

Forde House
Newton Abbot
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7 February 2020

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 18th February, 2020** 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.

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

This agenda is available online at www.teignbridge.gov.uk/agendas five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

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.

A G E N D A

PART I

(Open to the Public)

1. Minutes (Pages 5 - 18)

To confirm the minutes of the last meeting.

2. Apologies for absence.

3. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so,

the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) NEWTON ABBOT - 19/02437/FUL - Car Park At 69-71 East Street, East Street - Five affordable apartments together with provision for electric car charging points (Pages 19 - 28)
 - b) NEWTON ABBOT - 19/02438/FUL - Garages Off Drake Road, Newton Abbot - Two semi-detached houses with associated and residents parking (Pages 29 - 38)
 - c) ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling (Pages 39 - 48)
 - d) TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings (Pages 49 - 60)
 - e) BOVEY - 19/01342/FUL - Sabre Power, Station Park - Construction and operation of an urban reserve 2.5MW gas fired power plant and associated equipment (Pages 61 - 78)
 - f) IPPLEPEN - 19/01877/FUL - Moorwood, Moor Road - The temporary stationing of a log cabin for 3 years to serve as a key worker supervisory dwelling in connection with equestrian use (Pages 79 - 88)
8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 89 - 90)

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).

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PLANNING COMMITTEE

21 JANUARY 2020

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, H Cox, Hayes, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Wrigley, Jeffries (Substitute) and Austen (Substitute)

Members in Attendance:

Councillors Daws, Mullone and Taylor

Apologies:

Councillors Colclough, J Hook, Jeffery and Phipps

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Nick Hill, Solicitor
Claire Boobier, Planning Officer
Gary Crawford, Planning Officer
Peter Thomas, Planning Officer
James Clements, Principal Planning Officer
Trish Corns, Democratic Services Officer
Christopher Morgan, Trainee Democratic Services Officer

71. MINUTES

The Minutes of the meeting held on 17 December 2019 were confirmed as a correct record and signed by the Chairman.

72. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

73. DECLARATIONS OF INTEREST.

Councillor Bradford declared a pecuniary interest in application 19/00238/MAJ by virtue of her interest in nearby properties. She had been granted a dispensation to speak but not vote.

Councillors Mullone and Daws had also been granted dispensations to speak.

Councillor Nutley declared an interest by virtue of his association with an applicant but this did not qualify as an Appendix A interest.

74. 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) IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation

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.

Public Speaker, Objector- Spoke on the access via the private drive, questions regarding tourist interest in the site, the condition of the road and its accessibility to emergency vehicles, the history of the garden, lack of need for the holiday house due to a nearby property for sale that would fit the same purpose, no public access to the garden, the detrimental effects to the road due to the increase in usage, and the refusal of similar applications.

Public Speaker, Supporter- Spoke on the agreement that all revenue gained by the use of the accommodation that would go towards upkeep of the garden, they have permission to use both private roads, refusal would result in the loss of heritage lottery funds, the split between the garden and coach house increasing traffic, only 3 properties share the private road

Comments from Councillors included: The heritage lottery fund will help with restoring the garden, Devon County Council has confirmed there will be minimal impact on the road, concerns over the poor quality and narrowness of the road with only one passing bay, whether or not there had been a bat mitigation plan, inclusion of a Section 106 agreement, no planned public access to the garden, if funds could be secured to improve the surface of the road and the site should be more accessible.

In response to comments from Councillors, the Business Manager clarified that there would be a Section 106 agreement which would secure the funds to be invested in the garden, all 3 properties have right of access to the road which is a civil matter and cannot be controlled by a condition, and a construction management plan would be included in the conditions.

It was proposed by Councillor Nutley, seconded by Councillor Keeling and

Resolved

Permission be granted subject to conditions:

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 sills
 - 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.

(10 in favour, 7 against, 1 abstention)

b) **IPPLEPEN - 19/00976/LBC - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation**

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.

Public Speaker, Objector- Spoke on the lack of need for the accommodation, narrow access road unsuitable for additional traffic, and the lack of safeguard against future development.

