



E-mail: comsec@teignbridge.gov.uk

6 December 2019

PLANNING COMMITTEE

You are invited to a meeting of the above Committee which will take place on **Tuesday, 17th December, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Membership: Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Substitutes: Councillors Dewhirst, Jeffries, Russell, Austen, Daws and Hocking

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

Information for the Public

Health and safety during the meeting. In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Please report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 12)
To confirm the minutes of the last meeting.
3. Matters of urgency/report especially brought forward with the permission of the Chairman.
4. Declarations of Interest.
5. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) TEDBURN ST MARY - 19/01665/FUL - Springfield Holiday Park, Tedburn St Mary - Use of land for siting of 12 static caravans with decking areas and associated works for holiday use including the demolition of club house and bungalow (Pages 13 - 22)
 - b) IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation (Pages 23 - 42)
 - c) IPPLEPEN - 19/00976/LBC - The Italian Garden , Great Ambrook - Construction of building for use as holiday accommodation and associated works (Pages 43 - 54)
7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate (Pages 55 - 60)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website. All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

List of Background Papers relating to the various items of reports as set out in Part I of the Agenda

As relevant or appropriate:

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

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PLANNING COMMITTEE

26 NOVEMBER 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Kerswell, MacGregor, Nuttall, Patch, J Petherick, Phipps, Wrigley and Dewhirst

Apologies:

Councillors Clarence, Jenks, Nutley and Parker

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Nick Hill, Solicitor
Christopher Morgan, Trainee Democratic Services Officer
Peter Thomas, Planning Officer
Helen Addison, Principal Planning Officer
Helen Murdoch, Senior Planning Officer

62. MINUTES

The Minutes of the meeting held on 19 November 2019 were confirmed as a correct record and signed by the Chairman.

63. DECLARATIONS OF INTEREST.

Councillor Dewhirst declared an interest in applications 19/01665/FUL- Springfield Holiday Park, Tedburn St Mary, and 19/01473/MAJ- Fingle Glen Golf Club, Tedburn St Mary by virtue of his position as a director of a holiday park. Councillor Dewhirst did not speak or vote on the applications.

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

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

- a) **NEWTON ABBOT - 19/01439/FUL - Former Wolborough Hospital Development Site , Old Totnes Rd - Replacement of 5-bed residential unit 10 under 13/01497/MAJ with 2x semi-detached and 2x detached 3-bed**

residential units

The Case Officer reported on an additional objection representation and, amendments to condition 13 and additional condition 15, relating to requirements to install appliances at least as efficient as detailed in carbon calculator.

Public Speaker, Supporter – Stated that the space between the proposed and existing was approximately 80 meters, four times larger than the required distance set by national guidelines. Overlooking would be minimal. Described the proposed houses as well designed, sustainable, and were smaller which would meet housing needs. Large contribution for affordable housing. The ecology assessment and mitigation would result in no detrimental impact on bats. The site is brownfield land. The proposals accord with policies EN3 and S7.

Comments from Councillors included: The proposals are closer to the boundary wall and increased overlooking than the original application; close to a grade 1 listed church; concerns about the current validity of the bat survey which was undertaken in 2015, evidence of slow worms on site; no provision for electric vehicle points; concerns about carbon emissions, transport options for residents; air pollution concerns relating to Wolborough Street; inclusion of bird boxes; and the newly approved cycle route in the area.

The Business Manager clarified that there were sufficient conditions included to protect wildlife and also that there was sufficient access to public transports and routes around the area, transport options for residents included bus links and pedestrian and cycle routes to town which included routes through Bakers Park, and along the river Lemon avoiding the main road. There would be an affordable housing contribution for offsite provision.

Following further comments from Councillors suggesting that there be additional conditions relating to provisions for electric vehicles and provisions for bird boxes, the Planning Officer advised that there was no biodiversity evidence requiring the provision of bird boxes but that they would liaise with the Biodiversity Officer and a condition would be included to incorporate bird box provision if the buildings are considered suitable. It was agreed to add a condition requiring the provision of vehicle charging points.

It was proposed by Councillor MacGregor and seconded by Councillor J Petherick that the application be approved as set out in the agenda report, subject to amendment to condition 13 and further condition 15 as recommended by the officer above, and 2 further conditions relating to provisions for electric vehicles and provisions for bird boxes, if appropriate.

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans and

documents

3. Submission of materials for approval including a sample panel of stone work to be constructed on site for approval.
 4. Full drainage details to be submitted and agreed prior to the commencement of works on site
 5. Submission and approval of hard and soft landscape proposals
 6. Implementation of bat mitigation/enhancement measures
 7. Parking for each plot to be provided prior to occupation and retained thereafter
 8. Details of siting, design and finish/materials of all meter boxes and inspection chambers to be submitted and agreed
 9. Removal of Permitted Development Rights
 10. Details of all rooflights to be submitted and agreed
 11. Works shall proceed in accordance with the Construction Management Plan (CMP)
 12. Works shall proceed in accordance with the Contaminated Land Report
 13. Prior to any works commencing other than those for the access and internal road an appropriate Slow Worm survey work shall be undertaken
 14. Full details of Management Company responsible for on-site communal areas to be submitted
 15. Requirement to install appliances at least as efficient as detailed in the submitted carbon calculator.
 16. Provision of vehicle charging points
 17. Requirement for bird boxes, if appropriate.
- (12 votes for and 1 against)

- b) **IPPLEPEN - 19/01655/FUL - 15 Ledsgrove, Ipplepen - Single storey rear extension, extension to and raising of roof to garage & cladding to front and dormer gables**

The Planning Officer recommended a further condition relating the submission of a satisfactory Bat Mitigation Plan.

It was proposed by Councillor Dewhirst and seconded by Councillor Wrigley that the application be approved as set out in the agenda report with the addition of the Bat Mitigation Plan condition.

Resolved

Permission be granted subject to the following conditions:

1. Standard time limit
 2. Works in accordance with approved plans
 3. Bat Mitigation Plan
- (14 votes for, 0 against and 1 abstention)

- c) **BICKINGTON - 19/01204/OUT - Land To The North Of Old Hill, Bickington - Outline application for four affordable dwellings and five market dwellings, (approval sought for access)**

Public Speaker, Objector – Objected on the following grounds: the majority of residents have objected, the land is classified as open countryside, a similar application was refused in 2018, the need for affordable housing can be met without development in the countryside, the presence of foxes & bats, lack of on road parking, increased flooding risk, roads are narrow and emergency vehicles currently have difficulty negotiating narrow roads.

Public Speaker, Supporter – Supported on the following grounds: An identified need for new housing, the importance of housing for reinvigoration, good public transport links, and that most opposition had come from people living close to the development.

Comments from Councillors included: Merit for a site inspection to assess the value of the site for housing, approval of the application would be premature, the site is outside the village envelope, the site should be reviewed as part of a neighbourhood plan, no viability assessment for open market housing which is contrary to policy WE5, contrary to policy S22 as is within the Countryside, concerns about the precedent of building in greenfield area and concerns about the inclusion of market housing.

The Solicitor advised that approval of this application may establish the principle of open market houses in the Countryside and may make it harder to refuse similar applications in the future.

It was proposed by Councillor H Cox and seconded by Councillor J Petherick that consideration be deferred pending a site inspection.

An amendment was proposed by Councillor J Hook and seconded by Councillor Dewhirst that the application be refused for reasons set out in the agenda report. The amendment was carried.

Resolved

Permission be refused for the following reasons:

1. The proposed development would constitute the provision of open market housing within the open countryside which is contrary to Policy S22. Whilst an element of affordable housing is proposed, the application is not accompanied by a viability assessment which evidences the requirement for the open market housing to cross subsidise the delivery of affordable homes on a rural exception site. The application is therefore contrary to Policies S21, S22 and WE5 of the Teignbridge Local Plan.
2. Insufficient information has been supplied to demonstrate that the proposal would not have a harmful impact on protected species contrary to policies EN8 (Biodiversity, Protection and Enhancement) and EN10 (European Wildlife Sites) of the Teignbridge Local Plan.

(11 votes for, 3 against and 2 abstentions)

- d) **TEDBURN ST MARY - 19/01665/FUL - Springfield Holiday Park, Tedburn St Mary - Use of land for siting of 12 static caravans with decking areas and associated works for holiday use including the demolition of club house**

and bungalow

Public Speaker, Objector – Tedburn Parish Council opposed the development on the grounds that it would have a detrimental effect on tourism and concerns that the holiday lodges will become permanent residences.

