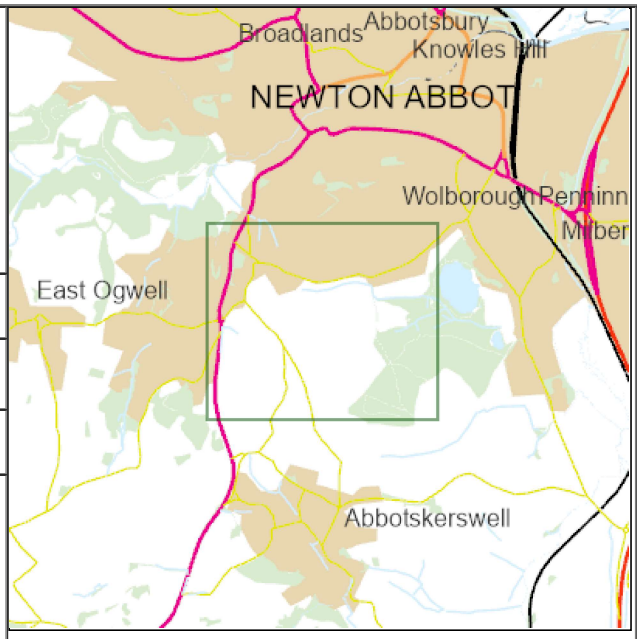
Planning Committee Report

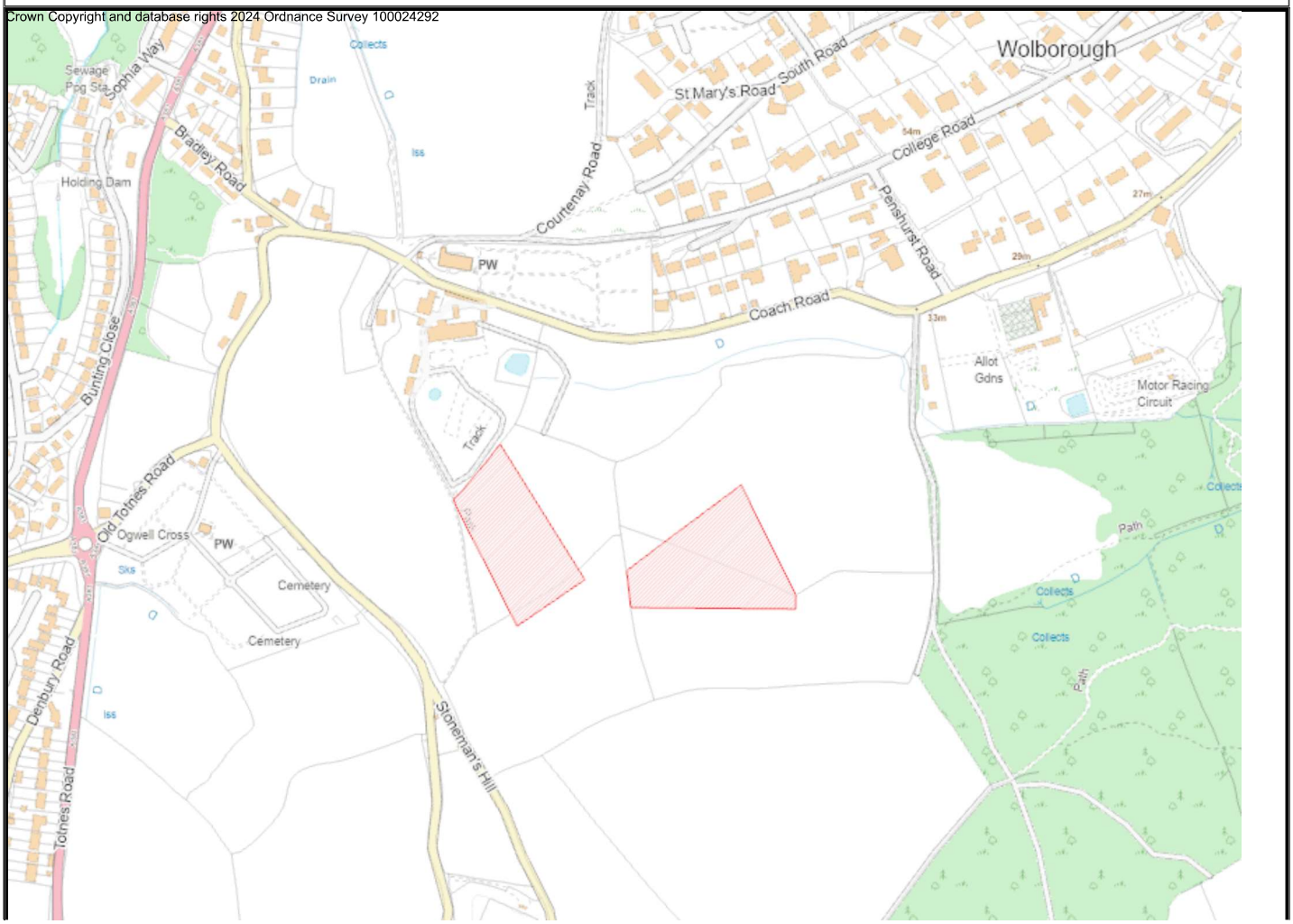
Chairman: Cllr Colin Parker

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



Online Details and Documents

RECOMMENDATION: RESERVED MATTERS APPROVAL



1. REASON FOR REPORT

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

2. RECOMMENDATION

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

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

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

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

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

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

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

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

   a. sectional drawings showing finished ground levels;

   b. details of retaining structures and means of enclosure;

   c. the specification and type of surfacing to be provided for the pocket park;

   d. the specification, type and method of fixing of the play equipment; and

   e. the specification and type of planting to be incorporated into the pocket park.

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

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

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

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

3. INTRODUCTION/BACKGROUND

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

Application Number: 17/01542/MAJ

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

Development: HYBRID application comprising:

