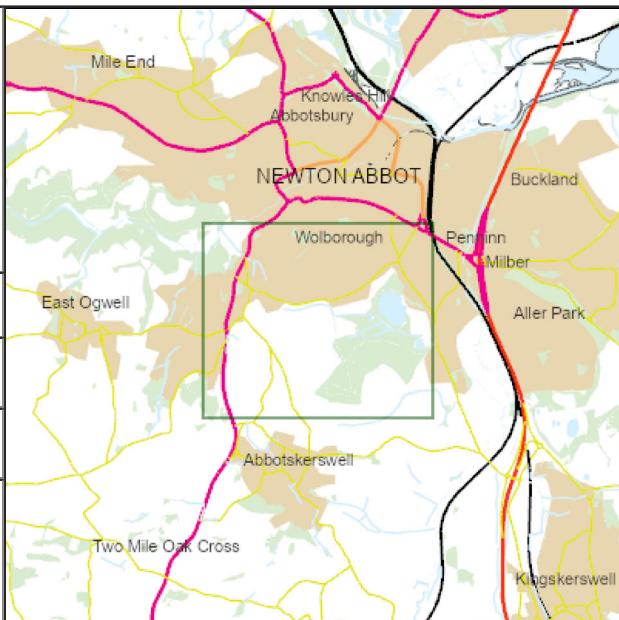


Planning Committee Report

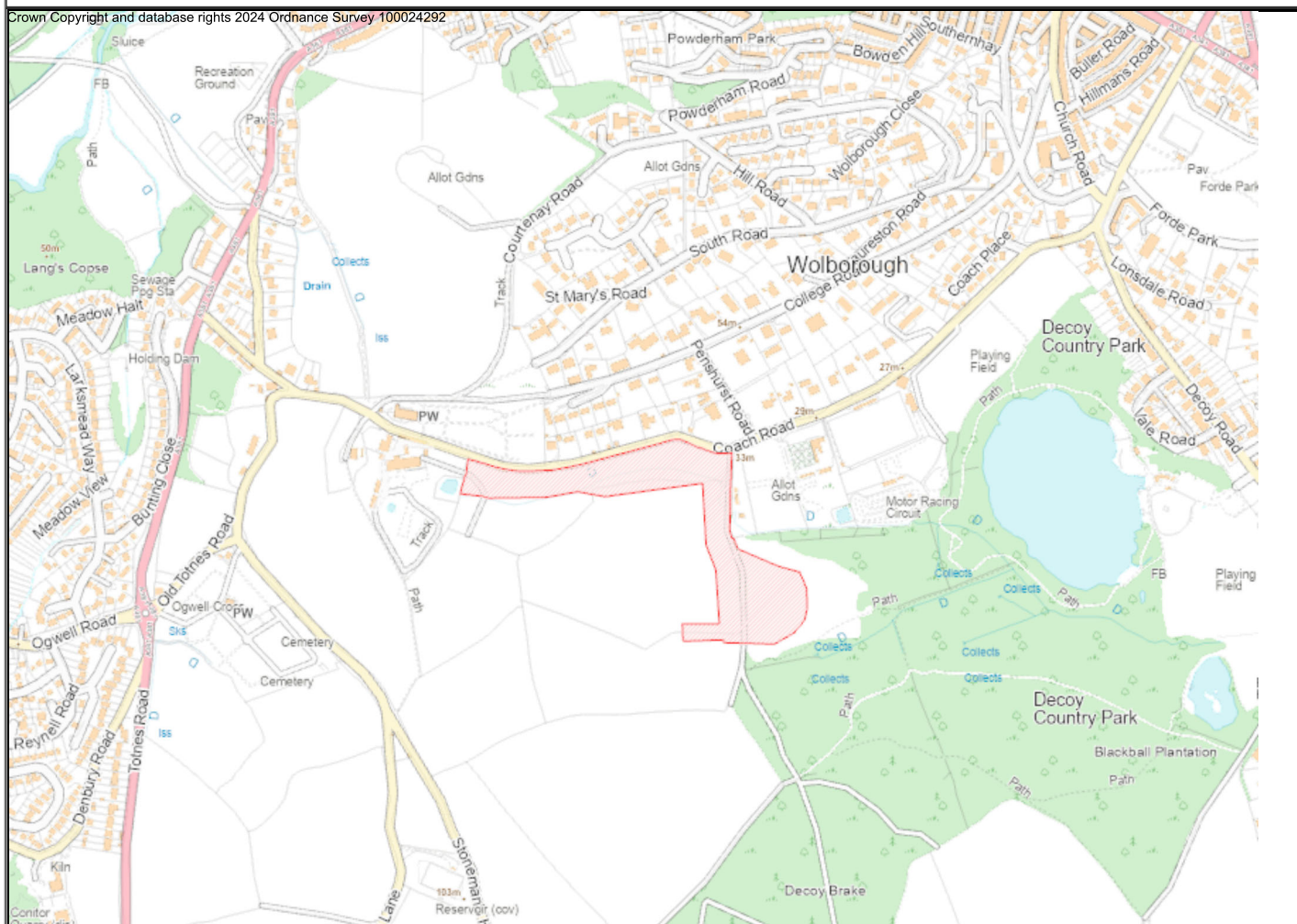
Chairman: Cllr Colin Parker

Date	17 December 2024
Case Officer	Patrick James
Location	Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ
Proposal	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
Applicant	Mr David Russell
Ward	College
Member(s)	Cllr Janet Bradford, Cllr Liam Mullone
Reference	24/00694/MAJ