Public Speaker, Supporter – Competitive markets means that the business must adapt to survive, appeal to more tourists, demand for more static homes, in accordance with the local plan policies S12 and EC11 to support and expand existing holiday accommodation, lodges will be well screened and will not have a detrimental impact on the environment. Holiday accommodation will be controlled by planning condition and bring benefits to the local area.

Comments from Councillors included: Acknowledgement that there was a history of holiday parks becoming permanent residences, condition 3 is hard to enforce, concerns that the caravans will be sold as permanent accommodation, the site occupancy register should be available for inspection, a site inspection be held, and it was asked what the difference between a caravan and static home was.

In response, the Business Manager clarified that both could fall within the definition of a caravan, and also referred to GDPR issues in relation to occupancy registers being open for public inspection.

The Solicitor added that it was unreasonable to refuse the application on the basis that in the future it may become permanent residential.

In response to additional comments raised by Councillors, the Business Manager advised that the site would not be CIL liable because the units are not permanent structures as they are caravans.

It was proposed by Councillor J Petherick and seconded by Councillor Wrigley.

Resolved

Consideration deferred pending a Member's site inspection.
(13 votes for and 2 against)

e) **TEIGNMOUTH - 19/01479/FUL - Welim Lodge , 27 Woodway Road - Two storey side extension and replacement garage**

Public Speaker, Supporter – An extra metre of space is required to the front of the extension, add a lower pitched roof, lower the garage floor, less intrusive and materials will match existing dwelling.

Councillors had raised concerns about the application being overbearing, but it was considered that all properties in this area overlook each other.

The vote was proposed by Councillor Phipps and seconded by Councillor

MacGregor.

Resolved

Permission be granted subject to the following conditions:

1. Time limit for implementation (3 years);
 2. To be built in accordance with approved plans;
 3. Garage to be constructed using pile and beam foundation, details of which shall be submitted and agreed before constructing the garage
- (17 votes for and 0 against)

- f) **TEDBURN ST MARY/WHITESTONE - 19/01473/MAJ - Fingle Glen Golf Club, Tedburn St Mary - Improvement of the existing golf facilities and remodelling of the golf course along with change of use of the existing golf course land for the siting of 25 self contained units of holiday accommodation**

It was noted that the conditions for the application had been updated with the addition of four further conditions and an amendment to condition 10 as set out on the update sheet.

Public Speaker, Objector – Tedburn Parish Council oppose the development, concerns that the number of lodges is doubling and will become permanent residences, concerns that there will be a detrimental effect on the landscape as it will give the appearance of a small housing development, the development may turn the area into a brownfield with increased noise, light pollution and only one parking space per unit, and pressure on local sewage capacity.

Public Speaker, Supporter – There need to be changes to be economically sustainable, safeguard the site's future, enhance the golfing experience, improve the beauty of the area by removing the netting, the plan adheres to planning guidelines, landscaping will screen the cabins, and all conditions will be complied with.

Comments from Councillors included: the application is sympathetic to the landscape and, the lights will be low illumination and the further conditions and amendment to condition 10 will introduce further control.

It was proposed by Councillor Nuttall and seconded by Councillor J Petherick that the application be approved as set out in the agenda report and as amended in the update sheet.

Resolved

Permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The works hereby permitted shall be carried out accordance with the application form and approved plans.

3. Implementation of landscaping scheme in first planting season following completion of development.
4. Lodges (within definition of caravan) to be occupied for holiday purposes only and not as a main residence. A register of occupiers to be maintained.
5. Limit to number of lodges (within definition of caravan) and engineering works to those identified.
6. No loudspeakers or amplified music shall be played or installed other than within the units hereby approved.
7. CEMP to include pollution control measures, tree protection, controls on lighting and responsibilities for delivery.
8. LEMP to include long term management of new and retained habitats
9. Submission of a travel plan to accord with the Transport Statement
10. Lighting on the lodges to be motion activated on a short timer (max. 3 minutes)
11. Only outdoor lighting approved by the LPA to be installed on the site
12. Submission of detailed design of permanent surface water drainage management system
13. Submission of detailed design of surface water drainage management system which will serve the development site for the full period of its construction
14. Submission of details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system
15. Submission of schedule of external materials
16. Any areas of decking shall be constructed of materials that are recessive in colour and shall be dismantled and removed from the site on or before the removal of the lodge/ caravan to which they are associated.
17. Provision of covered and lockable cycle parking for 10 cycles
18. Provision of an electric car charging point
19. Bollard lighting to be turned off at or before 1.30am
20. A code of occupation to be provided in all lodges which shall include the requirement that noise must be kept to a minimum after 10 pm.

(15 votes for, 0 against and 1 abstention)

The meeting started at 10:00am and finished at 11:50am

CLLR M HAINES
Chairman

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PLANNING COMMITTEE REPORT

17 December 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEDBURN ST MARY - 19/01665/FUL - Springfield Holiday Park, Tedburn St Mary - Use of land for siting of 12 static caravans with decking areas and associated works for holiday use including the demolition of club house and bungalow	
APPLICANT:	Mr & Mrs Lloyd-Jones	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Stephen Purser Cllr Terry Tume	Teign Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01665/FUL&MN	





19/01665/FUL Springfield Holiday Park, Tedburn St Mary, EX6 6EW



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1. REASON FOR REPORT

Cllr Tume has requested that this case be referred to Planning Committee if Officer recommendation is one of approval. The reason for the request is on the grounds set out in the Parish Council comments which requested this case be referred to Planning Committee.

The parish comments raised concern about turning a touring park into a residential park and the strain this puts on local amenities.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Time limit for commencement (3 years);
2. In accordance with the approved plans including levels and engineering works;
3. The static caravan pitches hereby permitted shall be occupied for holiday purposes only, shall not be occupied as a person's sole or main place of residence or for more than three months in any calendar year by an individual occupant, group of individuals or family;
4. Prior to first occupation of any caravan on the land and prior to the installation of soakaway(s) on the site, results of infiltration testing, conducted in strict accordance with BRE Digest 365 Soakaway Design, drainage calculations for the sizing of the proposed infiltration system(s) designed to cater for the full range of storms up to 1 in 100 year event plus an additional 40% allowance for climate change, details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard for surface water drainage management system and information regarding the adoption and maintenance of the proposed surface water drainage management system shall be submitted to and approved in writing by the Local Planning Authority to ensure all the components will remain fully operational throughout the lifetime of the development;
5. A maximum of 12 static caravans shall be sited as shown on the hereby approved proposed site plan (drawing no. 001 Rev A);
6. Any areas of decking shall be constructed of materials that are recessive in colour and shall be dismantled and removed from the site on or before the removal of the static unit to which they are associated.

3. DESCRIPTION

Site and Proposal

- 3.1 Springfield Holiday Park is located just off the A30 Woodleigh Junction, on the north side of Goldcross Hill. It is approximately 1.4 miles west of Tedburn St Mary and 1 mile north east of Cheriton Bishop.
- 3.2 The existing holiday park is a long established tourism business comprising seasonal pitches, caravan accommodation, heated swimming pool, games room, children's playground and laundry, toilet and shower blocks.
- 3.3 Planning permission is sought for the use of the application land for the siting of 12 static caravans with decking areas and associated works for holiday use including

the demolition of the club house and bungalow to facilitate the siting of the caravans.

Principle of Development

- 3.4 This is a long established site and the principle of holiday use has already been established through the holiday park being located on this site. Nonetheless, policy EC11 (Tourist Accommodation) of the Teignbridge Local Plan 2013-2033 does accept in principle the expansion or improvement of existing tourist accommodation locations in this location and therefore there would be in principle support for the use of the land for 12 additional static caravans at this site.
- 3.5 Furthermore, the demolition of the existing clubhouse and bungalow, which are of little architectural merit, to facilitate the use of the land for additional tourist accommodation units would be acceptable in principle.
- 3.6 A condition is however recommended to be applied to restrict the caravans for holiday use only and to ensure that the holiday accommodation is not used for permanent residential accommodation. This condition is already in place for the other units on the site and would alleviate the concerns raised by the Parish Council and Ward Member in their representations.

Impact on Conservation Area and Listed Buildings

- 3.7 The site is not in a Conservation Area and there are no listed buildings in the vicinity of the site that would be adversely impacted by the proposed development.