Public Speaker, Supporter- Spoke on the approval of the first application, the improvement to the garden and repairing any damage caused by construction vehicles.

Comments made by Councillors included- The poor state of the road, the financial contributions required to improve it, and the proposal would have minimal impact on the garden and would not be seen outside of the site.

It was proposed by Councillor Nutley and seconded by Councillor Keeling and

Resolved

Listed Building Consent be granted subject to the following conditions:

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. (12 in favour, 6 against, and 1 abstention)

c) **NEWTON ABBOT - 19/01005/FUL - Pascoe And Gill Garage , 128 Ashburton Road - Construction of convenience store and associated parking areas**

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.

In response to a question from the Committee the Business Manager advised that the CIL calculation in the report was correct but would be confirmed before

any liability notice was issued,

It was considered that the proposal would benefit the community because of the lack of facilities among the recently developed housing.

It was proposed by Councillor Bullivant and seconded by Councillor Parker and

Proposed

Permission be granted subject to the following conditions:

1. 3 year time limit condition
2. Compliance with the approved plans/documents
3. Prior to commencement of development details of fuel tanks and decommissioning methodology to remediate the land be submitted to and approved in writing by the Local Planning Authority (Agreed 18th November 2019)
4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority. (Agreed 1st November 2019)
5. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed 5db below the background noise level at the time of operation. Details of the scheme to demonstrate the above shall accord with the noise survey method British Standard: BS 4142:2014 and shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of development (agreed 1st November 2019)
6. 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 (Agreed 20th December 2019)
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority (Agreed 20th December 2019)
8. The site as a whole shall be considered as a sui generis / mixed use site. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Orders revoking or re-enacting these Orders, the use of the new building, hereby permitted, shall be limited to use class A1 (shops) for the sale of convenience goods only and the sales area shall be limited to the floor space as shown on drawing number 19837/202c (204.2 sq m).
9. No development shall take place above damp proof course level until samples of the materials to be used in all external surfaces of the building have first been submitted to and approved in writing by the Local Planning Authority.
10. No development shall take place above damp proof course level until such time as a detailed external lighting scheme for the development (including lighting to the store and within the car park and servicing areas), together with a

timetable for its provision, has first been submitted to and approved in writing by the Local Planning Authority.

11. No deliveries shall be taken or dispatched from the site except between the hours of 8.00 am and 7.00 pm, other than those delivering newspapers.

12. The convenience store, hereby permitted, shall not be brought into use until such time as a delivery management plan (which shall include, but not be limited to, details of the means of ensuring vehicle engines are not left running at the time of deliveries and that vehicle reversing alarms are turned off).

13. The uses at the site shall only be open between the hours of:

a) Convenience store: 7.00 am and 11.00pm on any given day.

b) Car valeting: Monday to Friday: 9am and 5pm, Saturday 9am and 4pm, and Sunday and bank holidays 9am and 4pm.

c) Car servicing garage: Monday to Friday 8am and 5pm, Saturday 8am and 4pm and not at all on Sundays and Bank Holidays

14. The site access and parking arrangements shall be constructed, laid out and maintained thereafter in accordance with the details on drawing number 19837/203H

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

16. Prior to first use of the new building hereby approved the cycle stands shall be provided and available use and shall be retained thereafter.

(17 in favour, 0 against, and 1 abstention)

d) **KINGSTEIGNTON - 19/00698/FUL - 15 Mill End, Kingsteignton - Two storey extension and detached replacement garage**

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.

It was proposed by Councillor Austen and seconded by Councillor Macgregor and

Resolved

Permission be granted subject to the following conditions:

1. Standard time limit

2. Works in accordance with approved plans

3. Works carried out in accordance with the tree protection details and measures

4. Garage to be ancillary to the main dwelling

(18 in favour and 0 against)

e) **ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling**

Public Speaker, Supporter- Spoke on plans for sustainable living in the accommodation, the development has the same footprint as the original barn, and asked the committee for additional time to continue construction on the application.