[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL



1. REASON FOR REPORT

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

2. RECOMMENDATION

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

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

Date Received	Drawing/Reference Number	Description
25 April 2024	959-DC01C	Green Infrastructure 1 Site Location Plan
21 May 2024	-	Pump station specification (Email)
19 August 2024	2408.44268	LAP Plan
09 September 2024	SK57-A	Pumping Station Access
24 October 2024	959-DC02H	General Arrangement Sheet 1 of 4
24 October 2024	959-DC03G	General Arrangement Sheet 2 of 4
24 October 2024	959-DC05I	General Arrangement Sheet 4 of 4
24 October 2024	959-DC06C	Cross Sections Sheet 1 of 3
24 October 2024	959-DC07D	Cross Sections Sheet 2 of 3
24 October 2024	959-DC12A	Cross Sections Sheet 3 of 3
24 October 2024	959-DC09F	Typology Plan
4 November 2024	(WolboroughGrange LEAP_VDSW) SEPT_REV	LEAP Plan
6 November 2024	959-DC04K	General Arrangement Sheet 3 of 4
6 November 2024	959-DC13B	Longitudinal Section
6 November 2024	959-DC08D	Green Infrastructure RMA General Arrangement (Render)

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

2. Bridges

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

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

1. Junction details

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

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

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

4. Benches

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

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

5. Stepped footpath

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

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

6. Magazine Lane and pumping station access

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

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

3. INTRODUCTION/BACKGROUND

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

Application Number: 17/01542/MAJ

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

Development: HYBRID application comprising:

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

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

- 3.2 The Secretary of State allowed the appeal and granted planning permission on 3rd June 2020, subject to conditions and 2 legal agreements.
- 3.3 This application seeks approval for the approval of Reserved Matters for appearance, layout, scale and landscaping for the Green Infrastructure to serve Area 2(a) parcel as below, outlined in red.

