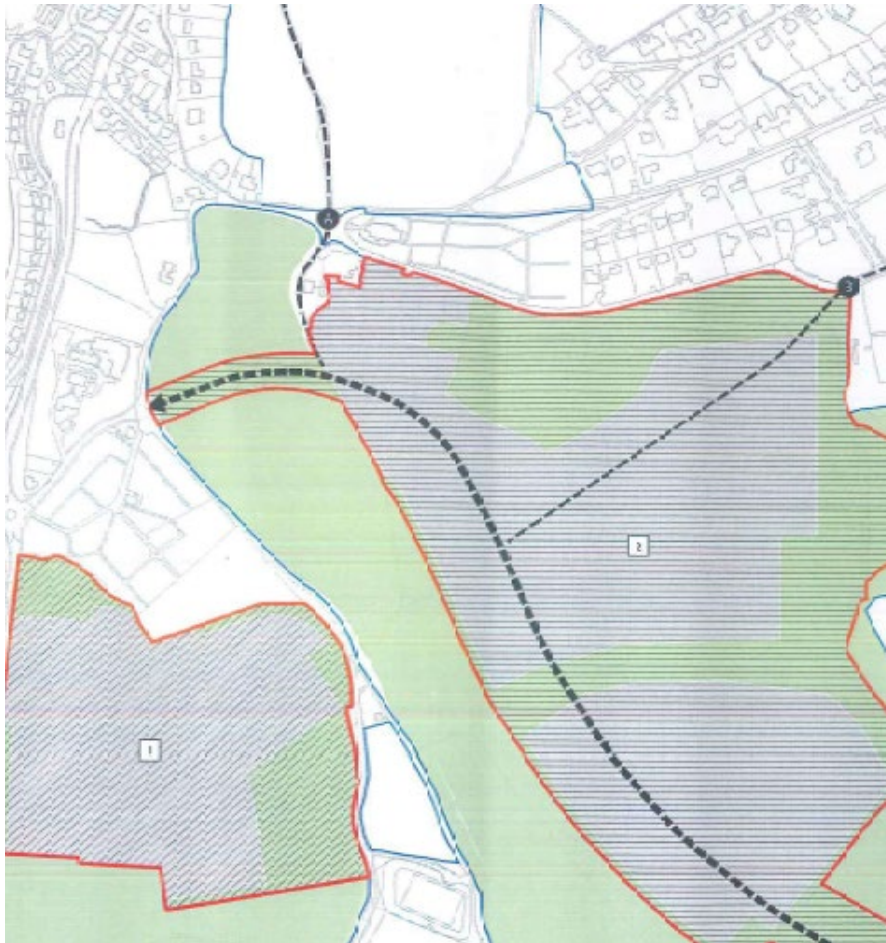


Figure 5: Parameter plan from outline (extract).



Figure 6: Approved Design Code Masterplan (extract).

6.3 It can be seen from the above plans that the route of the section of the link road that is the subject of the current application is broadly consistent across the plans.

6.4 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 Layout is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

6.6 The layout has been assessed by officers against the considerations of Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at para 138. The submission scores highly in this regard. In particular the layout of the scheme would:

- Invite trips made by bicycle
- Add to local distinctiveness through planted areas
- Create a memorable entrance experience; and
- Feature street trees

6.7 It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention.

6.8 The provision of 6 parallel parking spaces on the road has attracted adverse comment. Conversely, it is considered that these would be a benefit to the scheme, facilitating parking for recreational walkers wishing to connect to the adjacent public footpath network.

6.9 Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. It is considered that the details relating to layout accord with TDC LP Policies S2 and NA3; and NANDP Policies NANDP2, NANDP4,

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

6.10 *Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means*

*the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.*

- 6.11** As discussed above, the entrance access details were approved at the outline stage, including their impact upon the existing vegetated margin.
- 6.12** The 'internal' highway as here applied for accord with those of the design and access statement, and the approved Design Code. In particular, the carriageway of the road is flanked by both a 2m wide footway and a 3m wide cycle path, each separated by a vegetated margin as shown on lateral section plan 959 04A.
- 6.13** Rather than providing for Newton Abbot Footpath 5 to cross the road at a skewed angle, a minor diversion is proposed so as to facilitate a perpendicular, and indeed safer crossing, as shown on plan 959 03F. This is considered a benefit. The applicant will need to apply for a footpath diversion under separate legislation, i.e. s119 of the Highway Act 1980.
- 6.14** As such, it is considered that the scheme aligns well with the thrust of adopted local plan Policy S9 (Sustainable Transport) in guiding future occupants away from dependence upon private motor cars, and instead towards cycling and walking as transport modes of choice.

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

- 6.15** *Appearance- the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.*
- 6.16** 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). Such control is able to be exerted through Condition 15 (Highways details) attached to the outline permission.
- 6.17** 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 their decision (paras 20, 23 and 24) with regard to the heritage impacts of wider scheme is noted and concurred with for this small phase, i.e., that the appearance

of the road would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of the road within the setting of the church would have less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

## **Landscaping**

**6.18** Landscaping- *the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.*

**6.19** The following trees would be retained and are shown on submitted landscaping plan 959 03F, Common Oaks T115 and T116 as indicated on the tree survey plans as approved under reference 17/01542/COND8 - both Category A, standing to the north of the entrance onto Old Totnes Road would be retained. Similarly Common Oak T112 (Category B) to the south of the entrance would also be retained.