Comments raised by members included there was no justification for a dwelling in the countryside, approval could set a precedent, and the proposed dwelling was similar in design and size to the permitted Class Q.

The Business Manager and the Solicitor advised that Class Q regulations only apply to buildings that haven't been demolished. The previous structure had been demolished and so the Class Q regulations did not apply.

It was proposed by Councillor Bullivant and seconded by Councillor Patch that the application be accepted. The reasons for approval were; the new building would be similar in size and appearance to the previous building, the building is environmentally beneficial, the dwelling is in line with the council's declaration of a climate emergency, and it is a conversion of a previous agricultural building. A vote was taken and was lost at 8 votes for and 10 against.

It was proposed by Councillor Keeling and seconded by Councillor J Petherick and

Resolved

Decision be deferred pending a Member's Site Inspection.
(16 in favour, 2 against, and 1 abstention)

f) **NEWTON ABBOT/ABBOTSKERSWELL - 19/00238/MAJ- Langford Bridge Farm - Hybrid planning application**

The Principal Planning Officer referred to the late reps document, previously circulated and advised that 34 representations had been received since but these did not include any additional material planning considerations. He also advised that: Members had directly received a number of additional representations from interested parties; the Council had also received additional representations from CPRE and in regards to land to the south of the site. The main issues raised cover the following:

Uncertainty of link road delivery; prematurity/ lack of adopted DPD; insufficient community engagement; risk to GHB and integrity of SAC; TDC has 5 year land supply; carbon emissions; £100 per dwelling for air quality emissions; geology/hydrology & fen; habitat regulation appropriate assessment should be consulted on, and climate change.

Most of these matters had been addressed in the committee report and late

sheet however some points required clarification:

- As regards to the Appropriate Assessment, there is no requirement or duty to consult the public on this type of document. As the decision maker, the Local Planning Authority had consulted with the government's statutory advisor (Natural England) who agree with the recommendation made by the Council.
- As regards to air quality, there was not a scheme for the £100 per dwelling but this would form part of the Section 106. The Kingskerswell Air Quality Management Area (AQMA) is about to be revoked therefore the £100 contribution may not be required. The EHO comments require a contribution if AQMA still present. A revised Air Quality Action Plan is currently being completed which will identify a number of measures and projects.
- As regards to queries regarding DCC's comments and the greenhouse gas assessment (GHGA), this has been dealt with under September ES addendum. The GHGA is related to the Environmental Survey (ES) and is separate to the submitted Carbon Reduction Plan, required by policy, which demonstrates that the scheme can meet the 48% reduction in carbon emissions.

The Principal Planning Officer added that since the publication of the late update sheet:

- Additional details and a plan have been submitted by the applicant which demonstrate that the site can accommodate the amount of Public Open Space as outlined within the report, including the correct catchments and buffer zones, and this is acceptable.
- With regards to surface water drainage the Lead Flood Authority (LFA) have removed their objection, subject to a pre-commencement condition related to the detailed part of the application and conditions related to the outline.

Public Speaker, Objector- Spoke on the environmental advice given by a senior expert ecologist, the proposal would be detrimental to the established wildflowers on the site, the detrimental effect on soil, there would be a 30 percent decrease in biodiversity, detrimental to the protected bats, the proposed 20 meter bat corridor was inadequate, Bat Mitigation proposal was insufficient, and the lighting resulting from the proposal would be detrimental to the protected bats.

Public Speaker, Objector- Spoke on the application being premature pending the local plan review, air pollution would be significant from the proposal, impact on climate change, and EU regulations.

Public Speaker, Supporter- Compliant with the adopted local plan and all policies, economic benefits for Teignbridge due to enhanced local spending, land safeguarded for a second bridge crossing, support from Natural England who have agreed the Appropriate Assessment, compliant with the Carbon Reduction Policy, the creation new jobs for residents, and the Section 106 agreement has been negotiated.