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

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

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

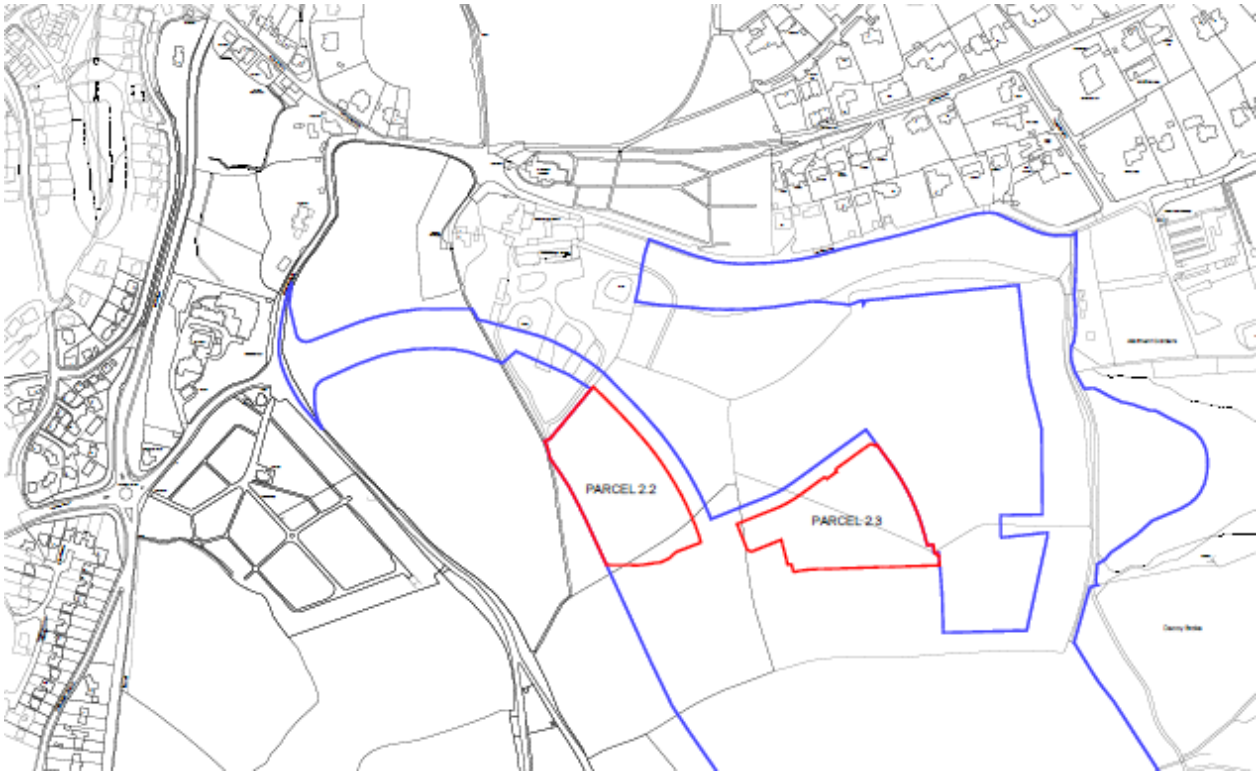


