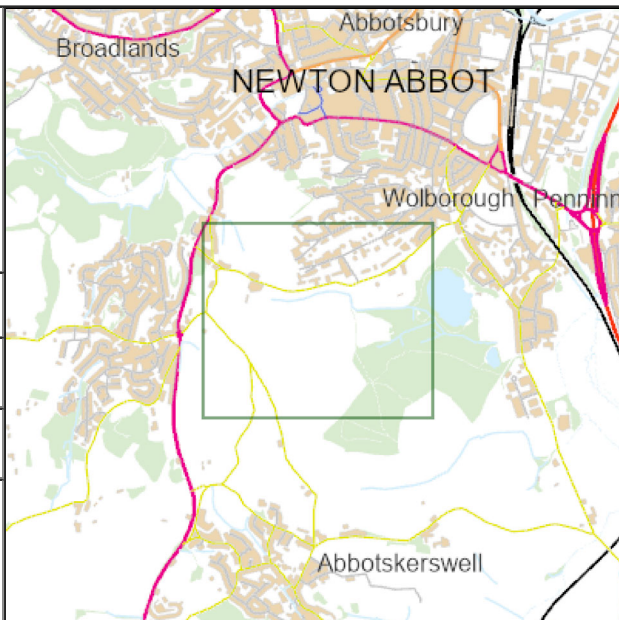


Planning Committee Report

Chairman: Cllr Colin Parker

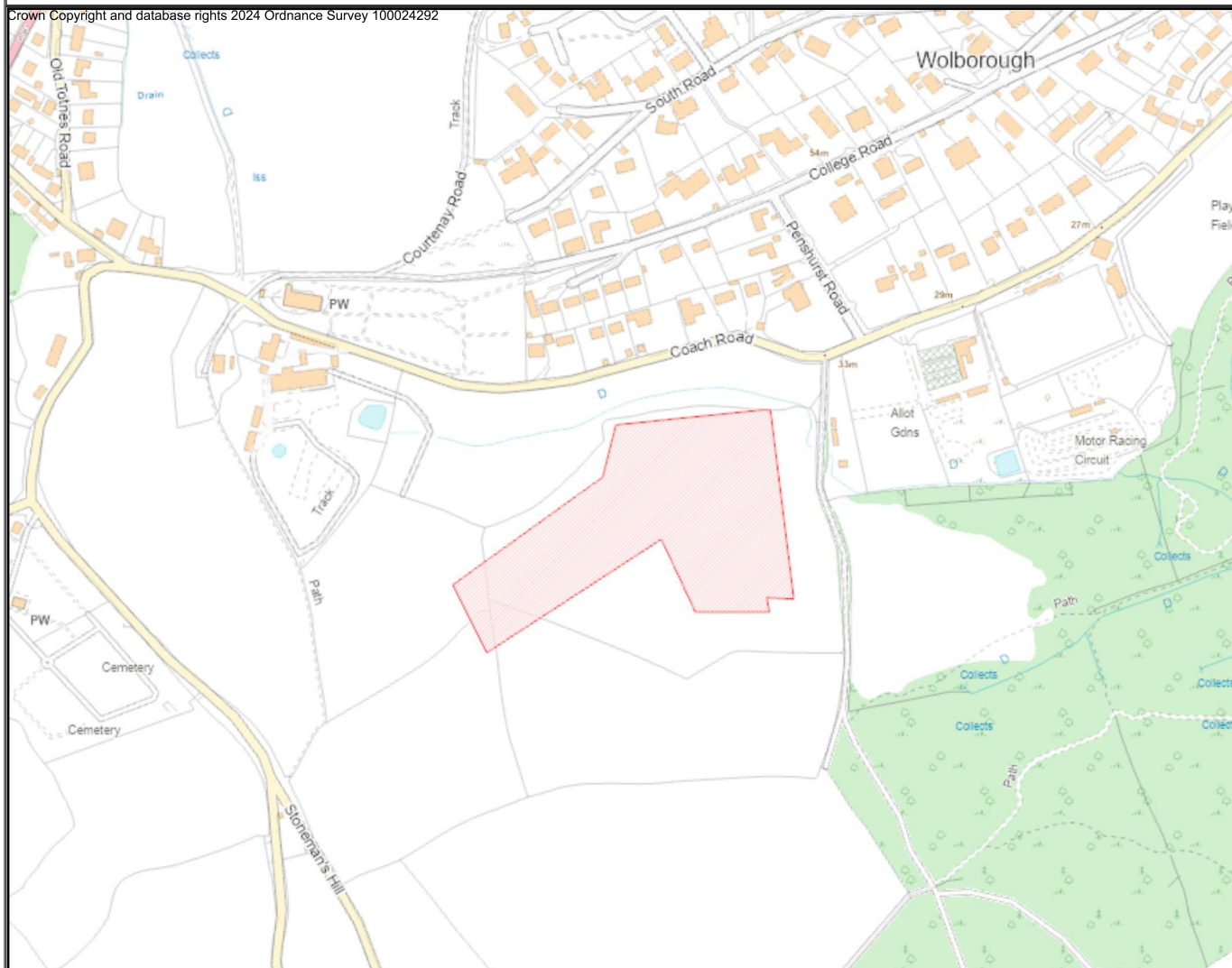
Date	17 December 2024
Case Officer	Patrick James
Location	Parcel 2.1 East Wolborough Wolborough Barton Devon TQ12 1EJ
Proposal	Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance,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