Comments from Councillor's include: Premature pending the DPD, increase in traffic would have a detrimental effect on air pollution, concerns about biodiversity, detrimental to the amenities of local residents, detrimental to the protect bat species, primary school should be included, no certainty of link road, increased traffic congestion, £100 per dwelling is insufficient for air quality mitigation, impact of Brexit on EU environmental regulations, possibility of legal challenge, the Council has already met the target of 620 new homes therefore there is no need, detrimental effect on biodiversity, concerns about drainage, it is detrimental to Wolborough Fen which is a Special Scientific Site of Interest (SSSI), there should be a net environmental gain, the Council for Protection of Rural England (CPRE) has concerns, and reference made to Lord Underhill's ruling.

In response to comments from members, the Business Manager, Strategic Place advised that the Section 106 agreement included mitigating action in relation to air quality and the protected bat species. The Biodiversity assessment had been approved by the South Hams SAC. The Carbon reduction plan allows for a 48 percent reduction, there is no prematurity reason to defer decision because the Inspector had advised that the DPD won't be finished until later on this year and that applications should not be held up for this reason, and that because the application is based in UK law rather than EU law, leaving the EU will not impact the application; there is no prematurity reason to refuse the application and a decision on the application would not be unlawful. The Bat Mitigation Proposal would result in no detrimental effect on the bats.

The Principal Planning Officer added that the hydrology and drainage proposals would result in no detrimental effect on the SSSI. The site is lower than the Fen and so water would not drain to it.

The Solicitor advised on Justice Underhill's ruling, saying that the application did not conflict with the decision of the case. Members should use the adopted Local Plan policies and supporting advice from Natural England to determine the application. The current review of the Local Plan isn't a valid reason for refusal. The proposal was in accordance with the Local Plan policies and there was no reason to defer the application. The Business Manager added that housing numbers had not been met.

It was proposed by Councillor Wrigley that the application be refused on the grounds of insufficient mitigation for drainage, biodiversity, protection of bats, and air quality. This was seconded by Councillor Patch.

In response to the proposed reasons for refusal, the Principal Planning Officer advised that: Adequate comprehensive drainage proposals had been submitted and accepted and this reason for refusal could not be defended at appeal, the mitigating proposal for air quality had been accepted, the proposals include adequate mitigation for the protection of biodiversity and bats. There is no evidence to support the proposed reasons for refusal. The Business Manager added that the mitigating proposals for drainage were adequate and there was no requirement for developers to remedy existing drainage issues but the development would not make the current situation worse as a result of the

proposal. Devon County Council had raised no objection in regards to highway safety. There would be an increase in traffic but not enough to have an effect on highway safety. The Chairman added that members should determine the application on planning policy and the proposals were in accordance with policy.

A vote on the proposal for refusal as set out above was taken and lost by 6 vote for and 11 against.

Councillor Patch asked that his vote for refusal be recorded and Councillor Haines asked that his vote against refusal be recorded.

It was proposed by Councillor Haines and seconded by Councillor Bullivant that the application be approved as set out in the report. This was carried.

Resolved

Permission be granted subject to the following conditions:

A) The Applicant entering into a prior Section 106 Agreement to secure:

- Affordable Housing 20%, split 70% affordable rent; 30% for sale); Affordable Housing transferred at 50% occupation of dwellings per development phase; 100% of Affordable Housing transferred at 75% occupation per development phase; 5% to be wheelchair accessible; 20% of the Affordable housing would be required to be delivered to step free (accessible/adaptable Part M4 L2) specification. Dwelling should be tenure blind and spread throughout the development; Affordable housing mix to meet housing need and agreed prior to the submission of each phase;
- Provision of 5% custom build dwellings
- Provision of GI/Provision of open space (children's play spaces, formal parks and gardens, playing pitches, natural green space) and its management; Allotments to be provided onsite or contribution taken should the western side of NA3 not be brought forward;
- Playing pitch contribution of £291,474. Plus a future maintenance contribution over
- 20 years along with a Sinking Fund;
- Cirl Bunting contribution - £148,386.00
- Safeguarded site for a 1FE primary school
- Safeguarded land for two-way vehicular bridge to east of Langford Bridge
- Safeguarded land for / marketing and delivery of a 279sqm community building for Use Classes A1, A2, A3, D1 and D2
- Travel Plan as set out in the accompanying Residential Travel Plan - £100 per dwelling;
- Bus Contribution - £219,510.00 (£73170 per year for three years);
- Toucan Crossing along with a commuted sum;
- Shared cycle and pedestrian route to the Town centre - £200,000;
- Delivery of the link road to the boundary;
- Air Quality Management Area (AQMA), a contribution towards mitigation - £100 per dwelling if a fully costed project is identified;
- Delivery of the link road to the boundary with the landowner to the west.