Figure 1:Phases 2.2 and 2.3 - Site Location Plan

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

Figure 2 Context Plan

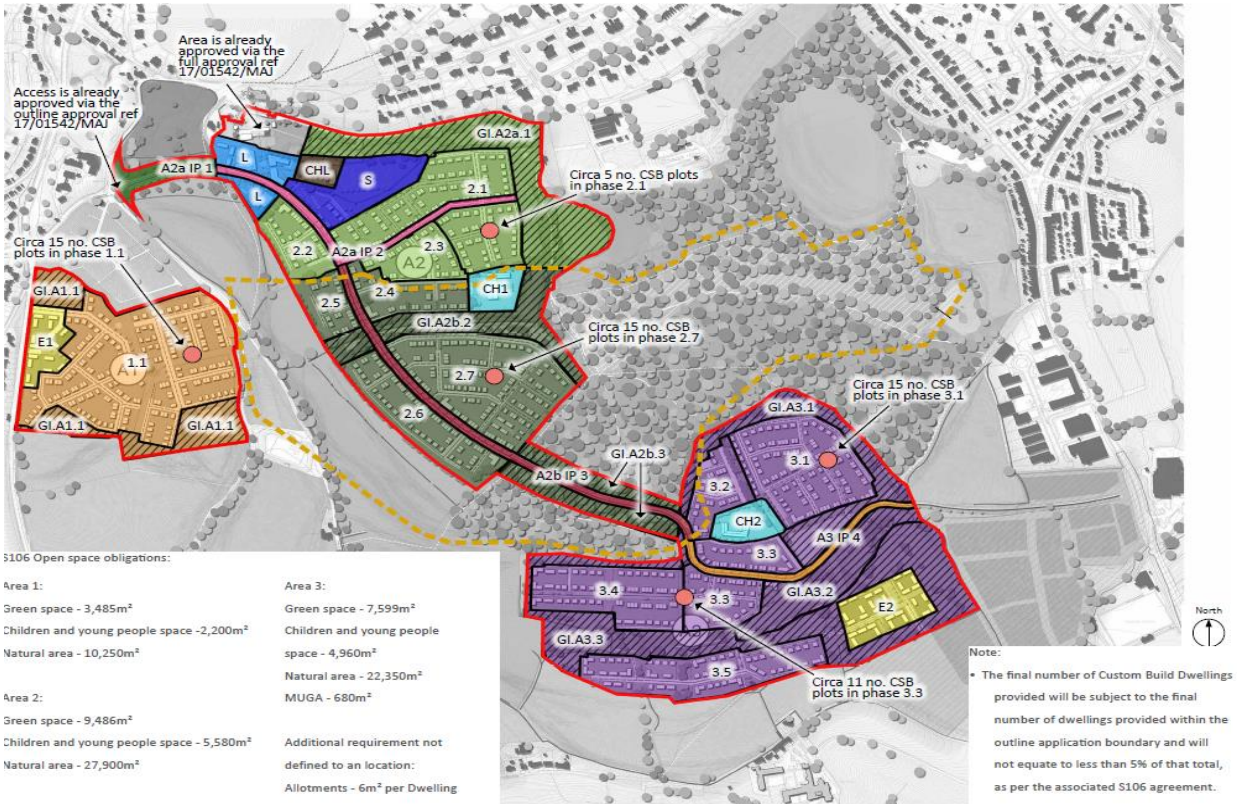


Figure 3: Approved Phasing Plan.