[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL

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1. REASON FOR REPORT

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

2. RECOMMENDATION

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

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

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

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

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

2. Sample panel of stonework

Prior to the commencement of work to any of the natural stone walls including boundary walls, retaining walls and building elevations as specified on plan referenced 0755-108 REV C (Materials Layout) hereby approved, a sample panel of stonework shall have been constructed on site and made available for inspection, together with details and specification of materials used for its construction submitted to and approved in advance in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and the stonework shall be constructed to match the

approved sample panel and thereafter the natural stone walls shall be retained and maintained for the lifetime of the development.

REASON: To ensure that the development reflects the distinctive character of the local area using appropriate and high-quality materials.

3. Materials

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

External finish of walls (including areas of underbuild)

External finish of roof material

Eaves and rainwater goods

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

Hard surfacing around buildings; and

finish of canopies/porches

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

REASON: In the interests of visual amenity

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

3. INTRODUCTION/BACKGROUND

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

Application Number: 17/01542/MAJ

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

Development: HYBRID application comprising:

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

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

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

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

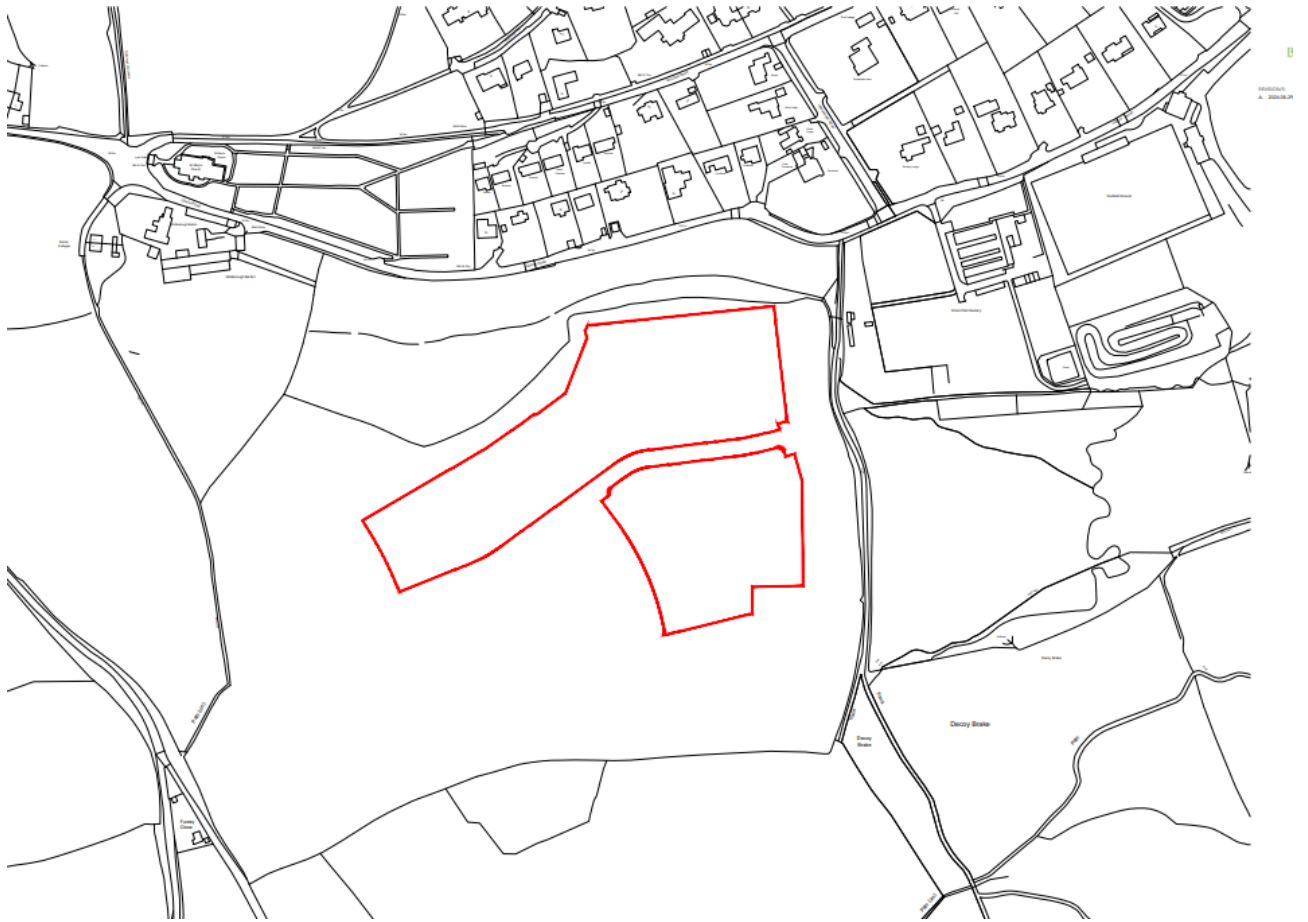


Figure 1: Parcel 2.1

3.4 Area 2, Phase 2.1 is defined within the site-wide phasing plan required by Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as below:



Figure 1: Phasing Plan (approved under Reference 17/01542/COND2).



Figure 2: Context Plan.