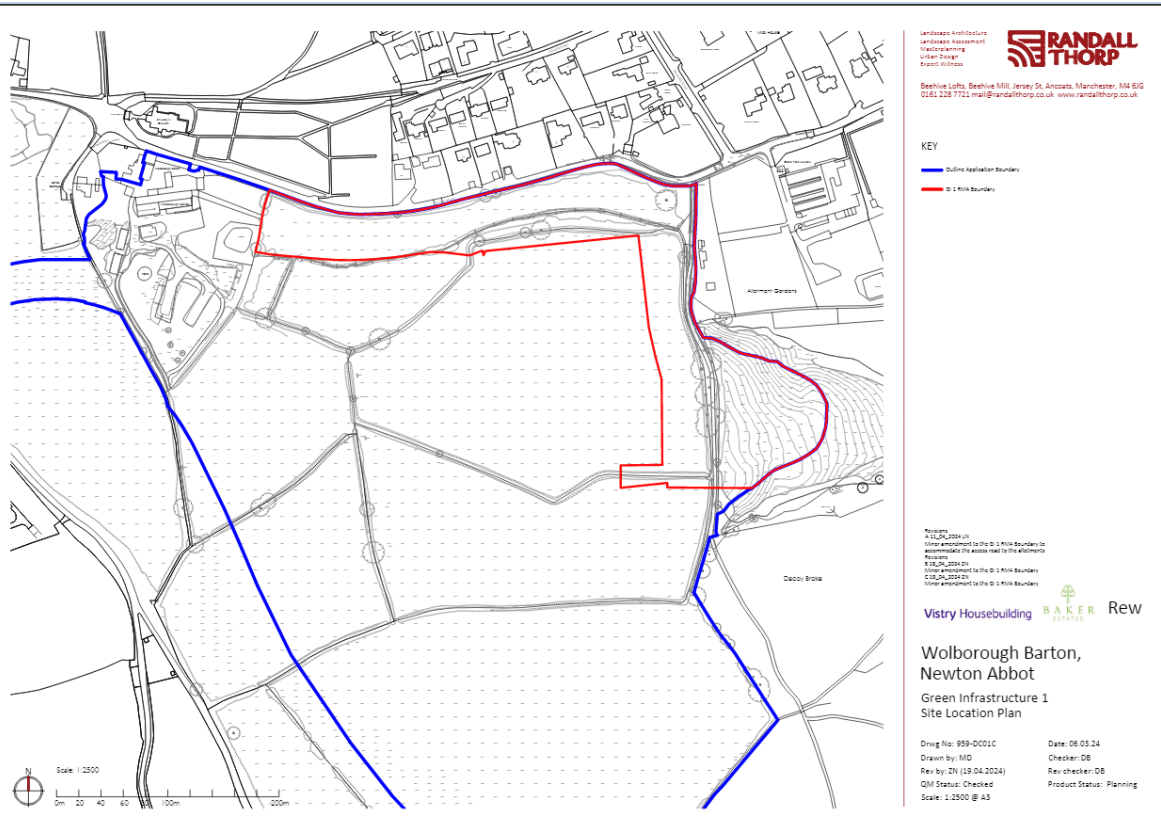


Figure 1: Parcel GI.A2(a).

- 3.4 The Area 2(a), Green Infrastructure phase is defined within the site-wide phasing plan required by Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as below:

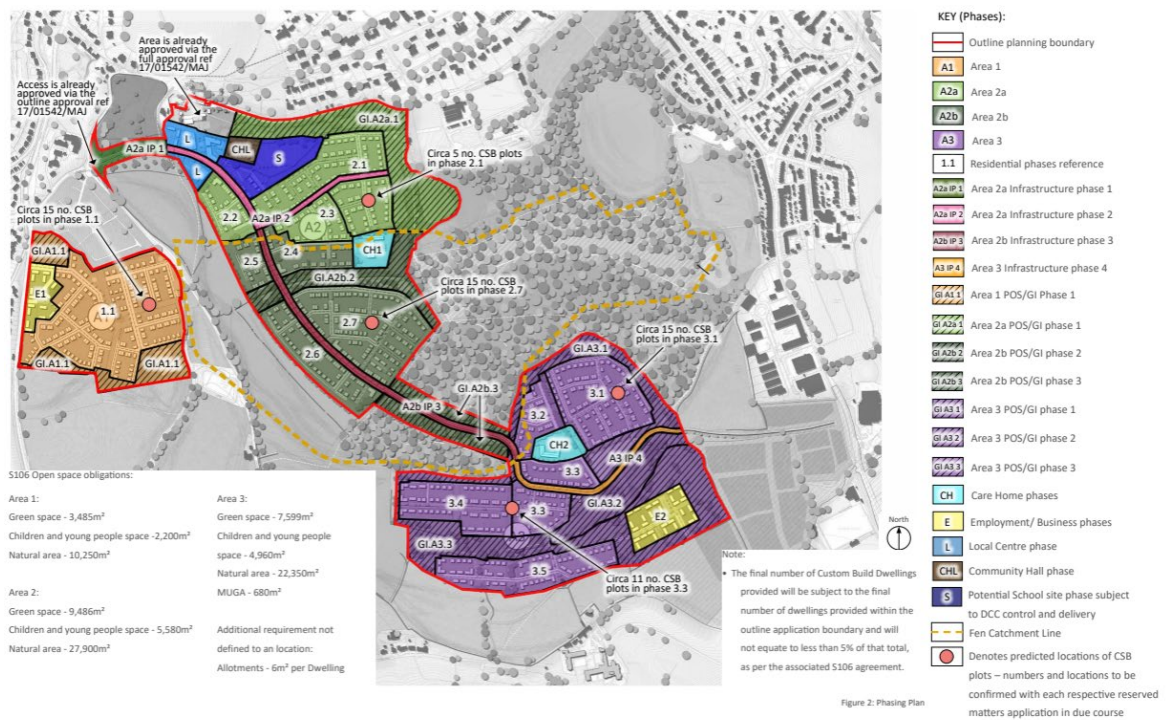


Figure 2: Phasing Plan (approved under Reference 17/01542/COND2).



Figure 3: Context Plan.

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

- the light blue area ('L') is to be the local centre, with a selection of shops and businesses. The application for the approval of the reserved matters has now been submitted. It is hoped that this application will come before a meeting of the Committee in the near future;
- The linear light pink area A2(a) IP2 was the subject of reserved matters application 23/00597/MAJ for a stretch of road, which was approved at the recent Planning Committee meeting of October 22nd;
- The dark blue/mauve area ('S') is to be the primary school. Outline details of this area have now been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
- green parcels 2.2 and 2.3, were the subject reserved matters application 23/01310/MAJ, for 94 homes which was approved at the recent Planning Committee meeting of October 22nd; and
- green parcel 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application too will come before a meeting of the Committee in the near future.