**6.20** Common Oak T27 (Category A) standing in the mouth of the approved entrance would have to be felled in order to facilitate the development in line with approved plan 4035 010 Rev. D of the outline permission. This harm was considered by the Inspector in her report to the Secretary of State.

**6.21** Conversely, in terms of new planting, Landscaping plan 959 03F indicates that 17 new trees would be planted to line the road, together with approx. 350m of Devon hedgebank. Details of the trees and of the hedgebank to be planted have been supplied. These include (trees) hazel, beech, whitebeam, lime and (disease-resistant) elm; and (hedging) blackthorn, hawthorn, dogwood, holly etc. It is noted that the landscaping details meet with the approval of the Council's Biodiversity officer.

**6.22** Details of the materials for the hard landscape features as referred to within the Key on plan 959-03F are the subject of Condition 15 attached to the outline.

## **Biodiversity**

**6.23** 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 through Conditions 7 (Ecological

Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan). The positive comments of the Biodiversity Officer are noted.

**6.24** 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.

**6.25** 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

**6.26** 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.

**6.27** 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.

**6.28** She is of the view that, subject to the approval of an appropriate lighting scheme prior to installation being in place in accordance with discharge of 17/1542/MAJ Condition 12 (lighting), and subject to the works being undertaken strictly in accordance with the submitted document, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.

6.29 Natural England have been re-consulted and raise no objection.

**6.30** Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 6<sup>th</sup> February 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

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

**6.31** 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.

**6.32** 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 via Footpath 5.

**6.33** In addition, the plans include pro-active planting, primarily for amenity impact, but which would also serve to help reduce rates of climate change.

**6.34** The scheme has thus taken some opportunities to limit its impact.

### **Other matters**

**6.35** Notwithstanding the content of two of the representations received, there are considered to be no immediately adjacent neighbours for 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 upon.

### **Consideration of objections**

**6.36** It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the hybrid permission.

**6.37** In particular, a concern has been raised relating to work on an intended NA3 Masterplan document, to have formed part of the local plan, having been discontinued - and that this in turn would lead to harmful, piecemeal development.

**6.38** In contrast the officer view is that the 2 masterplans secured by conditions attached to each of the Wolborough Barton hybrid permission (covering the site of the current reserved matters application) and that similarly secured for the adjacent Langford Bridge permission, together serve to guide the development process across the entire NA3 allocation. All subsequent applications for reserved



matters approval are required to be assessed against these congruent masterplans.

- 6.39** 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.
- 6.40** 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).
- 6.41** Lastly, the concern of the Town Council with regard to the breaking up of the site into small phases is noted and, to a degree, shared. It is perhaps a consequence of the hybrid permission covering such a large area, and being for such a quantum of development that it has taken a group of 4 developers, (3 working as a consortium) to take on the scheme. These practical considerations have resulted in the less-than-ideal fine-grained phasing.

### **Conditions**

- 6.42** Consideration has been given to the need or otherwise for further conditions to be attached to an approval. The following are covered as below.
- 6.43** 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.
- 6.44** The possible need for further details relating to both hard and soft landscaping has been considered, but sufficient detail has now been supplied so that - other than the specifications for the Devonshire hedgebanks, none is necessary.

### **Planning balance & conclusion**

- 6.45** There is very little, if any deviation from the approved parameter plan, Masterplan and Design Code.
- 6.46** 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.

**6.47** A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for this section of road unlocking the potential of the wider site to meet the pressing needs of the community.

**6.48** 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.

**6.49** Whether or not the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has indeed been considered. In accordance with the s.66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind that the asset's high status.

**6.50** However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outbalance the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church, particularly taking into account the importance of unlocking the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

## **7 POLICY DOCUMENTS**

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

(NB: The policies of the Proposed Submission version of the emergent Local Plan 2020-2040 can as yet be given very limited weight.)

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

**8.2**The consultation responses are summarised where appropriate.

### **Historic England (24<sup>th</sup> August 2023)**

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the strong linearity of the road within the proposed redevelopment. The council identify opportunities to avoid and minimise that impact through the design process.

We consider that in their consideration of the scheme, the council should ensure that the application meets the requirements of paragraphs 195, 199 and 200 of the NPPF.

They should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

#### **Historic England (12<sup>th</sup> February 2024)**

The council should seek to ensure that the addition along with the associated paraphernalia creates a subservient design that does not carve a distinct feature through the landscape.

Historic England has [continued] concerns regarding the application on heritage grounds.

#### **Natural England (10<sup>th</sup> July 2023)**

We consider that without appropriate mitigation this application will have likely significant effects on the greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC), and potential significant effects on the Wolborough Fen Special Site of Scientific Interest (SSSI).