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

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has been submitted, and it is hoped that it will come before the Committee shortly.
- the linear light pink area A2(a) IP2 was the subject of reserved matters application 23/00597/MAJ for a stretch of road, which was approved at the recent Planning Committee meeting of 22nd October 2024;
- the dark blue/mauve area ('S') is to be the primary school. Outline details of this area have now been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
- green parcels 2.2 and 2.3, were the subject of reserved matters application 23/01310/MAJ, for 94 homes which was approved at the recent Planning Committee meeting of 22nd October 2024; and
- 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 has been revised during the lifetime of this application.

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

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

4. DESCRIPTION OF SITE

- 4.1 The site lies predominantly within one large agricultural field, and it partially encroaches into 3 more that together lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site lies to the south-east the dwellings and barns of the Wolborough Barton farmstead, and to the west of Magazine Lane ("Newton Abbot Footpath 3") which runs north-south and forms the western boundary of Decoy Country Park.
- 4.2 The land is undulating, sloping down from south-west to north-east; from approx. 55m above Ordnance datum (AOD) to 30m AOD.
- 4.3 The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-west, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.
- 4.4 A further public footpath – "Newton Abbot Footpath 5" – runs approx. north-south to the west and outside of the boundary of the site.

5 SITE HISTORY

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

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

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

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

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

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

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

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

6. PLANNING CONSIDERATIONS

The extent to which the submission accords with the outline part of the hybrid (aka 'head') permission

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



Figure 3: Illustrative Masterplan approved at outline(extract).