Impact on residential amenity

- 3.8 Given the nature of the site and separation distance to the nearest residential properties it is not considered that the proposal would have any adverse impact on neighbouring amenity including the provision of the decking areas to the static units. Whilst, existing pitch owners have queried the need for additional units this is not a material planning consideration in the determination of the application.

Impact on the character and visual amenity of the area

- 3.9 The application seeks to provide 12 additional static caravan pitches to a site that already has caravans stationed year round.
- 3.10 The site lies within an Area of Great Landscape Value, and area for which a high level of protection is afforded in the local plan under policy EN2A which seeks to protect and enhance the area's landscape and seascape and sets out that development proposals should conserve and enhance the qualities, character and distinctiveness of the locality and contribute to the local character and quality.
- 3.11 The site lies within the Yeo Uplands and Slopes Landscape Character Area, which has strategic guidelines as set out in the Landscape Character Assessment that recommend that development proposals conserve and enhance the predominantly rural character and strong sense of tranquility through sensitive siting of new build development.

- 3.12 The Council's Landscape Officer has raised some concern that the new units particularly unit 5 and 6 could be visible from the public lane to the north of the site and whilst identifying that the existing hedgerow trees on the boundary provide a good screen has raised concern that during the winter the trees will not provide such a satisfactory visual screen and therefore in his consultation response suggests consideration be given to a planted bund with evergreens running parallel to the northern boundary to address this concern.
- 3.13 The above request has been discussed with the applicant's agent and they have advised that they do not propose to provide any additional screening.
- 3.14 Having visited the site, and the lane referred to in the landscape officer comments, the existing holiday park is clearly visible from this lane and given the location of the existing units are far more visible than the site proposed for the new units. Given that the static caravan park is an established part of the landscape character, it is not concluded that the caravans will have a significant material impact on the character and appearance of the area to justify a refusal of planning consent on the grounds of the lack of additional planting on the site to screen the development.
- 3.15 The proposal is therefore deemed to have an acceptable visual amenity impact and is not considered to adversely impact the character and appearance of this part of the designated Area of Great Landscape Value that the site fits within.

Flood Risk/Drainage Considerations

- 3.16 The site is located in flood zone 1, at lowest risk of flooding, and therefore in flood control terms is an appropriate site for development to be located.
- 3.17 It is proposed that surface water would be disposed of by means of soakaway.
- 3.18 The Council's Drainage Engineer has been consulted on this method of surface water disposal and whilst they do not object to the use of soakaway in principle. They recommend a condition be applied if minded to approve to secure the results of infiltration testing, sizing of the proposed infiltration system, details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system and information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development. It is recommended that this be secured as a prior to first occupation of any caravan on the land if Members are minded to approve the application.

Impact on Trees

- 3.19 The Council's Arboricultural Officer has been consulted and advises that there are no arboricultural objections as no significant trees within or adjacent to the site will be adversely affected by the proposed development.

Highway Safety Considerations

- 3.20 The site is accessed off a County Road which is restricted to 40 MPH.

- 3.21 There are no footways in this area which would result in people using their vehicles to enter/exit the site.
- 3.22 The proposal makes no alterations to the existing access to the site which provides adequate visibility splays ensuring good visibility on access/egress from the site.
- 3.23 The proposal is for 12 static caravans, DCC Highways have been consulted on the provision of the additional units on this site and have advised that the proposal would not have a severe impact on the highway network, the County Highway Authority therefore raises no objection on highway safety grounds to the proposed development.

Carbon Reduction

- 3.24 The provision of static caravans on site rather than touring caravans would reduce the amount of large vehicle movements required on the road network to tow the caravans and therefore could have an impact on reducing carbon emissions. Furthermore, the provision of additional tourist accommodation on this established site has the potential to encourage more sustainable staycations rather than holidaymakers travelling abroad for their holidays cutting down on the carbon footprint created through air travel.

Conclusion

- 3.25 Officer recommendation is one of approval subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S12 Tourism

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge District Council Tree Officer:

There are no arboricultural objections as no significant trees within or adjacent to the site will be adversely affected.

Teignbridge District Council Drainage Engineer:

The following will be required:

- Results of infiltration testing, conducted in strict accordance with BRE Digest 365 Soakaway Design (2016);

- Drainage calculations for the sizing of the proposed infiltration System(s), designed to cater for the full range of storms up to the 1 in 100 year event plus an additional 40% allowance for climate change;
- Details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system;
- Information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Devon County Council Highways:

The proposal is accessed off a County Road which is restricted to 40 MPH, there are no footways in this area. The proposal of 12 static caravans would not have a severe impact on the highway network, therefore the County Highway Authority has no objection.

Teignbridge District Council Environmental Health:

No objections to this proposal.

If the application is approved the applicant will need to apply for a site licence variation under the Caravan Sites and Control of Development Act 1960.

Teignbridge District Council Landscape Officer:

The site lies within an Area of Great Landscape Value (AGLV), an area for which a high level of protection is afforded in the local Plan (policy EN2A).

The plan states that consideration of development proposals will have regard to the strategic guidelines set out in the Landscape Character Assessment. The site lies within the Yeo Uplands and Slopes Landscape Character Area, which has strategic guidelines that recommend that development proposals conserve and enhance the predominantly rural character and strong sense of tranquillity through sensitive siting of new built development...

With the above in mind, I have the following concerns:

- It would be reassuring to know that the planting along the boundaries that abut the development area and help screen it, are under the control of the applicant. Please could this be affirmed?
- Units 5 and 6 are positioned close to the northern boundary and their elevations could be visible from viewpoint 2 in the visual impact assessment on the public lane. The lane is an attractive place to take a walk and enjoy the countryside, as well as a place that will be experienced by motorists and passengers that use the lane regularly and can easily spot change. The holiday park is already visible from this position, however further erosion of the rural, tranquil character of the area should be minimised.

I am aware that the mound will be removed and that the existing hedgerow trees on the boundary provide a good screen but I am concerned that during the winter the trees will not provide such a satisfactory visual screen. Also that encouraging more vegetation within the tree canopies is not easy.

I would be reassured if the effect on the perception of the Holiday Park, as experienced from the north (viewpoint 2), in the winter months, could be reconsidered and hopefully addressed with solutions that are effective in all seasons and in the long term. A planted bund (with a good amount of evergreens), positioned running parallel to the northern boundary, would resolve this, however there may be other ways.

6. REPRESENTATIONS

Two letters of objection have been received. The objections/comments are summarised below (see case file for full representations):

- It is not justified wanting land to place a further 12 static caravans on the site when there is already 9 empty static caravan bases, with at least 4 having been empty for over 12 months and at present the hire fleet of 4 static caravans are very rarely occupied;
- The increase use by holiday makers will be less of a boost than the 20+seasonal touring pitches being cleared for further expansion of the statics;
- Modernisation could be done within the site as is without the additional 12 caravans being added.

7. TOWN / PARISH COUNCIL'S COMMENTS

Tedburn St Mary did not support the application because of concern about turning a touring park into a residential park and the strain this puts on local amenities. The Council request that the application is escalated to Category B.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. 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.

Business Manager – Strategic Place

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 17 December, 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), J Petherick, and H Cox.

DATE OF SITE INSPECTION: 5 December, 2019

Application 19/01665/FUL **TEDBURN ST MARY - Springfield Holiday Park, Tedburn St Mary - Use of land for siting of 12 static caravans with decking areas and associated works for holiday use including the demolition of club house and bungalow**

Also present: Two Parish Council representatives
Apologies: Cllrs Goodman Bradbury, Nutley, Phipps, Wrigley, Colclough, Hayes

Purpose of Site Inspection:
To assess the impact of the proposal on the overall site and the landscape.

The Site Inspection Team initially viewed the site from the area of the club house and bungalow to be demolished.

The Planning Officer reported: on the illustrative plans for this part of the site and the layout for 4 caravans in this location.

The Site Inspection team then viewed the site from the raised ground at its north-western boundary.

The Planning Officer reported on the plans for this part of the site with 5 caravans on one side of a new internal road and 3 caravans on the other side of the new access road adjacent to existing unit no. 44. The Officer also provided details on plans to level out the site through excavation, the removal of the bungalow and club house in order to facilitate the proposals, the intention of the site to rent out the units, and the recommended condition in relation to limiting the use to holiday use only to prevent permanent residential occupancy of the proposed static caravans

The Site Inspection Team consisting of three members, considered the application acceptable, subject to the conditions set out in the officer report.