In order to mitigate these adverse effects and make the development acceptable, Natural England considers that appropriate details and mitigation should be secured by your Authority, as follows:

- External lighting details/lighting strategy as referred to in the Shadow Habitats Regulations Assessment (sHRA) – to discharge planning Condition 12 (lighting) on outline application 17/1542/MAJ.
- A strategy for sustainable surface water and ground water drainage (SUDS), to ensure that suitable surface water drainage is provided to prevent hydrological impact upon the nearby Wolborough Fen SSSI – to discharge condition 10 (surface water) on outline application 17/01542/MAJ.

Subject to compliance with the above, Natural England raises no objections to the proposals.

**Natural England (1<sup>st</sup> March 2024)**

I have looked at the documents and I don't think the updates would materially alter our previous response. As such we maintain our previous comments of 10 July 2023 where we raised no objections subject to mitigation.

**DCC Highways (23rd November 2022)**

- Highway Authority appreciates that full details will be provided as part of Condition 15 requirements.
- Blacktop to gateways of agricultural accesses rather than an 803-material required [ie a hard-wearing aggregate].
- Confirmation of 6m gateway set-backs required.
- If this section is built in isolation, then a temporary turning head would be required at the end of the road.

**DCC Lead Local Flood Authority (LLFA - 29<sup>th</sup> November 2022)**

- Objection to the application at this stage due to lack of details relating to surface water management and such detail is required.  
[Case officer note; this has since been supplied]

**TDC Biodiversity (18<sup>th</sup> January 2023)**

- No objection re non-bat issues
- The landscaping proposals are welcomed.

**TDC Biodiversity (19<sup>th</sup> February 2024)**

The plans do not show the route, discharge point and any proposed treatment for drainage from the road beyond the red line boundary. The natural drainage of the area is within the Wolborough Fen SSSI catchment, and it is important that pollution from the road does not reach the ground water feeding the fen, or the watercourses around the fen. The road water should therefore be disposed of via drains which bypass the fen catchment system, or, if into the fen catchment system, via pollution control measures before discharge can reach the fen, ground water or watercourses around the fen.

Issues such as mitigation measures for dormice, reptiles, nesting birds and badgers is, I believe, addressed in other, overarching documents (e.g., Ecological Mitigation Strategy). I am happy with the other submitted details, including the landscaping proposed in Drawing number 959-03F.

### **TDC Biodiversity (27<sup>th</sup> February 2024)**

Many apologies, but I realise I was mistaken in thinking that the application site drains into the Wolborough Fen SSSI catchment – I see it drains slightly to the north and into Decoy Lake instead. I therefore withdraw my comments about potential for pollution impacts on the SSSI. (And, of course, drainage matters are addressed under other Conditions which I wasn't assessing at the time.) So, looking at issues other than bats, I can confirm that I am happy with the submitted details, including the landscaping proposed in Drawing number 959-03F (with mitigation measures for protected species covered in the Ecological Mitigation Strategy).

### **TDC Biodiversity (Consultant, with regard to bats – 9<sup>th</sup> March 2023)**

With an approved lighting scheme in place and SAC Greater Horseshoe Bat assessment and mitigation measures required on approved and proposed development within the SAC consultation area, it is concluded the proposed phase 2 link road would not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects.

### **TDC Biodiversity (Consultant, with regard to bats – 6<sup>th</sup> February 2024)**

Having reviewed the proposals in view of the revised red line boundary of the submitted scheme, it is considered that, with the approval of an appropriate lighting scheme prior to installation in place, in accordance with discharge of 17/1542/MAJ Condition 12 (lighting) then the conclusion that the submitted proposals will not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects remains unchanged.

## **9 REPRESENTATIONS (Comments in full are available in the online case file)**

9.2 Five letters of comment have been submitted raising the following planning related issues as here summarised:

- Application lacks detail in the absence of a masterplan especially in relation to Condition 15.
- Concern raised in respect of the 'abandoned' DPD for the site



- Application highlights failure to secure a site-wide approach
- Concerns regarding the proposed development and its impact on the chemistry and hydrology of the Wolborough Fen SSSI
- Concerns over increased traffic flows along Old Totnes Road, the Decoy area and the wider locality
- Concerns over impact of new link road on residential amenity of no.11 The Pinnacle
- Concerns over lack of Construction Management Plan at this stage
- Old Totnes Road to experience an unacceptable volume of construction traffic
- Pedestrian safety concerns raised
- Querying the provision of on-street parking spaces
- There would be an adverse impact on wildlife
- Expressing concern re the limitations of both the site extent and the content of this application.
- Expressing concerns that a number of conditions attached to the head permission have yet to be discharged.

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

- No objection (24<sup>th</sup> November 2022.)
- Councillors raised no objection but remain very concerned at the piecemeal approach to the way this application is being considered (20<sup>th</sup> February 2024.)

## **11 COMMUNITY INFRASTRUCTURE LEVY**

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

## **12 ENVIRONMENTAL IMPACT ASSESSMENT**

**12.2** In determining the appeal for non-determination of the 'host' outline planning application considered under references 19/00239/MAJ and 18/00035/NONDET, the (then) Secretary of State took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with

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

**12.3** 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**

**13.2** 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 Place and Commercial Services**