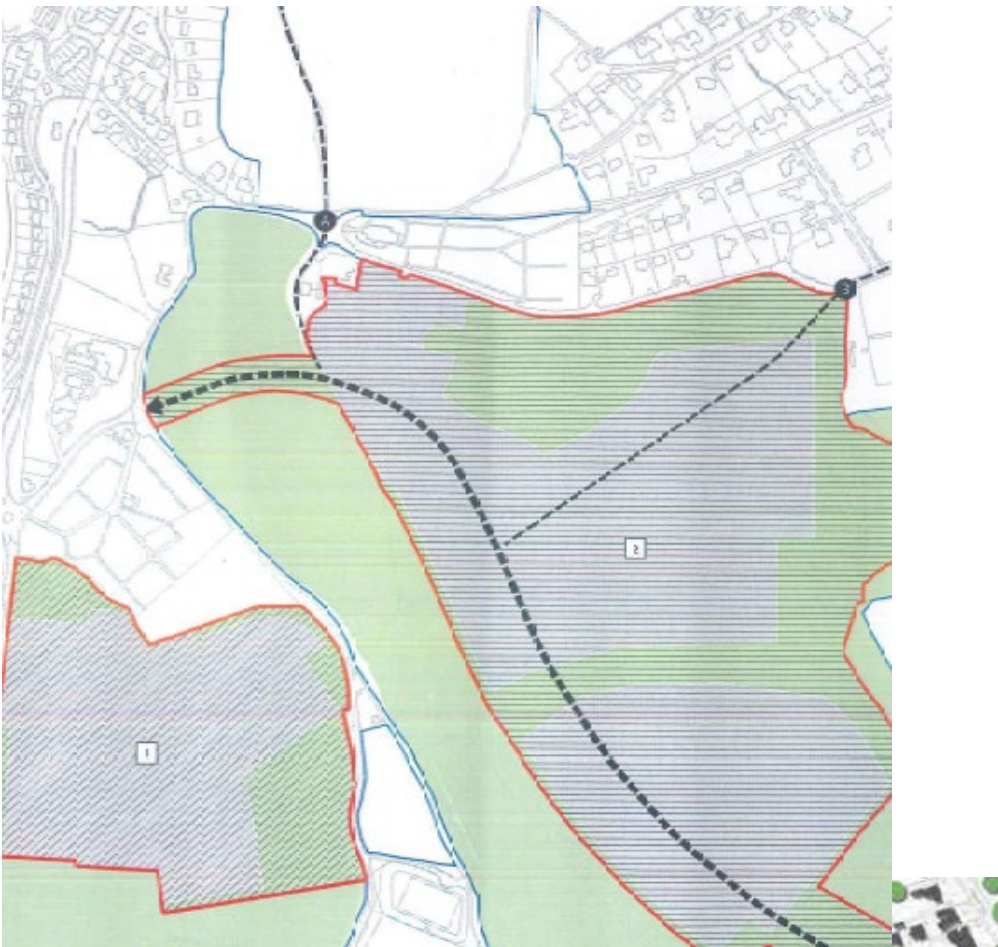


Figure 5: Parameter plan from outline (extract).



Figure 6: Approved Design Code Masterplan (extract).

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

Layout

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

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

Housing Mix

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

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

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

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

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

Car Parking provision

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

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

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

Lighting

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

Drainage

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

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

- 6.29 Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for the parcel of the current application would be by means of a large swale to the east of Area 2(a) – to be accommodated within the area of green infrastructure, the subject of current application 24/00694/MAJ - with the maximum attenuated discharge rate as indicated.
- 6.30 The drainage layout of this current application accords with that approved under the above condition.

Appearance (inc heritage)