Cllr M Haines
Chairman

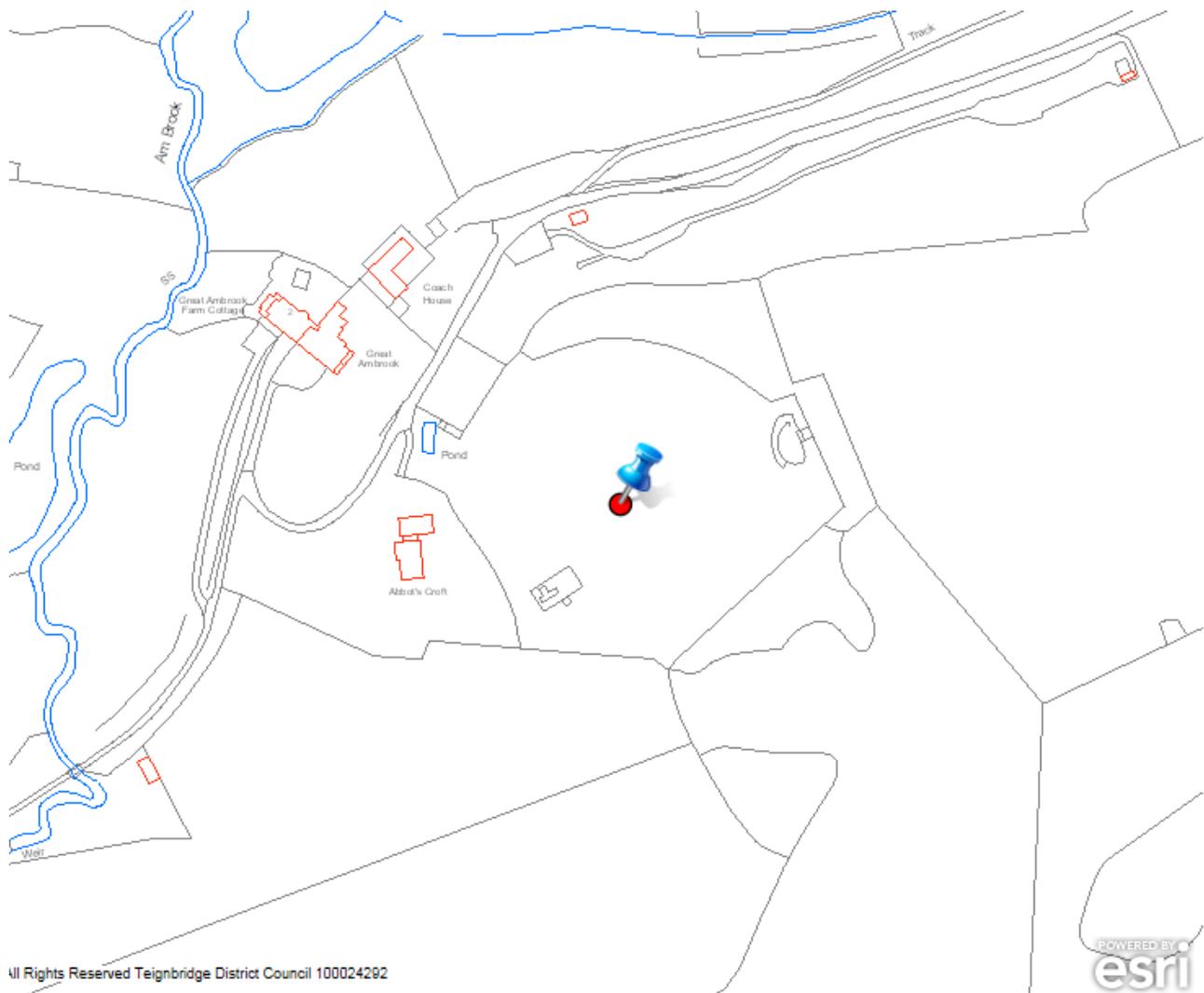
TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE REPORT 17 December 2019

CHAIRMAN: Cllr Mike Haines

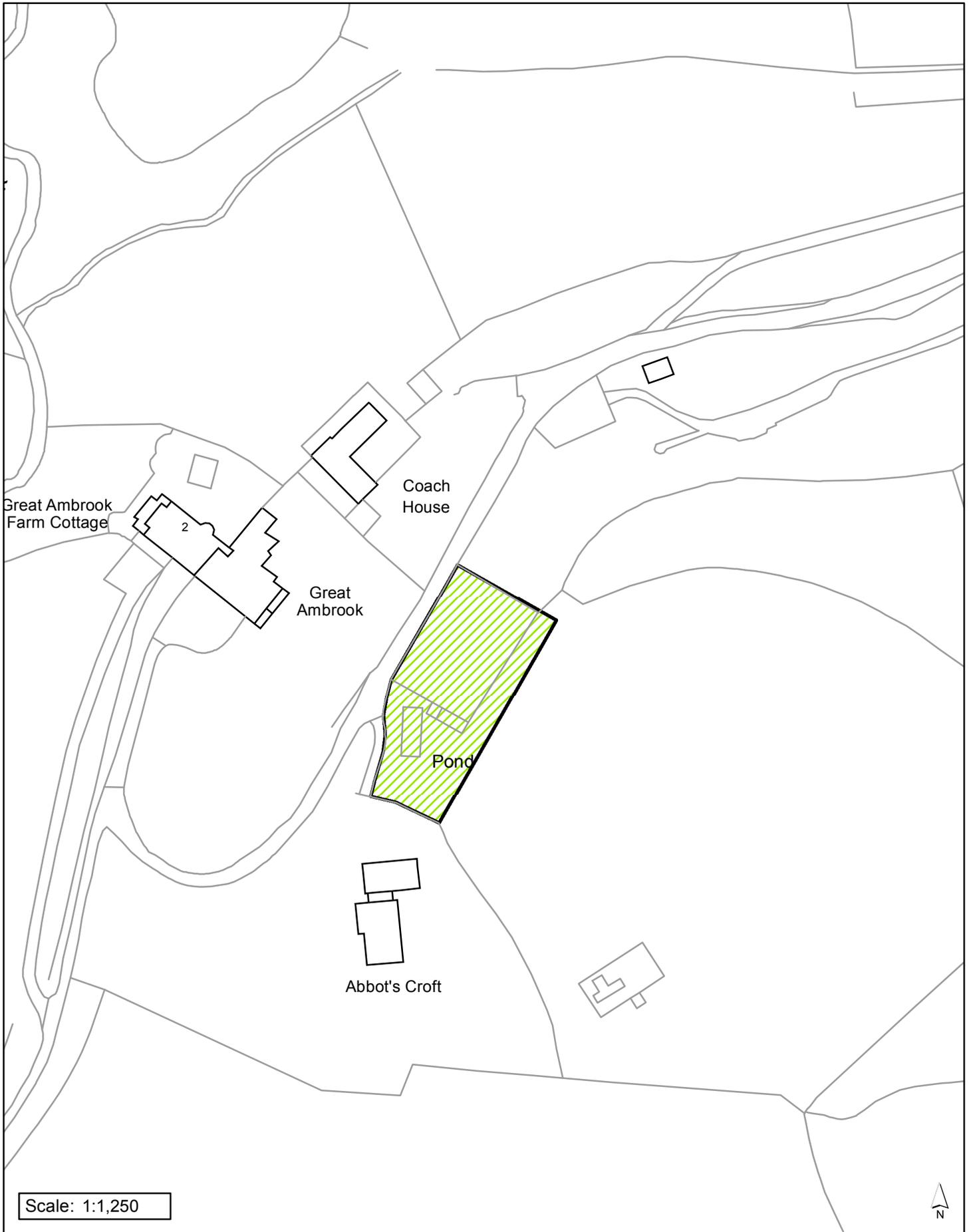


APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation	
APPLICANT:	Mrs Berry and Mrs Chapman	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alistair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00672/FUL&MN	



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19/00672/FUL - Great Ambrook, Ipplepen, TQ12 5UL



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1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, has requested Committee determination as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Councillor Dewhirst also has concerns as to the nature of the proposed living accommodation and considers that the Committee may wish to impose conditions relating to its use.