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

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has now recently been submitted, and is currently undergoing validation.

- The dark blue area ('S') is to be the primary school. Outline details of this area have now been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;

- green area 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application will come before a meeting of the Committee in the near future;

- green hatched area Gl.A2a1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

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

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

- THE EXTENT TO WHICH THE SUBMISSION ACCORDS WITH THE OUTLINE PART OF THE HYBRID PERMISSION
- LAYOUT
- APPEARANCE (INC HERITAGE)
- LANDSCAPING
- SCALE
- BIODIVERSITY
- CLIMATE CHANGE/CARBON REDUCTION
- OTHER MATTERS
- CONSIDERATION OF OBJECTIONS
- CONDITIONS
- PLANNING BALANCE & CONCLUSION

4. DESCRIPTION OF SITE

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

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

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

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

5. SITE HISTORY

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

17/01542/MAJ (18/00035/NONDET) - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two care

homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) Full - Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works. – ALLOWED on APPEAL (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 (22nd 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 – PENDING CONSIDERATION at the committee meeting of 20th August 2024.

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

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

6. PLANNING CONSIDERATIONS

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

6.1. Condition 6 (Masterplan and Design Code) required that a Masterplan and Design Code should be formulated broadly in accordance with the Design and Access Statement, the outline permission's Illustrative Masterplan (Ref: 141204l 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.

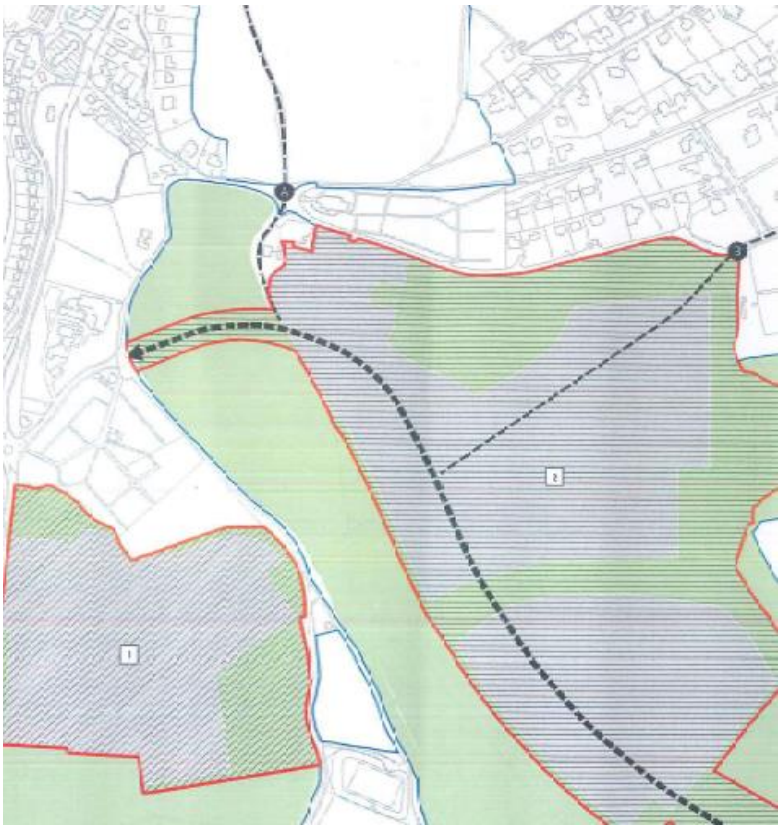


Figure 5: Parameter Plan.

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

6.2. It can be seen from the above plans that the 2 parcels of housing that are the subject of the current application are broadly consistent across the two masterplans; and also, that they lie within the grey area of the parameter plan, i.e. that where built form is permitted.

6.3. Subject to the further analysis below, in the light of the relationship of the submission to the approved design code and masterplan it is considered that the reserved matters as here applied for do accord with the requirements of the outline permission.

Layout

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

- Invite trips made by bicycle
- Add to local distinctiveness through appropriate materials and planted areas
- Create well-defined streets and spaces
- Provide a range of homes that meet local community needs and
- Feature street trees

6.5. It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention. Parcel 2.2 does

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

6.6. Both Devon Highways and Teignbridge's Waste team are content with the layout with regard to emergency and refuse collection vehicular access.