- 6.31 The homes would be of conventional, duo-pitched form, with formal/regular window and door arrangements for their principal elevations. External finishes would include a locally-appropriate range of pastel renders, together with a proportion of brick and both natural and synthetic stone finish also being featured. Rather than seeking slavishly to replicate features from the varied selection of nearby dwellings, their appearance can be considered to exude an air of restrained refinement. This can be reasonably anticipated to aid legibility within the wider site, and it is an appropriate response to the presence nearby of both the grade-I listed church and the conservation area.
- 6.32 A number of other locally-appropriate features are specified, to include contrasting plinths, fenestration with a strong vertical emphasis, attractive pronounced string coursing, varied front-door porches, and feature window-architraving.
- 6.33 Boundary and retaining wall surfacing in visually-prominent locations has been specified to be of locally-distinctive natural stone. It is considered that this material should be the subject of a suitable condition attached to any approval.
- 6.34 Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north-east, consideration must be given to the impact of materials and texture of the development (as above). It is noted that the existing elevation of the land at the highest point of the site is 55m above ordnance datum (AOD), that of the church is c63m AOD and that the intervening distance between the closest part of the church (the south-east corner) and the nearest dwellings (plots 1 and 13) is 271m.
- 6.35 Whilst it may have been preferable for all of the dwellings to have been required to feature natural slate roofs (in line with the suggestion of one of the third party representations), it is not considered that this would have been a reasonable, proportionate demand in this instance, given the long intervening distance from the church.
- 6.36 The concerns of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. The analysis in his decision (paras 20, 23 and 24) with regard to the heritage impacts of wider scheme is noted and concurred with for this phase, i.e., that the appearance of this housing would have a neutral impact upon the character and appearance of the Wolborough Hill

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

Landscaping

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

Scale

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

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

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

Biodiversity/habitat regulations assessment

- 6.46 The environmental impact of the overall development proposal was considered at the hybrid (outline) stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are controlled through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan).
- 6.47 With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the hybrid permission pre-dates the former's introduction, the requirement does not apply in this instance.
- 6.48 To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the hybrid permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

Habitat Regulations Assessment/Greater Horseshoe Bats

- 6.49 The site lies within the Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC). As part of the assessment of these reserved matters attention has had to be given to amending the design so as to ensure that no harm to Greater Horseshoe Bats would result.
- 6.50 For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.
- 6.51 She is of the view that, subject to the approval of the suite of ecological-protection conditions attached to the outline permission, and subject to the works being undertaken strictly in accordance with the submitted documents, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.
- 6.52 Natural England has been consulted and raises no objection.
- 6.53 Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 22nd May 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

Climate change/carbon reduction

- 6.54 Local Plan Policy S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.
- 6.55 The site is well-related to the services and job opportunities of the town. Cycle access separated from the carriageway would be provided to-and-from the town centre between the south-west and the north-east, along 'Route B', one of the 3 principal desire line cycle routes as shown on Parameter Plan 14 1204 P01 Rev B (see Fig 5 in this report) the subject of Condition 6(a) - Design Code, attached to the outline permission. Pedestrian access would also be provided in this manner, and additionally (indirectly) through the adjacent green infrastructure the subject of application 24/00694/MAJ) north-south via Footpath 5 (Magazine Lane).
- 6.56 Other features to address the Climate Crisis would include:
- The specification for Air-Source Heat Pumps (ASHPs) throughout, ie no heating through the burning of hydrocarbons
 - Secure cycle storage for the flat blocks
 - Electric vehicle charging points for all dwellings
 - Pro-active planting, (primarily for amenity impact) but which would also serve to help reduce rates of climate change
- 6.57 Whilst it is disappointing however that the opportunity has not been taken to specify solar photo-voltaic panels for the homes across the site, this is not considered to be an overriding reason to justify withholding any grant of approval.
- 6.58 It is noted that the TDC Climate Change Officer is content that with regards to operational emissions the proposals put forward do comply with TDC LP Policy S6c(Resilience). The scheme has thus taken opportunities to limit its impact.

Neighbours' amenity

- 6.59 There are no immediately adjacent neighbours upon whom the approval of these reserved matters (as opposed to the approval of the hybrid permission by the Secretary of State in 2020) would have a material impact. In particular, in the light of the intervening distances (89m elevation-to-elevation at the closest), topography and extensive mature vegetation, the concerns of one the third party representations that there would be a (material) loss of privacy for the existing occupants of dwellings along Coach Road are considered not to be of an overriding nature that would justify a refusal of this application proposal.

Consideration of Objections/Concerns

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

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

- 6.61 The issues raised by those representations that do concern themselves with the (reserved) matters at hand have been considered elsewhere in the body of this report.
- 6.62 Furthermore, additional environmental protection is secured by the numerous conditions attached to the hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.
- 6.63 Notably, the Wolborough Fen SSSI is protected through Condition 20 of the outline permission; a Construction Environmental Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).
- 6.64 The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth during the public enquiry that culminated in the Secretary of State's (SoS's) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

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

- 6.65 The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, No 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage, and recently so confirmed once more.
- 6.66 Bearing in mind the wording of the condition, this current application site is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.