2. RECOMMENDATION

PERMISSION BE GRANTED

- SUBJECT TO a Section 106 legal agreement to ensure that the income generated from the holiday accommodation is used to fund the restoration of the Italian Garden and to prevent it from being sold separately; and
- SUBJECT TO Planning Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. The building hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register of occupants shall be maintained;
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority;
5. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
6. Prior to commencement including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority;
7. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
8. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
9. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
10. Prior to their installation on site, a sample of the stepping stones to be used in the private garden of the holiday accommodation and details of the material to be used for the hardstanding parking areas shall be submitted to and approved in writing by the Local Planning Authority;
11. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
 - Doors
 - Windows, including cills

- Gates and threshold
- Timber lintels
- Loggia

The building details shall be installed in accordance with the approved drawings;
12. No external lighting shall be installed on, or in association with, the new building, unless otherwise agreed in writing by the planning authority;

3. DESCRIPTION

The Application Site

- 3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.
- 3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

** Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; * Designer: as the only surviving garden created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; * Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; * Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; * Planting: a number of mature trees and plants survive from the original planting scheme; * Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; * Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

History of the Italian Garden

- 3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of IIsington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also

worked at Castle Drogo.

Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.

The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carrion pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.

Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when then estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is protected as a designated asset.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m

to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

The Application

- 3.6 The application seeks permission for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a quiet contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this could cause for the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

Planning History

- 3.8 Relevant site history:
- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
 - 19/00976/LBC: Construction of building for use as holiday accommodation and associated works. Awaiting determination.

Main issues

- 3.9 The main issues for consideration are:
- The principle of the development/sustainability;
 - Impact upon heritage assets;
 - Impact upon the character and visual amenity of the area/open countryside
 - Impact on residential amenity of surrounding properties;
 - Impact on ecology/biodiversity;
 - Impact on trees;
 - Flood and drainage impact of the development;
 - Highway safety;

- Carbon reduction.

Principle of the development/sustainability

- 3.10 Policy S22 (Countryside) of the Teignbridge Local Plan notes that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aim of Policy S22. These uses include tourist uses.
- 3.11 Policy S12 (Tourism) of the Local Plan details that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors by supporting:
- new tourist attractions in locations where the scale of visitor and employee trips is commensurate with the public transport, cycling and walking accessibility and environmental constraints;
 - enhancing the environment and local distinctiveness including heritage and landscapes and supporting other local improvements which will increase the attractiveness of the areas to visitors; and
 - increased visitors to heritage and nature conservation assets where this maintains and enhances the quality of the asset and supports environmental enhancements.
- 3.12 Policy EC11 (Tourist Accommodation) of the Local Plan details that outside of settlement limits, tourism accommodation will be acceptable in principle where it provides innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.
- 3.13 Given that the application site falls within the open countryside and the proposal would provide an innovative and unusual form of holiday accommodation which would widen and enhance the tourist offer of the area and importantly would enhance the quality of heritage assets, the proposal is considered to accord with Policies S22, S12 and EC11. As such, the principle of the proposed development is deemed to be acceptable.

Impact upon heritage assets

- 3.14 One of the main issues of this proposed development is its impact on designated heritage assets. These include:
- The Italian Garden - Grade II, Registered Park and Garden; and
 - Great Ambrook House - Grade II, Listed Building.
- 3.15 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.
- 3.16 Policy EN5 (Heritage Assets) of the Local Plan states that:

To protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other

archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.

- 3.17 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.18 Furthermore, Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 196 specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.19 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration. However, it is considered necessary that any approval would need to be strictly controlled by a Section 106 agreement to ensure the holiday accommodation is not sold off separately and the income stream lost to the garden. In addition, a condition would be included with any permission which states that the proposed building shall be occupied for holiday purposes only to ensure that the holiday accommodation is not used for permanent residential accommodation.
- 3.20 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.21 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.

- 3.22 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
 - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
 - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.

3.23 It is considered that the development proposal would result in less than substantial harm at the lower end of the spectrum to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.

3.24 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new building would not be visible from Great Ambrook House or any part of the immediate landscape.

3.25 The Local Planning Authority is mindful of the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.

Impact upon the character and visual amenity of the area/open countryside

3.26 The new building would be located within the walled garden at Great Ambrook and part of the proposal includes the construction of a replacement limestone wall on the south east elevation of the garden which would be built to encompass the building design. Parking for the proposed holiday accommodation will be provided on the existing hardcore drive entrance.

3.27 Given that the proposed building would be contained within the existing walled garden and there is an existing hardcore parking area within the Italian Garden, it is considered that the proposal would not adversely affect the character of the wider landscape. The proposed new gates to the entrance of the Italian Garden are also considered to be appropriate for the setting. TDC's Landscape Officer has commented that the development lies within an existing developed area and is of a scale and character that will assimilate well into its context. As such, the Landscape Officer has raised no objections to the proposal and it is deemed that the proposal would accord with Policy EN2A (Landscape Protection and Enhancement) of the Local Plan.

Impact on residential amenity of surrounding properties

3.28 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion which includes

nuisance arising from the proposed development, including from associated traffic. The Italian Garden is accessed from the public highway via Great Ambrook Avenue, a single track private driveway, approximately 0.9 km in length and with only two passing places.

- 3.29 The application originally sought permission for the use of the proposed building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance this could cause upon the existing residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.
- 3.30 Whilst it would be preferable if additional passing places could be installed along Great Ambrook Avenue, given that the land either side of Great Ambrook Avenue is not owned by the applicant's, it has not been possible to request that additional passing places are provided. It is acknowledged that the proposed holiday accommodation on its own would still result in a small increase in the amount of traffic using Great Ambrook Avenue and consequently could result in some minor disturbance for the four residential properties that are accessed via Great Ambrook Avenue. However, given that Great Ambrook Avenue already serves four existing residential properties and the owners of the Italian Garden have a right of access to use Great Ambrook Avenue to visit the garden, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application.
- 3.31 Due to the distance between the proposed new building and the neighbouring residential properties, and as the new building would be contained within the walled garden, it is deemed that the proposal would not result in any significantly detrimental impacts in terms of noise and disturbance upon the amenity of surrounding properties.

Impact on ecology/biodiversity

- 3.32 The application site falls within a Landscape Connectivity Zone in association with the South Hams Special Area of Conservation (SAC) for greater horseshoe bats and the submitted bat survey details that seven species of bat were recorded at the site, including greater horseshoe bats. As the footprint of the proposed building is of a relatively limited scale, the proposal is considered to be 'minor development' under the SAC guidance. The proposed development would result in the permanent loss of garden area to the holiday accommodation building and there is further potential disturbance to bats from lighting. Whilst the applicant has suggested options to alleviate the potential light spill disturbance from the proposed development e.g. downlighters for external lighting and shutters for blocking internal lighting from windows, the proposal would bring some extent of extra lighting which was not present previously within the Landscape Connectivity Zone.
- 3.33 In order to mitigate for the loss of bat foraging or commuting features within the walled garden, the applicant has suggested an enhancement of an equivalent area elsewhere within the Italian Garden. TDC's Biodiversity Officer has commented that the grassland and other habitats affected by the proposal could be offset by a smaller area of a different habitat type within the site which has potential to be

richer in bat prey. An ecology mitigation plan has been submitted which includes bat prey generating habitats in the form of 10 sq m of willow, 10 sq m of ivy and an 8 sq m log pile.

- 3.34 The Biodiversity Officer has noted that providing there is some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, the suggested ecology mitigation plans could be a solution. As such, subject to a condition requiring the submission of a landscape management plan which provides management / planting scheme details for the offsetting mitigation for the garden area the proposals are acceptable in this regard. In addition to the offsetting mitigation features for the garden area, the proposal includes various enhancements towards biodiversity gain in the form of bat and bird boxes, retention of ivy and of cracks in masonry for crevice roosting bats, log piles and a green roof on the proposed building. These details will be secured by a condition.
- 3.35 The site falls within an overwintering zone for Cirl buntings and part of the walled garden area falls within a breeding territory for Cirl buntings. No significant adverse impacts would be anticipated on Cirl buntings, though there may be opportunities to include landscaping enhancements which can support Cirl buntings and these details can be included within a landscape management plan.
- 3.36 As such, it is deemed that the proposal would not result in any adverse biodiversity impacts.

Impact on trees

- 3.37 Although the Italian Garden is subject to a group Tree Preservation Order and an objection has been received with regards to the impact of the proposal on trees, TDC's Senior Arboricultural Officer has commented that he has no arboricultural objections to the proposal as he considers that no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affected by the proposal. As such, it is deemed that the proposed development would not result in any adverse impacts.