Provisions for the transfer of land parcels at the north-west corner of the site to Teignbridge District Council to unlock delivery of the TDC land for provision of the link road and employment/education land;

- 200k contribution for a cycle route towards the town centre;
- Provision of cycle path extension along Decoy Industrial Estate;
- Employment site to cascade down to education if employment not viable.

PLANNING PERMISSION BE GRANTED subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising from the receipt of further consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place:

Full planning permission (link road and vehicular access points)

- Development shall commence within 3 years of the date of this permission;
- Development to proceed in accordance with the approved plans/documents;
- Surface water details;
- Link road gateway scheme to provide high quality design;
- Hard surfacing to include detailed design of the footways/cycle path as well as other hard surfaces;
- Soft landscaping details including tree lined avenue details within verges either side of highway;
- Full highway engineering details;
- Lighting strategy;
- Construction Environmental Management Plan (CEMP) – Biodiversity and
- Construction;
- Landscape & Ecology Management Plan (LEMP);
- Contaminated Land and Unsuspected Contamination;
- Programme of archaeological work in accordance with a written scheme of investigation.
- Outline planning permission / whole site as appropriate
- Submission of reserved matters (Access, scale, appearance, landscaping and layout);
- Reserved matters for first phase in no less than 3 years, all other reserved matters to be submitted within 10 years;
- Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase;
- All reserved matters shall be made within 10 years of the date of permission;
- Development to be carried out in accordance with the approved plans;
- Submission of phasing plan prior to reserved matters;
- Limit on employment use – 22,000sqm B&C; B2 or B8; B1a up to 8,100sqm;
- Removal of PD Rights for conversion to residential;
- Prior to any RM a design code to be submitted and approved for all

phases;

- Existing and proposed ground levels plan;
- Scheme of security measures – secured by design;
- Site wide housing mix strategy;
- Travel Plan;
- Access, circulation and green space strategy;
- Carbon reduction plan;
- Electric vehicle charging facilities;
- Written scheme of archaeology;
- Retention of the cob barn at Langford Bridge Farm;
- Surface water drainage scheme for each phase to be submitted prior to commencement of that phase;
- Arboriculture Impact Assessment;
- Measure to avoid/mitigate/compensate impacts on biodiversity in accordance with
- Appendix Biodiversity Section 9.5 of the ES;
- Bespoke Greater Horseshoe Bat Mitigation Plan;
- Detail of bespoke greater horseshoe bat roost;
- Control of External Light Spill to maintain dark areas on Site and in surrounding areas;
- Construction Environmental Management Plan - Biodiversity
- Landscape and Ecology Implementation and Management Plan (LEMP) to be submitted to and approved for each phase prior to commencement of that phase;
- Ecological monitoring to provide early warning of threats to bat habitat and commuting routes;
- Removal of permitted development rights for wind turbines;
- Submission of Scheme, Implementation, Verification, Reporting Unexpected
- Contamination;
- Construction Environmental Management Plan – CEMP: Construction;
- All reserved matters applications shall be accompanied by a report clearly demonstrating the methods to be employed to stop noise, vibration and odour
- Prior to commencement of the construction works, details of a lighting report and impact strategy shall be submitted;
- No occupation of any dwelling in a phase until foul sewage disposal is provided in accordance with details first approved;
- Notwithstanding the submitted parameter plans development will be located and designed to protect the residential amenity of Langford Bridge House and Langford Bridge Farm.