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

- THE EXTENT TO WHICH THE SUBMISSION ACCORDS WITH THE OUTLINE PART OF THE HYBRID PERMISSION

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

4. DESCRIPTION OF SITE

- 4.1 The 'L'-shaped site is made up of parts of 3 agricultural fields, which together have an area of approx. 4.7ha. It lies to the south of Newton Abbot town, more specifically to the south of Wolborough Hill Conservation Area. A section of Coach Road forms its northern boundary.
- 4.2 The site also contains a number of hedges, trees, and a small watercourse that runs from west to east. Within the site's eastern margin Magazine Lane ('Newton Abbot Footpath 3') runs north-south.
- 4.3 The land broadly sweeps downwards towards the north-east. The westernmost extent of the site is set at approx. 44m above Ordnance datum (AOD); the southernmost 40m AOD. These two arms converge at the northeast corner, where at its lowest the elevation is approx. 27m AOD.
- 4.4 The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-west, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

5. SITE HISTORY

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

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

homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) Full - Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works. – ALLOWED on APPEAL (3rd June 2020) by the (then) Secretary of State.

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

22/00810/MAJ - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ for residential development of 236 dwellings (Use Class C3), public open space including allotments and children's play space, a surface water attenuation feature and associated landscaping and infrastructure - PENDING CONSIDERATION.

23/00597/MAJ - Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ.
RESERVED MATTERS APPROVAL (24 October 2024)

23/01310/MAJ - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3 of Phasing Plan 959-01 REV O), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure;
RESERVED MATTERS APPROVAL (24 October 2024); and

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

6. PLANNING CONSIDERATIONS

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

- 6.1 Condition 6 (Masterplan and Design Code) required that a Masterplan and Design Code should be formulated broadly in accordance with the Design and Access Statement, the outline permission's Illustrative Masterplan (Ref: 141204I 02 02 k), and the Parameter Plan 141201 P01 Rev B. Such Masterplan and Design Code were the subject of application ref. 17/01542/COND1, and they were approved on 23rd June 2023. The condition requires that any application for the approval of reserved matters should comply with the approved Design Code.



Figure 4: Illustrative Masterplan approved at outline (extract).

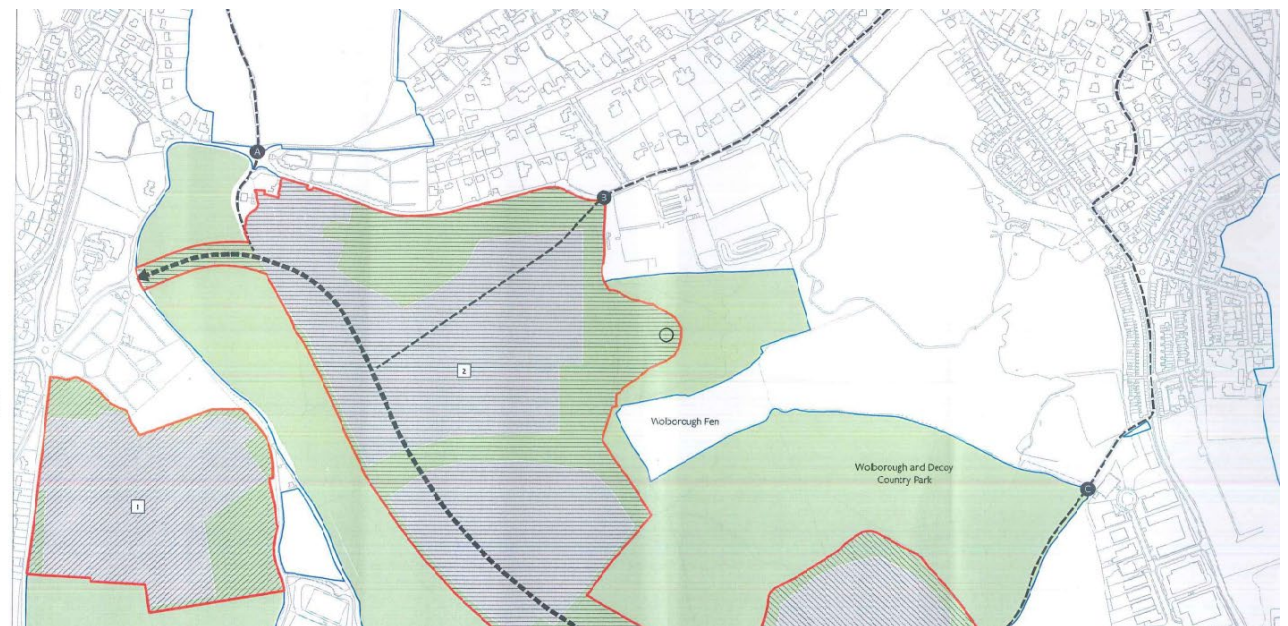


Figure 5: Parameter Plan approved at outline (extract)



Figure 6: Approved Design Code Masterplan (extract).