6.7. Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. It is considered that the details relating to layout accord with Teignbridge Local Plan 2013-2033 (TLP) Polices S2 and NA3; and Newton Abbot Neighbouhood Development Plan (NANDP) Policies NANDP2, NANDP4,

Housing Mix

6.8. Teignbridge's emergent new Local Plan which has been submitted for examination is nearing the end of its process, and so its policies are to be afforded increasing weight. There are 2 in particular that are relevant to the consideration of the subject layout as below:

6.9. Policy H4: Inclusive Mix, Design and Layout - Residential development sites which incorporate affordable housing will be designed to ensure the creation of inclusive, mixed communities as follows…the mix of housing sizes (i.e. the number of bedrooms) for both market and affordable homes is based on household sizes and evidenced need, and is reflected proportionally across the overall housing provided on the site (Point 1); and

6.10. Policy H5: Homes Suitable for All - To achieve a range of housing sizes and specifications that meet a wider range of needs, all new residential developments of 10 dwellings or more will…meet the needs of household types in the locality by providing a house size mix to reflect the demand from smaller households (Point 4).

6.11. Paragraph 5.33 adds: Evidence from the Local Housing Needs Assessment (LNHA) shows a Teignbridge-wide demand in future for the following house sizes. This is a starting point for informing mix of household sizes as it may vary from place to place across the district and does not account for [occupant] aspirations.

a. 1 bed – 8%

b. 2 bed – 22%

c. 3 bed - 52%

d. 4+ bed - 18%

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

1 bed – 6%

2 bed – 27%

3 bed - 62%

4+ bed - 2%

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

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

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

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

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

Car Parking provision

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

1 parking space for 1-bed dwellings;

2 parking spaces for 2/3 bed-dwellings;

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

1 visitor/ unallocated space per 10 dwellings.

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

Lighting

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

Drainage

6.19. Details of the layout strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) including mechanisms for ongoing management were submitted to and approved in writing by the local planning authority in collaboration with the Lead Local Flood Authority on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which both of the subject parcels lie.

6.20. Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for both of the parcels of the current application would be by means of a large swale to the east of Area 2(a) with the maximum attenuated discharge rate as indicated.

6.21. The drainage layout of this current application accords with that approved under the above condition.

Appearance (inc. Heritage)

6.22. The homes would be of conventional, duo-pitched roof form, with formal/ regular window and door arrangements for their principal elevations. External finishes would include a locally-appropriate range of pastel renders, together with a proportion of ruddy-brick and stone finish also being featured.

6.23. A number of other locally-appropriate features are specified, to include contrasting plinths, a varied selection of front-door porches, string courses, arch-form architrave, pronounced quoins, iron-work balconies, shallow-segmental and flat brick window arches. Parcel 2.2 would feature all natural slate roofs.

6.24. Boundary walling in visually-prominent locations has been specified to be of locally-distinctive Devon Red sandstone. It is considered that this material should be the subject of a suitable condition attached to any approval to ensure the quality.

6.25. Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north-west, consideration must be given to the impact of materials and texture of the development (as above).

6.26. The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. The analysis in his decision (paras 20, 23 and 24) with regard to the heritage impacts of the wider

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

Landscaping

6.27. No existing trees would be felled as part of this scheme. New planting would include 32 new trees, together with extensive and varied shrubbery and ground-cover as shown on plans 967/03 G and 967/01 E. The trees to be planted would include maple, Winter-flowering cherry, whitebeam, Callery pear and ornamental cherry It is considered that the proposed landscaping would accord with the requirement of para 136 of the NPPF (Dec 2023) that 'Planning … decisions should ensure that new streets are tree-lined.'

6.28. In accordance with the specifications for public open space within the approved Wolborough Design Code (3.2b, pages 66 and 67) the submission includes details of a pocket park to be set at the south end of Parcel 2.2. Whilst giving details for the soft landscaping, submitted plan 967/07 D shows only indicative details of the hard landscaping to be provided – to include play equipment. Accordingly it is considered that this should be the subject of a suitable condition.