(11 in favour, 4 against, and 2 abstentions)

Note: Councillors Patch, Haines, and Bullivant asked for their individual votes to be recorded. Councillor Patch voted against the proposal, Councillor Haines voted for the proposal, and Councillor Bullivant voted for the proposal.

75. APPEAL DECISIONS.

The Committee noted appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 12.55 pm.

Cllr Mike Haines
Chairman

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PLANNING COMMITTEE REPORT

18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/02437/FUL - Car Park At 69-71 East Street, East Street - Five affordable apartments together with provision for electric car charging points	
APPLICANT:	Teignbridge DC	
CASE OFFICER	Artur Gugula/ Ian Perry	
WARD MEMBERS:	Cllr Rob Hayes Cllr Jackie Hook	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/02437/FUL&MN	





19/02437/FUL - Car Park at 69-71 East Street,
East Street, Newton Abbot

1. REASON FOR REPORT

This application is reported to Committee because the proposal is on Council owned land and having considered the proposal, the Business Manager considers it merits oversight by Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Time limit for commencement (3 years)
2. To be built in accordance with approved plans
3. Prior to commencement – submission of a Construction Management Plan
4. Prior to Installation – Submission of natural slate sample to be used for the roofs
5. Prior to part removal of the wall on the eastern boundary – Submission of details of the finishing to the edge/pier of the wall
6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
7. Unsuspected land contamination
8. Works in accordance with an Archaeological Written Scheme of Investigation
9. Electric Car Charging Points to be provided prior to first occupation

3. DESCRIPTION

The Application Site

- 3.1 The site is a Council owned asset and is located within the centre of Newton Abbot on East Street. The plot is currently vacant (approx. 0.04 Ha) and forms a gap between the Teign Cellars Pub to the West and Summerland Court to the East. There is existing pedestrian access off East Street and vehicle access to the North of the site off Summerland Cottages.
- 3.2 The site falls well within the established Settlement Limit of Newton Abbot and is surrounded by variety of residential properties, drinking establishments, retail units and non-residential institutions along the East Street. While being located in between the Wolborough and Town Centre Conservation Areas there are a number of listed properties in close proximity to the site.

The Application

- 3.3 The proposal seeks approval for an infill semi-detached 3 storey affordable rented housing block incorporating five units with 2 disabled parking spaces. The flats located on the ground floor are proposed to be suitable for accommodation for people with disabilities.

The Proposed accommodation is:

- Flat 1 1b2p M4(2) Compliant 66.4sqm
- Flat 2 1b2p M4 (2) Compliant 64.5sqm

- Flat 3 2b3p 66.4sqm Nationally Described Space Standard (NDSS) Compliant
 - Flat 4 2b4p 72sqm NDSS Compliant
 - Flat 5 1b1p 45sqm NDSS Compliant
- 3.4 The application proposes removal of part of the boundary wall to the rear in order to create sufficient parking and maneuvering space. Provision of EV charging points is also proposed together with some landscaping around the parking areas. The amenity space will also accommodate a bike stand and communal bin store.

Relevant Planning History:

- 3.5 19/01775/PE – Pre-application for development of six affordable apartments
- 08/03496/OUT – Outline permission granted with all matters reserved for principle of a residential development.

Main Issues

- 3.6 The main issues for consideration are:
- The principle of the development/sustainability
 - Impact of the development upon the character and visual amenity of the area
 - Impact of the development on the residential amenity of the occupiers of surrounding properties
 - Access and parking provision
 - Flood and drainage impact

The principle of the development/sustainability

- 3.7 In the context of policy S1 the principle of the development can be considered acceptable subject to other policies within the local plan. The site falls within the Settlement Limit of Newton Abbot providing a sustainable location for a residential development which is generally supported in accordance with policy S21A providing that the proposal is consistent with other relevant policies.
- 3.8 Due to the location of the development within the town centre, its suitability should also be assessed against policy EC9. The proposal presents a good use of a Council asset and will contribute positively to enhancing the town centre with due regard to the character of the surrounding area. In combination with the variety of development uses along the East Street the introduction of a residential property will fulfil the desire for mixed uses in the town centre required by policy EC9.
- 3.9 In addition the application is considered acceptable in relation to the provision and retention of affordable housing. Newton Abbot has a significant unmet need for affordable housing. Devon Home Choice confirms the current identified need in Newton Abbot is:
- 1 bed need 241
 - 2 bed need 115

- 3 bed need 70
- 4 bed plus need 34

There is also a noted lack of affordable accessible/wheelchair-adapted dwellings.