Conditions

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

Conclusion/Planning balance

- 6.70 There is very little, if any, deviation from the approved parameter plans, Masterplan and Design Code.
- 6.71 Third party objections and concerns have been noted and considered throughout the determination of this application and, where material, these have either been adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.
- 6.72 A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for these 150 homes so that they can be delivered and play a part in addressing the pressing needs of the community – especially those of younger people.
- 6.73 On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.
- 6.74 Whether or not the identified 'less than substantial harm' to the setting of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has been considered. In accordance with the s.66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind that the asset's high status.
- 6.75 However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outbalance the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church, particularly taking into account the importance of progressing the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (2014)

NA3 Wolborough
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S3 Land for Business, General Industry and Storage and Distribution
S5 Infrastructure
S6 Resilience
S7 Carbon Reduction Plans
S9 Sustainable Transport
S10 Transport Networks
S14 Newton Abbot

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

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

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

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

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

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

Material Considerations: National Guidance

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

8. CONSULTEES

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

Historic England (22 March 2024)

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

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

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

Historic England (20 Sept 2024)

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

Natural England (12 June 2024)

No objections

Natural England (13 Sept 2024)

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

DCC Highways (28 March 2024)

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

DCC Highways (24 September 2024)

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

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

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

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

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

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

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

DCC Lead Local Flood Authority (15 March 2024)

Objection. Insufficient information supplied.

DCC Lead Local Flood Authority (26 September 2024)

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

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

The submitted Wolborough Grange Design Code for Self Build Dwellings Plots 71 - 75 dated August 2024 only details the minimum parking space size of 2.4m x 4.8m and internal dimensions for a single garage of 3m x 6m. The applicant shall mention that the maximum impermeable area for each of the dwelling should be equal or less than 100m² as this is what is being allowed for in the design of the drainage of the proposed development

DCC Lead Local Flood Authority (28 November 2024)

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

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

TDC Affordable Housing Officer (3 October 2024)

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

Affordable Rent:

12 x 1 bed flats

6 x 2 bed flats

1 x 4 bed house

1 x 3 bed house

2 x 2 bed house

(Total 22)

Shared Ownership:

4 x 2 bed house

5 x 3 bed house

(Total 9)

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

TDC Biodiversity (11 March 2024)

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

TDC Biodiversity (24 September 2024)

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

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

Subject to the discharge of Outline Condition 7 (Ecological Mitigation Strategy); Outline Condition 8 (Landscape and Ecological Implementation and Management Plan (LEMP)); Condition 12 (Lighting Strategy and Impact Assessment); Condition 14 (Construction Ecological Management Plan) for Parcel 2.1 prior to development and subject to works being undertaken strictly in accordance with the following documents, it is concluded the proposals will not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects:

- Parcel 2.1 Appropriate Assessment Compliance Statement 13797_R13c_April 2024_TLR_RR

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

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

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

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

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

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

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

TDC Climate Change Officer (4 December 24)

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

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

Police Liaison Officer (4 March 2024)

A set of suggestions made, including:

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

Police Liaison Officer (9 Sept 2024)

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

TDC Waste (6 Sept 2024)

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

9. REPRESENTATIONS

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

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

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

The main points of objection raised include the following:

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

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

10. TOWN COUNCIL'S COMMENTS

(12 March 2023) No Objection; and

(25th September 2024) No Objection.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area (open market only as affordable units are not liable) is 14,522.90 m². The existing gross internal area in lawful use is 0. The CIL liability for this development is £1,620,609.80. This is based on an open-market-only total gross internal area of 14,522.90m² at £70 per sqm, and includes an adjustment for inflation in line with the Building Cost information Service (BCIS) index since the introduction of CIL.

12. ENVIRONMENTAL IMPACT ASSESSMENT

In determining the 'host' outline planning application considered under references 17/01542/MAJ and 18/00035/NONDET, the (then) Secretary of State took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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

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

13. HUMAN RIGHTS ACT

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

Head of Development Management