Scale

6.29. None of the built form would exceed 2½ storeys (i.e. 2 full storeys with accommodation within the roofspace). In particular, mindful of the need to minimise the impact of the scheme within the setting of the grade I Parish Church of St Mary the Virgin, over the course of the application the block of flats has been reduced from its former 3 storeys.

6.30. In terms of height, none of the individual buildings proposed would be unduly tall or have an overbearing impact on the wider landscape, surrounding built environment and, significance of the listed Church .

6.31. Similarly, no single building would be unduly wide or long. As such it is considered then that the details relating to scale do accord with TLP Policy S2, and the approved design code.

Biodiversity/habitat regulations assessment (HRA)

6.32. The environmental impact of the overall development proposal was considered at the hybrid (outline) stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are protected through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan). The lifting of the earlier objection of the Biodiversity Officer is noted.

6.33. With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the hybrid permission pre-dates the former's introduction, the requirement does not apply in this instance.

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

Habitat Regulations Assessment/Greater Horseshoe Bats

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

6.36. For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.

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

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

6.39. Accordingly, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 19th July 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

Climate 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 largely separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-south via Footpaths 3 (to/from the Church) and 5 (Magazine Lane).

6.42. Other features to address the Climate Crisis would include:

6.43. The specification for Air-Source Heat Pumps (ASHPs) throughout, ie no heating through the burning of hydrocarbons

6.44. Build-out to 2025 building regulation Future Homes standard, which would produce 75-80% less carbon emissions than homes delivered under current regulations.

6.45. Secure, naturally-lit cycle storage for the flat block

6.46. Electric vehicle charging points for all dwellings

6.47. Pro-active planting, (primarily for amenity impact) but which would also serve to help reduce rates of climate change

6.48. However, whilst it was previously anticipated that the residential element of the site would be timber-framed construction, the applicant has stated that further consideration of the site topography and resulting construction detail related challenges (for example the incorporation of steps, staggers and abutments) indicates that it is more likely that Phases 2.2 and 2.3 would be built using block-built construction methods. Whilst solar PV panels have not been deployed in this instance, it is considered that the measures set out above are sufficient to conclude that the development would comply with Policies S7 and EN3 of the Local Plan.

6.49. The scheme has thus taken opportunities to limit its impact.

Other Matters

Neighbours' amenity

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

Police Liaison Officer comments

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

Consideration of objections

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

6.53. Many of the issues raised are dealt with elsewhere in the body of this report.

6.54. Furthermore, additional environmental protection is secured by the numerous conditions attached to the hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.

6.55. Notably the Wolborough Fen SSSI is protected through Condition 20 of the outline permission; a Construction Environmental Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).

6.56. The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth at the public enquiry that culminated in the

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

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

6.58. The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, number 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage.

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

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

1. <u>Qualifications and Experience of Reviewer</u>

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

2. <u>Groundwater Dependence of Wolborough Fen SSSI</u>

6.62. Assertions accepted.

3. <u>Surface Water Catchments and Groundwater Catchments</u>

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

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

6.64. (This paragraph has no concluding assertion)

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

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

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

6. Condition 10 and 20 and LPA Interpretation

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

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

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

7. Summary and Conclusions

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

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

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

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

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

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

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

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

  Not accepted. Discussed at (6) above.

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

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

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

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

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

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

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

Officer Conclusion

6.72. The representation makes a number of contentions relating to the potential impact of the development upon the Wolborough Fen SSSI.

6.73. The application for the development, supplemented by an Environmental Statement was granted outline planning permission by the Secretary of State following a public enquiry, supported by and subsequent to extended and extensive advice from Natural England (the nation's non-departmental public body responsible for ensuring that England's natural environment, is protected and improved.)

6.74. A legal challenge to this granting of permission was subsequently mounted and dismissed at the High Court.

6.75. In accordance with Natural England's advice, the application was granted subject to 2 conditions, Nos 10 and 20 intended to, firstly, prevent harm from surface water run-off; and secondly, to prevent harm to the Fen.

6.76. These protections remain in place.

6.77. The current applications for the approval of reserved matters, here limited to the appearance, landscaping, layout and scale of the development are those matters before Members now.