Land drainage/flood risk

- 3.38 The applicant has detailed that the surface water drainage from the proposed development would be via a soakaway. TDC's Drainage and Coastal Manager has commented that the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change and further details are required. However, it is considered that these details can be secured via a condition with any approval.

Highway safety

- 3.39 The impact of the proposal upon Great Ambrook Avenue has already been covered in the impact on residential amenity section of this report. In terms of the impact of the proposal upon the public highway, given the wide entrance into Great Ambrook Avenue from the public highway, it is considered that there is a sufficient level of visibility for vehicles entering and existing Great Ambrook Avenue and the proposal would not result in any adverse impacts in terms of highway safety upon the public highway.

Carbon reduction

- 3.40 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 42% from 2009 levels by 2030. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in policy S7.
- 3.41 The proposed building would feature a meadow grass roof and includes the provision of solar PV generators on the roof of the proposed building. Acknowledging that the site is only realistically accessible by private car (or committed cyclists), it would make a small positive contribution to enhancing the local sustainable tourism offer overall.

As such, it is considered that this proposal represents a sustainable development which meets the aims of the NPPF and Policies S7 and EN3.

Conclusion

- 3.42 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. It is also acknowledged that the proposed holiday accommodation would result in an increase in the amount of traffic using Great Ambrook Avenue and consequently would result in some nuisance upon the four residential properties that are accessed via Great Ambrook Avenue. However, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application. Subject to a Section 106 agreement which ensures that the income generated from the proposed holiday accommodation is used to help fund the restoration of the Italian Garden and the conditions stated at the beginning of this report, the officer recommendation is one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S12 Tourism

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

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

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

TDC Landscape Officer:

Comments dated 13 May 2019

In principle, I am of the opinion that the benefits of the proposal outweigh the harm.

I have some minor concerns regarding the depth of the building, external levels, external detailing and door and hardware detailing and believe that improvements could be made that would further reduce the harm.

Should these minor concerns be satisfactorily addressed, I believe that the proposals will comply with the Teignbridge Local Plan policies EN5 (Heritage Assets), S2 (Quality Development) and EN2A (Landscape Protection and Enhancement).

I am of the opinion that the proposed holiday unit will offer a close and private experience of the Italian Garden and in doing so will fulfil Teignbridge Local Plan

policy EC11 to (g) “*provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area*”.

Comments dated 30 May 2019

I previously raised concern regarding: the width of the building and terrace; the position of the entrance; and the doorway detailing. Following receipt of the amended drawings and explanation, I confirm that I am satisfied with the changes that have been made to the terrace and doorway detailing and content that the depth of the building and the position of the entrance are justified, as previously proposed.

There is consequently no landscape objection.

TDC Biodiversity Officer:

Comments dated 10 May 2019

The following biodiversity matters will need to be addressed:

- The site falls within a Strategic Flyway from Natural England planning guidance for the South Hams SAC. The development footprint is of relatively limited scale, so that the proposal might be ‘minor development’ under the SAC guidance. There would be permanent loss of garden area to building(s) and potential for disturbance from lighting. For external lighting, downlighters are noted, and shutters for blocking internal lighting from windows (though a question would be how readily these shutters would be used by holiday residents). Holiday accommodation would bring some extent of extra lighting which was not present previously within the Strategic Flyway. As for 18/01033/PE, it is suggested a suitable lighting modelling survey is carried out to show levels of light spill.
- For the South Hams SAC, following European Court decision *People over Wind and Sweetman vs Coillte Teoranta*, April 2018, mitigation measures cannot be considered at screening Assessment of Likely Significant Effect stage and an Appropriate Assessment will be required, with Natural England consultation. Please allow time for this
- Under Policy S22, there must be no net biodiversity loss and a biodiversity gain should be sought (also consistent with NPPF 2019 para.s 170 and 174 and Local Plan policies EN8 and EN11). Currently it is not clear whether net loss would be avoided and a gain achieved. One of the emerging biodiversity off-setting calculators could be used for this (for example DEFRA or Warwickshire models, suitably adjusted to reflect local conditions). The green roof is noted and could contribute to these calculations. Among other opportunities, the site falls partly within a breeding territory for Cirl buntings
- Reasonable likelihood of bat presence is identified, but there has been no further bat activity survey as would typically be required, particularly for a site in open countryside subject to TDC Local Plan Policy S22. Greater consideration of bats within the walled garden area is needed, namely further information on extent of bat foraging (for example around orchard trees which are to be removed), as well as

potential for roosting sites in ivy or in cavities among any gaps and loose masonry in wall structures

- Potential is identified for legally protected reptiles and amphibians to be present in the log pile which will be removed (Target Note 2 in the ecological report). There has been no follow up reptile/amphibian survey. Details of safeguards to avoid threat of harm, and proportionate mitigation for loss of habitat, would be needed

Some more information is needed before I will be able to carry out the Appropriate Assessment. For this and for other biodiversity matters, please ask for further information covering:

1. Bat activity survey, following standard BCT guidelines
2. Lighting modelling survey
3. Safeguards to prevent threat of harm to protected species (*i.e.* reptile/amphibian safeguards and mitigation plan, clarification and / or survey of wall structures for potential presence of cavity roosting bats)
4. Clarification that all net biodiversity loss will be compensated (such as via one of the biodiversity off-setting calculators, as referred to above)
5. Opportunities towards achieving biodiversity gain (which might include the green roof, also through landscaping planting and maintenance schemes, incorporation of integral nesting and roosting features and other measures)

Comments dated 15 November 2019

The new ecology mitigation axonometric view document is noted.

The bat survey found use of the walled garden area, including by horseshoe bats: this does not suggest to me that there is no or negligible bat use of the garden area. There has been no lighting modelling survey to show levels of light spill, or that there would be sufficient dark areas in the garden retained to allow continued bat use. Bat roosting features are noted but these are not mitigation for loss, or safeguarding of, foraging or commuting features, and I think count more as 'enhancements' than mitigation (and are welcomed as such). Where they, and the green roof, are located in the garden area, these are going to be subject to the same light spill disturbance.

I suggested if there is no detailed info about light spill, an alternative approach could be to take the area of the walled garden and enhance a comparable / equivalent area and habitat type elsewhere within blue line ownership.

The walled garden is approx. 735 sq m; I would say the grassland and other habitats affected could be offset by a smaller area of a different habitat type which has potential to be richer in bat prey.

In terms of bat prey generating habitats, the new further proposals comprise:

10 sq m of willow
10 sq m of ivy
8 sq m log pile

Long term status of the Dell (500 sq m) is a bit uncertain: it sounds to be an existing (reptile) habitat which would be left unmanaged, so could be anticipated to produce

some bat prey for a period, depending on which plant species colonise, and if the feature would ultimately succeed to dense ornamental shrub. But it does seem to offer a good opportunity to mitigate impacts in the walled garden area. I think if there could be some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, this could be a solution.

For bat prey generating plant species there could be options. Native shrubs typically support invertebrate species, and there would be particular night-scented moth attracting flowers.

If there can be details of longer term management for The Dell (such as might go in a landscaping plan), I think this could cover what's needed. Or if this info is not available prior to determination, there could be a carefully worded condition, if it can be certain that suitable long term maintenance of The Dell can be secured, and whereby management / planting scheme details are submitted for written approval.

The various bat boxes, retention of ivy and of cracks in masonry for crevice roosting bats, green roof, and log piles are very much welcomed as enhancements towards biodiversity gain.

With these two elements included – offsetting mitigation for the garden area, and the proposed biodiversity enhancement features – I think this would meet biodiversity requirements.

TDC Senior Arboricultural Officer:

There are no arboricultural objections to the proposal as no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affect by the proposal.

It is understood pre-applications discussions have been undertaken with the Council's Conservation Officer prior to submission.

TDC Drainage:

Although the applicant has undertaken infiltration testing and proposed the design of a soakaway to be provided onsite, the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change.

The proposed surface water drainage system should be designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

A surface water drainage operation and maintenance schedule is required to demonstrate that all components will remain fully operational throughout the lifetime of the development. Details to include who will be responsible for implementing the on-going management and maintenance of the proposed surface water drainage system serving the dwellings and the access road.

DCC Highways:

Refer to Standing Advice.

DCC Archaeology (in response to the consultation request for associated application 19/00976/LBC):

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20th century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19th century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18th century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house.

Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

Historic England:

No comments.

Garden History Society:

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

The Gardens Trust:

Support the proposal.

6. REPRESENTATIONS

A site notice was erected at the entrance to Great Ambrook Avenue. 12 letters of objection and 2 letters of support have been received.