The proposal seeks permission for five units which will all be operated on a social rented tenure basis. On this basis the proposal supports the aims of policies WE2 and WE3 albeit as a site for 5, there is no formal affordable housing requirement in this instance.

Impact of the development on the character and amenity of the area

- 3.10 The main concern of the proposal has been the suitable design of the south elevation which fronts East Street. At the pre-application enquiry stage followed by the full application process discussions have been held to bring forward a design which will be in-keeping with the street scape. In response the scheme has introduced the use of slate for roofing and light grey painted render which will reflect the character of buildings across East Street. The scheme has been revised during the consideration of the application to reduce the proposed brick plinth in height to further reflect the character of other buildings and to bring greater balance in the overall appearance of the façade.
- 3.11 In respect of the fenestration, the design of the windows has been altered from that first submitted to reflect the more traditional appearance of East Street. Generally uniform window size is dominant across properties within the proximity of the proposal. The scheme has proposed different window sizes on each of the floors and introduction of transoms has resulted in achieving more suitable proportions. In addition the middle ground floor window is set within an opening which is designed to imitate a door opening which is a distinctive feature of building frontages in East Street.
- 3.12 The northern elevation of the development cannot be seen from the main road therefore the appearance has lower impact on the general character of the area. Nevertheless the relatively simple design for the development presents a modest design and efficient use of the plot. The parking area with incorporated landscaping offers an overall visual improvement to the current vacant plot. There have been concerns regarding the removal parts of the blockwork and stone wall to the eastern boundary. A revised site plan has been submitted to show that only the blockwork part of the wall be removed in order to create sufficient space for car maneuvering. The remaining stone wall is considered to have a positive visual impact and creates a sense of enclosure. A condition is required to ensure an adequate finish is applied to the end of the retained stone wall on the east boundary of the site.
- 3.13 There are listed buildings on the opposite side of the road to the east and two doors away to the west. The proposals are not considered to adversely impact upon the setting of these buildings. In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess, and have given it considerable importance and weight in the planning balance.

- 3.14 Following the minor revisions the proposal presents a positive design taking into consideration the character of the surrounding area and is considered to be compliant with policy S2 of the local plan and policy NANDP 2 of the Newton Abbot Neighbourhood Plan.

Impact of the development on the residential amenity of the occupiers of surrounding properties

- 3.15 The rear of the site is surrounded by existing residential properties therefore careful consideration of the potential impact on amenity to the neighbouring occupiers is required. The impact on neighbouring properties has been considered through appropriate scaling of the building. The northern portion has been sufficiently set back into the plot creating an open space for parking and reducing the overbearing effect on other properties. The setback position also allows for significant distance between windows of the new building and the surrounding properties minimising overlooking.
- 3.16 At the pre-application stage some concerns were raised with regards to the potential over-shadowing and loss of light resulting from the proposed structure. The Design and Assess Statement includes sun path diagrams which conclude that overshadowing to the surrounding properties will not increase as a result of the development. The scale of the proposal is similar to surrounding domestic properties and is overall considered appropriate.