6.78. Notwithstanding the contentions made within the Groundwater representation, it remains the very firm view of your officers that there is no lawful impediment preventing the consideration – and, were the Committee to be so minded - the approval of the details of the **appearance, landscaping, layout** and **scale** of the development as now sought.

Conditions

6.79. Consideration has been given to the need or otherwise for further conditions to be attached to any approval. The following are covered as below.

6.80. Matters relating to drainage are covered by outline Conditions 10 (surface water), 13 (foul drainage) and 20 as above. These are subject to detailed negotiations with both the Environment Agency and the Devon County Council Lead Local Flood Officer.

Conclusion/ planning balance

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

6.82. Third party objections and concerns have been noted and considered throughout the determination of this application and where material, are either adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.

6.83. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for these 94 homes so that they can be delivered and play a part in addressing the pressing needs of our community.

6.84. On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.

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

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

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

NA3 Wolborough
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S3 Land for Business, General Industry and Storage and Distribution
S5 Infrastructure
S6 Resilience
S7 Carbon Reduction Plans
S9 Sustainable Transport
S10 Transport Networks
S14 Newton Abbot
WE2 Affordable Housing Site Targets
WE3 Retention of Affordable Housing
WE4 Inclusive Design and Layout
WE11 Green Infrastructure
EN1 Strategic Open Breaks
EN2A Landscape Protection and Enhancement
EN5 Heritage Assets
EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

Teignbridge Local Plan 2020-2040

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

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

Newton Abbot Neighbourhood Development Plan 2016-2033

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

Material Considerations: National Guidance

National Planning Policy Framework December (2023)
National Planning Practice Guidance (2014 onwards)
The National Design Guide (2019)
Building for a Healthy Life (2020)
The National Model Design Code Parts 1 and 2, (2021)

8. CONSULTEES

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

Historic England (16 July 2024)

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

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

Natural England (9 July 2024)

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

Natural England (5th September 2024)

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

DCC Highways (31 July 2024)

No further comments (previously no objection)

DCC Lead Local Flood Authority (1 September 2023)

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

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

DCC Lead Local Flood Authority (23rd August 2024)

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

TDC Affordable Housing Officer (26 July 2024)

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

TDC Biodiversity (15 July 2024)

No objections

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

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

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

Police Liaison Officer (26 July 2024)
Efforts were made to improve the surveillance opportunities to the space at the rear of plots 1-21 but queries if the space is to be lit as per BS 5489. There remains space to the rear boundary of a significant number of plots. This can compromise the security of dwellings and does not adhere to designing out crime or Secured by Design principles. Appreciates that from the plans it appears rear service paths have been gated and support that parking bays will be clearly marked to denote ownership.

TDC Waste (29 July 2024)

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

9. REPRESENTATIONS

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

A total of 12 third party representation have been received (of which a number feature duplicated content). All are of objection. Comments have been received in particular from the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

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

The main points of objection raised include the following:

- Reference is made to the need to comply with the conditions attached to the outline permission;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;
- The proposal would adversely impact the setting of St Mary's Church;
- Concern expressed regarding the impact of the proposal upon the South Hams Special Area of Conservation/Greater Horseshoe Bats, and other bats;
- Concerns about the loss of beautiful countryside;
- Concern that the road network would be inadequate to cope with the increased levels of usage;
- Concern re the urbanising impact of 1200 new homes; and
- Concern re impact upon the 'already-inadequate' provision of GP surgeries in the town.
- Lastly, a representation was received on 16th August, ("The Groundwater representation") that raised a number of issues. This has been dealt with in Section 6 above.

10. TOWN COUNCIL'S COMMENTS

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

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

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area (open market only. as affordable units are not liable) is 6,774.32m^2. The existing gross internal area in lawful use is 0. The CIL liability for this development is £755,946.08. This is based on an open-market-only total gross internal area of 6,774.32m^2 at £70 per sqm, and includes an adjustment for inflation in line with the Building Cost information Service (BCIS) index since the introduction of CIL.

12. ENVIRONMENTAL IMPACT ASSESSMENT

In determining the original outline planning application considered under reference 19/00239/MAJ, the Local Planning Authority took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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

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

13. HUMAN RIGHTS ACT

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

Head of Development Management