The letters of objection raised the following planning issues:

- The proposal conflicts with Policy S22 of the Teignbridge Local Plan.

- Increase in traffic along Great Ambrook Avenue and inconvenience to local residents.
- Impact on trees.
- Harm to the setting of heritage assets.
- The presence of permanent or semi-permanent occupiers of a house within the gardens would be extremely intrusive to the peaceful experience of the garden for others.
- Impact on landscape character.
- No justification for a dwelling on the site.
- Not a building plot
- Size of the proposed building.
- Limited number of visitors and no additional employment.
- Lack of car parking.
- Lack of water supply.
- Lack of foul drain connection.
- Increased access by construction vehicles and increased visitor numbers would increase the wear and tear to Great Ambrook Avenue as well as causing increased nuisance to the residents.
- Public road access to Great Ambrook Avenue is poor.
- The restoration of the Italian Garden is achievable through other means e.g. grants.

The letters of support made the following comments:

- The Italian Garden should be around for future generations to enjoy.
- The proposed holiday let would supplement the restoration of the garden.
- The rebuilding of the missing wall would regain the significance of the kitchen garden.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. 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.

Business Manager – Strategic Place

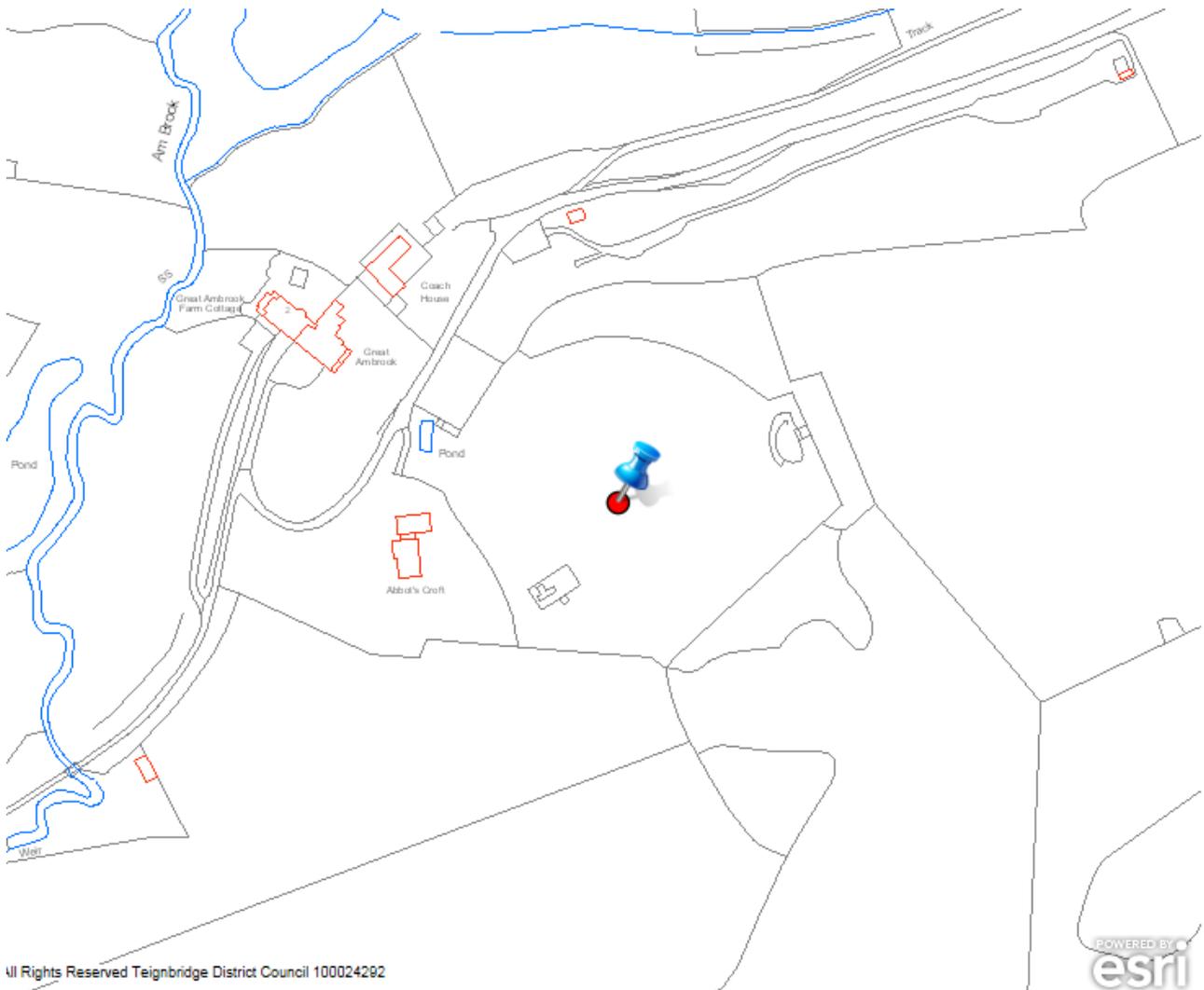
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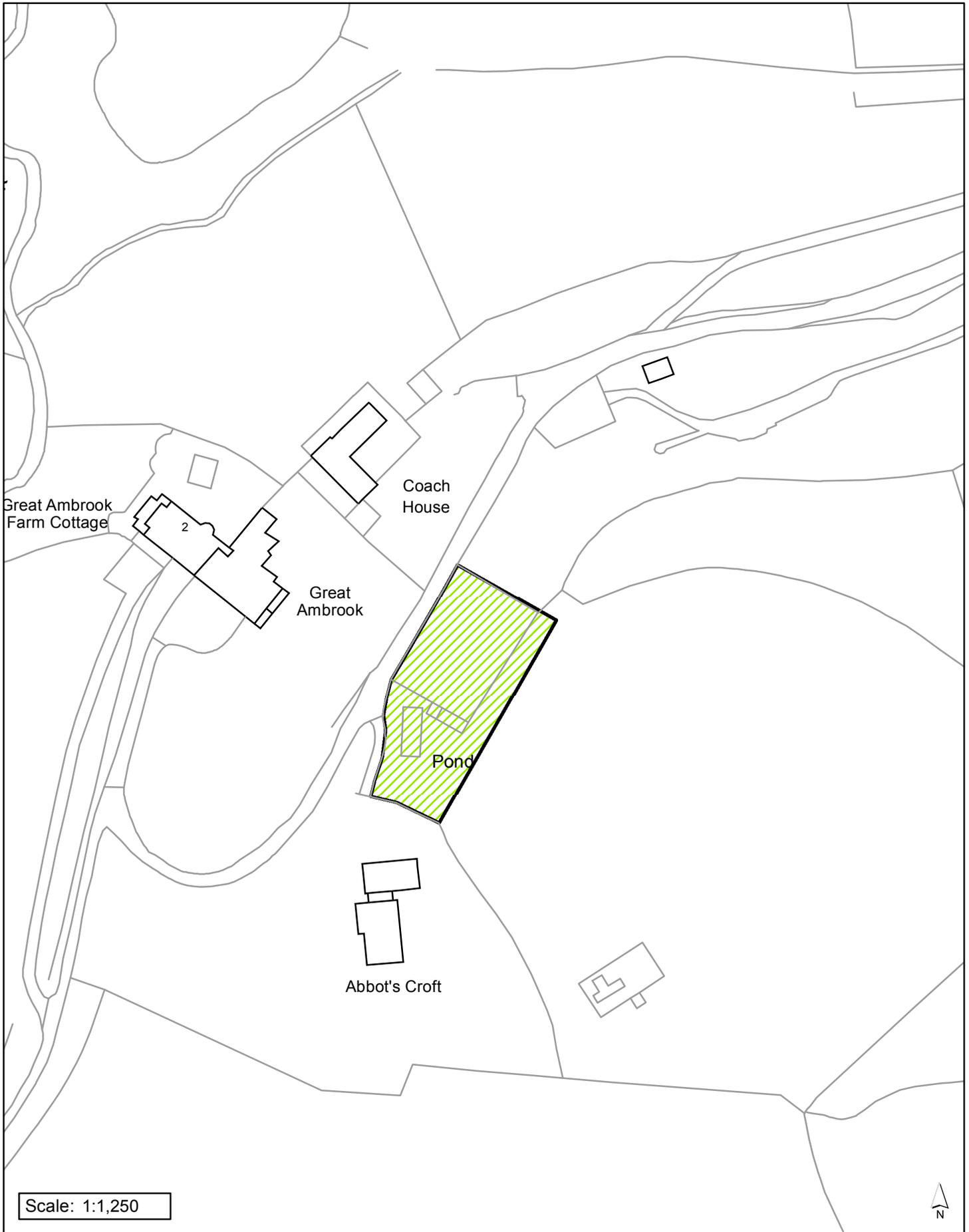
PLANNING COMMITTEE REPORT 17 December 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/00976/LBC - The Italian Garden , Great Ambrook - Construction of building for use as holiday accommodation and associated works (description amended 08.08.2019)	
APPLICANT:	Mrs Berry & Mrs Chapman	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alistair Dewhurst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00976/LBC&MN	





**19/00976/LBC - The Italian Garden, Great Ambrook,
Ipplepen, TQ12 5UL**



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1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, requested Committee determination for associated full planning application 19/00672/FUL at Great Ambrook as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Subsequently, it is considered necessary that the associated Listed Building Consent application is also referred to the Planning Committee for determination.

2. RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED subject to Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place:

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
4. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
5. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
6. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
 - Doors
 - Windows, including cills
 - Gates and threshold
 - Timber lintels
 - Loggia

The building details shall be installed in accordance with the approved drawings;

3. DESCRIPTION

The Application Site

- 3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.
- 3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

** Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; * Designer: as the only surviving garden*

*created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; * Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; * Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; * Planting: a number of mature trees and plants survive from the original planting scheme; * Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; * Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

History of the Italian Garden

3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of Ilington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also worked at Castle Drogo.

Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.

The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carrion pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The

raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.

Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when then estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is listed protected.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

The Application

- 3.6 The application seeks listed building consent for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using

Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this would cause upon the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

Planning History

3.8 Relevant site history:

- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
- 19/00672/FUL: Construction of building for use as holiday accommodation. Awaiting determination.

Impact upon heritage assets

3.9 One of the main issues of this proposed development is its impact on designated heritage assets. These include:

- The Italian Garden - Grade II, Registered Park and Garden; and
- Great Ambrook House - Grade II, Listed Building.

3.10 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.

3.11 Policy EN5 (Heritage Assets) of the Local Plan states that:

To protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.

3.12 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

3.13 Furthermore, Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 196 specifies that where a development proposal will lead to less than substantial

harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 3.14 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration
- 3.15 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.16 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.
- 3.17 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
 - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
 - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.
- 3.18 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.
- 3.19 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new

building would not be visible from Great Ambrook House or any part of the immediate landscape.

- 3.20 In addition to the proposed new building within the walled garden and the installation of new gates to the Italian Garden, the proposal also involves repointing and repairing the existing stone walls of the walled garden, removing the brick and concrete boiler room, stabilising the glass house wall on the outside of the walled garden and preserving an existing opening in the south western wall of the walled garden. All of these proposed alterations are considered to be acceptable and they would help to preserve and enhance the curtilage listed structure, in accordance with Policy EN5.
- 3.21 The Local Planning Authority is mindful of the duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.

Conclusion

- 3.22 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. Subject to the conditions stated at the beginning of this report, the officer recommendation is one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

EN2A Landscape Protection and Enhancement

EN5 Heritage Assets

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage

listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

DCC Archaeology:

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20th century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19th century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18th century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house. Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

Historic England:

No comments.

Devon Gardens Trust:

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

6. REPRESENTATIONS

A site notice was erected at the entrance to Great Ambrook Avenue and six letters of objection have been received which raised the following relevant issues:

- The proposal does not comply with Policies EN2A, EN5 and S22 of the Teignbridge Local Plan.
- Construction traffic will damage the driveway.
- Harm to the setting of heritage assets.
- Size of the proposed building.

7. TOWN / PARISH COUNCIL'S COMMENTS

The following comments were received from Ipplepen Parish Council in response to associated planning application 19/00672/FUL:

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. 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.

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 26 November 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 19/00047/FAST DAWLISH - 41 Cofton Hill Cockwood**
Appeal against the refusal of planning application
19/01169/VAR - Variation of condition 2 on planning
permission 16/01205/FUL (first floor side extension and
dormer window to west side elevation) to change cream
render to grey boarding

APPEAL ALLOWED (DELEGATED REFUSAL)
- 2 19/00043/REF KINGSTEIGNTON - 7 Hosegood Way Kingsteignton**
Appeal against the refusal of planning permission
19/00425/FUL - New dwelling

APPEAL ALLOWED (DELEGATED REFUSAL)
- 3 19/00038/REF BISHOPSTEIGNTON - Humbercroft Lane Past Humber
Farm**
Appeal against the refusal of planning permission
18/02392/FUL - Replacement of metal containers and
storage shed with Coach House comprising garaging on
the ground floor with holiday accommodation over

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4 19/00037/REF COFFINSWELL - Pathfield Dacombe**
Appeal against the refusal of Planning permission for
18/02312 - Use of land for Class B8 storage (caravans,
trailers and motor vehicles)

APPEAL ALLOWED (COMMITTEE OVERTURNED
OFFICER RECOMMENDATION TO APPROVE)

TEIGNBRIDGE DISTRICT COUNCIL

- 5 **19/00045/FAST** **IPPLEPEN** - Sunningdale Totnes Road
Appeal against the refusal of planning permission for
19/00885/FUL - Retention of tree house
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 6 **19/00044/REF** **HACCOMBE WITH COMBE** - Willow Springs Land
North Of Park House
Appeal against the refusal of planning permission for
19/00253/FUL - Agricultural building for use as
workshop and storage in connection with the
maintenance and improvement of agricultural land
- APPEAL ALLOWED (DELEGATED REFUSAL)
- 7 **19/00034/REF** **EXMINSTER** - Water Storage Tank Deepway Lane
Appeal against the refusal of planning permission
18/02094/FUL - Conversion of a disused water storage
tank into a dwelling with integral garage
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 8 **19/00035/REF** **IDE** - Springwell View Old Ide Lane
Appeal against the refusal of planning permission
19/00039/FUL - Use of land as domestic curtilage,
construction of a detached garage and retention of hard
standing
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 9 **18/00001/ENFA** **TEIGNMOUTH** - Field At NGR 293874, 74973 Higher
Woodway Road
Appeal on grounds c, d, f and g against Enforcement
Notice 12/00345/ENF for the unauthorised change of
use of part of the Land from the lawful use for
agricultural purposes to use for residential purposes in
that the existing agricultural building is in use for
residential purposes together with use of several
caravans
- ENFORMENT NOTICE VARIED AND UPHELD
- 10 **19/00003/ENFA** **DAWLISH** - Byron House 37 The Strand
Appeal against Ground C for Enforcement notice - The
insertion of two white polymer coated metal windows on
the front elevation of the property

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APPEAL ENFORCEMENT NOTICE CORRECTED
AND UPHELD

- 11 19/00007/REF CHUDLEIGH** - Quarry Farm Stancott
Appeal against the refusal of 18/01930/NPA -
Application for Prior Approval under Part 3 Class Q (a)
and (b) paragraph W of the GDPO change of use of
agricultural building to a dwelling
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 12 19/00008/REF CHUDLEIGH** - Quarry Farm Stancott
Appeal against the refusal of 18/02389/PIP - Permission
in Principle for Minimum of 5 and a maximum of 7
dwellings
- APPEAL DISMISSED (DELEGATED REFUSAL)
- 13 19/00010/COND CHUDLEIGH** - Quarry Farm Stancott
Appeal against conditions imposed on 18/01934/NPA -
Application for Prior Approval under Part 3 Class R
paragraph W of the GPDO change of use of agricultural
buildings to a flexible use falling within Class B1
(business)
- APPEAL ALLOWED - PERMISSION VARIED BY
REPLACING CONDITION 3 (DELEGATED REFUSAL)
- 14 19/00063/FAST TEIGNMOUTH** - Grasshoppers Higher Woodway Road
Appeal against the refusal of planning application
19/01132/FUL - Two storey side extension to east
elevation and extended balcony to south (revised
scheme 18/01975/FUL)
- APPEAL ALLOWED (DELEGATED REFUSAL)

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PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 17 December 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 19/00042/REF BISHOPSTEIGNTON** - Land South Of Flores
Cottage Cockhaven Road
Appeal against the refusal of planning permission
19/00387/OUT - Outline - dwelling (approval sought for
access)

APPEAL DISMISSED (DELEGATED REFUSAL)

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