- 6.2 It can be seen from the above plans that the area of green infrastructure that is the subject of the current application is broadly consistent across the two masterplans; and also that it lies within the green area of the Parameter plan 141201 P01 Rev B, as referred to in Condition 6 of the outline permission i.e. that where built form is to be excluded. Furthermore, the second of the 3 strategic cycle routes as also specified on the Parameter plan has been successfully incorporated into the layout.
- 6.3 Pages 70 and 71 of the Design Code approved as part of the submission for Condition 6 of the outline permission indicate that there would be a total of 3 pocket parks or Local Area for Play (LAP) across (the central) Area 2 of the wider site, together with a Locally Equipped Area for Play (LEAP) to site near the north-east corner of the site area for the current reserved matters.
- 6.4 Whilst 2 of the LAPs would align with the plan on page 70, the applicant is proposing that the third should combine with the LEAP so as to provide a more-concentrated provision, and that furthermore this enhanced play area should be shifted westwards from the location as shown in the design code.
- 6.5 The rationale for this is that, firstly the LEAP would be too close to the (retained in situ) LAP set adjacent to Magazine Lane resulting in a certain duplication of provision, and secondly that the enhanced play area would more-beneficially located close to the local centre, close to the community building, and close to the primary school. It is contended that this would result in a more-heavily used and popular facility.
- 6.6 In this context the over-arching foreword of the design code, is noted, i.e. that:
- “It [i.e. the design code] should not preclude innovation in design by being overly rigid or inflexible in its guidance, but [it] aims to ensure that a consistently high level of design is achieved across the development. Development will be broadly in accordance with this Design Code and Masterplan document.”*
- 6.7 In the light of this flexibility provided by the Design Code in matters such as this, the applicant’s contentions and the reconfiguration of the play spaces as proposed is considered to be acceptable.
- 6.8 Subject then to the further analysis below, in the light of the relationship of the submission to the approved Design Code and Masterplan it is considered that the reserved matters as here applied for do accord with the requirements of the outline part of the hybrid permission.

The Public Open Space Requirements of the S106 Legal Agreement

- 6.9 Relevant to the consideration of this application for the approval of reserved matters for an area of green infrastructure, is the question of how the requirements of the s106 legal agreement with regard to the provision of public open space are being met.
- 6.10 The Agreement’s requirements, the amounts to be provided within Area 2 in total, the amounts to be provided by this application to serve the north of Area 2 - i.e. 2(a), and the corresponding amounts to be met by the as yet to be submitted applications for the south of Area 2 i.e. 2(b), are set out in the table below and are shown on submitted plan 959-DC09F Typology.:

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

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

the applicant, as shown on plan 959-DC09F

Includes 425sqm play area within phase 2.2

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

Layout

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

The layout of the scheme would:

- provide edge-to-edge connectivity;
- respond to pedestrian and cyclist desire lines;
- safeguard existing movement corridors for nature;
- incorporate existing natural features;
- provide SuDS that would contribute to the aims of both increasing biodiversity and creating high-amenity locations;
- deploy structural landscaping in order to create a place with a memorable character;
- provide navigable features for those with mobility limitations;
- feature a range of public open space types (‘natural’, parkland, play area, wooded...);
- create a section of ‘Park-Run-ready’ route;
- allow people to ‘connect with water’; and,
- provide species-rich grassland

Lighting

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

Drainage

- 6.14 Details of the layout strategy for sustainable surface water and ground water drainage (SuDS) (including temporary drainage provision during construction) including mechanisms for ongoing management were submitted to and approved in writing by the Local Planning Authority in collaboration with the Lead Local Flood Authority (LLFA) on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which both the subject parcel lies.
- 6.15 Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for the parcel of the current application would be by means of the two swales lying either side of Magazine Lane with the maximum attenuated discharge rate as indicated.
- 6.16 The drainage layout of this current application accords with that approved under the above condition. The DCC LLFA has no objection to the layout of the proposed drainage infrastructure. Further control will be able to be exerted through Condition 10 attached to the outline.
- 6.17 It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention. Furthermore, it would provide multiple links to the existing adjacent public-right-of-way network. Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. In conclusion then is considered that the details relating to layout accord with TDC LP Policies S2 and NA3; and NANDP Policies NANDP2 and NANDP4.

Appearance (inc Heritage)

- 6.18 Appearance is defined as *"the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture."*
- 6.19 Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north-east, consideration must be given to the impact of materials and texture of the development.
- 6.20 With this in mind, it is considered that the materials and appearance of the intended new access points and the 2 bridges over the existing watercourses should be the subject of conditions.
- 6.21 The pumping station would be largely subterranean, presenting as a flat area of hardstanding, punctuated by manhole covers and a single (dark green) control kiosk, all enclosed by security fencing. Its adverse impact appearance would

however be mitigated by, firstly, it being recessed into a sloping area of ground, and hence enclosed by a retained wall on 2 sides; and secondly, by the existing and the proposed further screening vegetation as specified on plans SK57A and 959 – DC04J.

- 6.22 The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. The analysis in his decision (paras 20, 23 and 24) with regard to the heritage impacts of the wider scheme is noted and concurred with for this phase, i.e., that the appearance of this area of green infrastructure would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of this area of land, having transitioned from parts of existing agricultural fields, to a landscape with a more-obvious degree of human intervention (to feature formal pathways, play areas and the series of ponds/attenuation basins - within the setting of the church would have a less-than-substantial harmful impact on that asset. This harm will be returned to in the discussion of the planning balance below.

Landscaping

- 6.23 Landscaping is defined as *“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.”*
- 6.24 No existing trees would be felled as part of this scheme. New planting would include 129 new trees, together with extensive and varied shrubbery and ground-cover as shown within the Planting Schedule contained within Plan 959-DC02H.
- 6.25 In accordance with the specifications for public open space with the approved Wolborough Design Code (3.2b, pp66,67) the submission includes details of a LEAP set at the western end of the site, and a LAP on the eastern side.
- 6.26 The provision of the play areas and of the wider green infrastructure generally have been the subject of extensive consultation with the Council's biodiversity, public open space and green infrastructure officers. Their concerns have been addressed as below:
- the 3 plant species deemed inappropriate have been removed from the planting schedule
 - the LEAP and LAP have each been re-designed so as to accord with the proffered advice
 - the feature pond adjacent to the LEAP is to be fenced
 - The play areas' surface materials have been re-specified
 - More extensive seating provision has been indicated for the LEAP

- The design of the two bridges where the main path crosses the existing stream is to be conditioned
- A further pedestrian link from the west to Magazine Lane has been provided, so as to improve permeability (aka connectivity).
- In addition to the 2 existing entrances provided by Magazine Lane, there would now be a total of 7 further access points to/from the open space, located as close to perceived desire lines as possible, although limited somewhat by the steep topography of the site.

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

Scale

6.28 Scale is defined as *"the height, width and length of each building proposed within the development in relation to its surroundings."*

6.29 The only above ground 'building' forming part of this application would be the foul drainage pumping station control kiosk. This would be single-storey and have a footprint of less than 2m x 2m. It would be located within a secure compound, to be shielded by vegetation, and recessed into the hillside.

6.30 As such it is considered then that the details relating to scale do accord with local plan Policy S2, and the approved design code.

Biodiversity/Habitat Regulations Assessment

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

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

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

Habitat Regulations Assessment/Greater Horseshoe Bats

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

- 6.35 For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.
- 6.36 She is of the view that, subject to the approval of details to be submitted with respect to Outline Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecological Implementation and Management Plan; 12 (Lighting Strategy and Impact Assessment); 14 (Construction Ecological Management Plan) and 16 (Hedgerow Protection Plan) for this phase; and subject also to the works being undertaken strictly in accordance with the following documents:
- Green Infrastructure 1: General Arrangement (Randall Thorp, Rev 19.04.2024) Dwg. 959-DC03D; Dwg. 959-DC04E; Dwg. 959-DC05F; Dwg. 959-DC02D
 - Wolborough Barton Greater Horseshoe Bat Mitigation Plan (July 2017, SLR)
 - Wolborough Barton Greater Horseshoe Bat Mitigation Plan addendum (South West Ecology, 8 March 2019)
 - Wolborough Barton Environmental Statement, Chapter 8 (PCL Planning, June 2017); and
 - Wolborough Barton Masterplan and Design Code (December 2022, Vistry Group)
- 6.37 It is concluded the proposals will not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects.
- 6.38 Natural England have been consulted and raise no objection.
- 6.39 Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 28th June 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

Climate Change/Carbon Reduction

- 6.40 Local Plan Policy S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.
- 6.41 The site is well-related to the services and job opportunities of the town. Cycle access separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-south - indirectly - via Footpath 3 (to/from the Church) and - directly - via Footpath 5 (Magazine Lane). It also provides, via Magazine Lane, links to Footpath 4 which runs east towards Decoy, and Footpath 2, which runs south-east and in turn links to Footpath 1.
- 6.42 Other features to address the Climate Crisis would include extensive pro-active planting, which would also serve to help reduce rates of climate change.
- 6.43 The scheme has thus taken opportunities to limit its impact.

Neighbours' Amenity

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

Consideration Of Objections/Concerns

- 6.45 It is noted that a number of the points raised by (sole objectors) the Wolborough Residents Association do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the hybrid permission.
- 6.46 Many of the issues raised are dealt with elsewhere in the body of this report.
- 6.47 Furthermore, additional environmental protection is secured by the numerous conditions attached to the hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.
- 6.48 Notably the Wolborough Fen SSSI is protected through Condition 20 of the outline permission; a Construction Environmental Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).
- 6.49 The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth as the public inquiry that culminated in the Secretary of State's (SoS's) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:
- "Both the Council and NE have now withdrawn their previous objection in relation to impact on Wolborough Fen SSSI and agree that this issue can appropriately be dealt with by planning condition."
- 6.50 The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, No 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage.
- 6.51 Bearing in mind the wording of the condition, this application is located wholly outside of the agreed hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.
- 6.52 The concern of the Highways officer with regard to the vehicular access over Magazine Lane of maintenance vehicles for the pumping station is noted.
- 6.53 It has been clarified by the applicant that such usage during the operational phase would be limited - barring an emergency - to twice yearly visits.
- 6.54 In the context that this is an existing agricultural vehicular access, and that - with the loss of the currently agricultural fields of the wider site to development - the current level of agricultural vehicular use can be expected to markedly decline, it is

considered that it can be realistically anticipated that the net number of annual vehicular movements to and from Coach Road into/out of Magazine Lane to be associated with the development would be less than current levels.

Conditions

- 6.55 Consideration has been given to the need or otherwise for further conditions to be attached to an approval. The following are covered as below.
- 6.56 Matters relating to drainage are covered by outline Conditions 10 (surface water), 13 (foul drainage) and 20 as above. These are subject to detailed negotiations with both the Environment Agency and the Devon County Council Lead Local Flood Officer.
- 6.57 However, conditions are considered necessary so as to control the treatment of the new paths where they exit the site; the treatment of the new stepped path; the structure and appearance of the two new bridges to serve the main east-west footpath where it crosses the existing stream; and in order to secure a number of benches to serve the site. It is also considered necessary to impose a condition as to secure the submission of the scheme relating to access from Coach Road onto Magazine Lane and access into the pumping station. This is in the interest of health and safety of the public as well as highway safety and convenience.

Conclusion/ Planning Balance

- 6.58 There is very little, deviation from the approved illustrative masterplan and parameter plan of the outline permission, and subsequently the conditioned Masterplan and Design Code.
- 6.59 Third party objections and concerns have been noted and considered throughout the determination of this application and where material, are either adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.
- 6.60 A planning balance must be taken.
- 6.61 The proposed development would provide:
- 40,289 sqm of Public Open Space and Green Infrastructure, comprising:
 - o 1,620 sqm of space for children and young people;
 - o 4,194 sqm of green space;
 - o 34,050 sqm of natural areas;
 - 395 linear metres of new hedgerow and Devon hedgebank;
 - Retention of all existing trees and
 - Retention of the majority of on-site hedgerows;
 - Retention of the mature field boundary and the stream corridor;
 - 129 new trees and other landscaping;
 - Six high-amenity attenuation basins;
 - Foot and cycle connections; and
 - Links to the proposed development to the south
- 6.62 The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for this public open space, so that it can

be delivered and serve the needs of the occupants of the new homes to be delivered as part of the wider development which is seeking to address the pressing needs of our community.

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

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (2014)

NA3 Wolborough
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S5 Infrastructure
S6 Resilience
S7 Carbon Reduction Plans
S9 Sustainable Transport
S10 Transport Networks
S14 Newton Abbot
WE11 Green Infrastructure
EN2A Landscape Protection and Enhancement
EN5 Heritage Assets
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

Teignbridge Local Plan 2020-2040 ('the emerging Local Plan')

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

objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies in particular are considered relevant to the proposed development:

DW1: Quality Development
DW2: Development Principles
DW3: Design Standards
H4: Inclusive Mix, Design and Layout

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

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

Material Considerations: National Guidance

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

8. CONSULTEES

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

Historic England (13 June 2024)

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

Natural England (1 August 2024)

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

Natural England (13 Sept 2024)

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

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

DCC Highways (18 June 2024)

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

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

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

DCC Lead Local Flood Authority (18 June 2024)

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

TDC Biodiversity (4 June 2024)

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

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

These species are inappropriate to this location. Numbers may be made up with additional plants of others in the proposed mixes.

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

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

TDC Green Infrastructure Officer (14 June 2024)

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

- The public open space (POS) is very much dominated by Sustainable Urban Drainage system (SUDs) basins.
- It isn't suitable to count SUDs features as part of the POS quantum unless they are designed in a particularly sensitive way that clearly enables them to provide multiple functions alongside the primary function of flood prevention. Will wildlife value, visual amenity and recreation amenity also be achieved to a good

standard via the SUDs provision? If not, then either re-design will be necessary, or further POS quantum is likely to be required.

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

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

TDC Public Open Space Officer (21 August 2024)

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

- The locations for the play areas are sub-optimum
- Passive surveillance opportunities for the play spaces should be improved
- The play spaces should be designed for more inclusion
- Concern re play space being located near to a SUDS

- A different floor surface should be specified
- The open space is dominated by SuDs Ponds

TDC Climate Change Officer (28 June 2024)

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

Police Liaison Officer (3 June 2024)

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

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

TDC Waste Officer (4 June 2024)

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

9. REPRESENTATIONS

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

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

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

The main points of objection raised include the following:

- Concerns re a perceived lack of adequate detail on floodwater and groundwater management;
- Concerns re unsafe connectivity between the public open space, the local centre, town centre and railway station;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is

designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;

- Concern that the road network would be inadequate to cope with the increased levels of usage;

10. TOWN COUNCIL'S COMMENTS

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

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

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. ENVIRONMENTAL IMPACT ASSESSMENT

In determining the appeal for non-determination of the 'host' outline planning application considered under references 17/01542/MAJ and 18/00035/NONDET, the (then) Secretary of State took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulations 3 and 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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

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

13. HUMAN RIGHTS ACT

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

Head of Development Management

Planning Committee – Tuesday 17th December 2024

Report Addendum

Description

24/00694/MAJ - Wolborough Barton, Coach Road

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

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

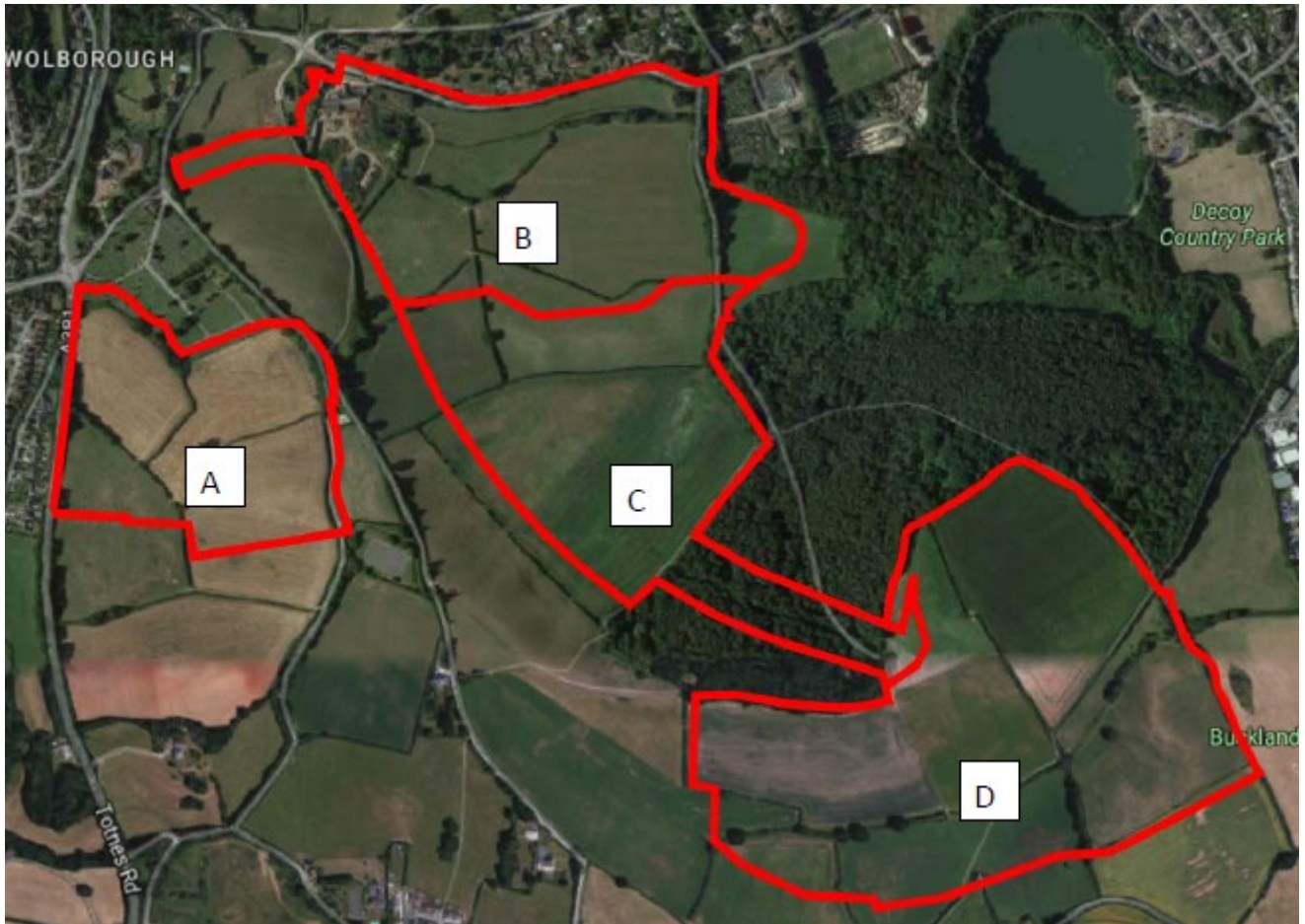
It is noted that these queries relate to matters of drainage – which is not one of the reserved matters before Members today. In contrast, drainage as an issue was considered by the (then) Secretary of State at the time of the appeal decision, with control to be exerted through attached conditions 20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

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

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

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

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



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

This catchment has indeed not yet been defined.

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

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

This was supplied: 10 pages within the Design Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The discharge of Condition 10 (Drainage)

What documents were submitted that led to the discharge of this condition?

Who was consulted and what were their responses?

Should NE have been consulted re Condition 10? Ask them for their confirmation either way. If not, what is the justification for not doing so?

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

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

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

and

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

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

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

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

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

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