Access and parking provision

- 3.17 The access to the development is proposed via Carlisle Street from Summerland Cottages. Part removal of unsympathetic blockwork on the eastern boundary of the development is considered to improve the maneuvering area serving the proposed disabled parking spaces and the courtyard of Summerland Court. As the application is located within Newton Abbot's town centre the parking requirements are flexible. The development proposes two disabled parking spaces to serve the needs of the ground floor accessible units. Given the town centre location and existing on street parking, access to various car parks and adequate public transport within walking distance it is considered that the parking provision proposed by the scheme is acceptable.
- 3.18 The Highway Authority has responded with no objection to the development. Given the scale of the proposal a prior to commencement condition for a Construction Management Plan will be required to ensure highway safety and reduce the impact on public amenity during the construction phase of the development.

Flood and drainage impact

- 3.19 There is a small proportion of the site that falls within the low risk potential for surface water flooding. Accordingly a drainage scheme has been submitted. The Drainage & Coastal Manager notes that given the site is brownfield the proposed attenuation will provide a betterment in terms of surface runoff rates. The exceedance routing would follow existing topography to be intercepted by either

the proposed drainage or current highway drainage. There are therefore no objections from a surface water drainage perspective.

Archaeology

- 3.20 The proposed development site lies within an area of archaeological potential within the historic core of Newton Abbot. Following a consultation with the Devon County Council Archaeologist a Written Scheme of Investigation (WSI) has been requested prior to the commencement of the development. The applicant has now submitted a sufficient WSI and compliance with the document will be secured via a relevant condition.

Air Quality

- 3.21 The application site falls within the Newton Abbot Air Quality Management Area and the submission has been accompanied with a relevant air quality assessment. The document has concluded that the impacts on air quality are judged to be insignificant. The Council's Environmental Health Specialist has no objection to the development in relation to air quality.

Sustainability & Climate Change

- 3.22 A fabric first approach is proposed for this development, with a Mechanical Ventilation with Heat Recovery System (MVHR) implemented as part of the design. This is intended to maximise energy efficiency and provide a low energy ventilation solution for occupants. An Air Source Heat Pump system is also proposed to avoid the use of gas heating. Electric charging points are to be provided for the parking spaces.

The proposal is considered to meet the requirements set out in both the Neighbourhood Plan and the Adopted Local Plan with regard to seeking to reduce carbon emissions.

Conclusion

- 3.23 It is considered that the proposal is compliant with relevant national and local policies. The main issues of adequate design within Newton Abbot town centre and the mitigation of the impact on neighbouring properties has been sufficiently addressed. In addition the development will introduce 5 additional affordable units to fulfill the Town's need for affordable accommodation. The officer recommendation set out in the report is for conditional approval.

4. POLICY DOCUMENTS

4.1 Teignbridge Local Plan 2013-2023

S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S11 Pollution
S14 Newton Abbot
S21A Settlement Limits
S23 Neighborhood Plans

EC9 Developments within Town Centres
WE2 Affordable Housing Site Targets
WE3 Retention of Affordable Housing
EN5 Heritage Assets

National Planning Policy Framework

National Planning Practice Guidance

Newton Abbot Neighborhood Development Plan 2016-2033

5. CONSULTEEES

Full text of responses is available to view on the application file

Teignbridge District Council Drainage and Coastal Manager

No objections

Teignbridge District Council Housing Enabling Officer

The proposals are policy compliant and present a good use of a council asset. Given the nature of the proposal it should be sufficient to secure the affordable housing and nomination scheme through condition or covenant rather than an s106 undertaking.

Devon County Council Highways Authority

No objection subject to submission and adherence to a construction management plan

Devon County Council Senior Historic Environment Officer (Archaeology)

No objection subject works in accordance with the Written Scheme of Investigation

Environmental Health (Land Contamination)

Unsuspected contamination condition required.

Environmental Health (Air Quality)

No objections

6. REPRESENTATIONS

Two contributions have been received outlining the issues below:

- Questioning the ownership of the rear access
- Proposed building too large for the site

7. TOWN / PARISH COUNCIL'S COMMENTS

The committee raised no objection subject to issues of vehicular access being acceptable

8. COMMUNITY INFRASTRUCTURE LEVY

Whilst the development would be liable for CIL, the Rate for affordable housing is set at zero. This proposal would therefore have a zero liability or would be entitled to claim an exemption such that its liability is zero.

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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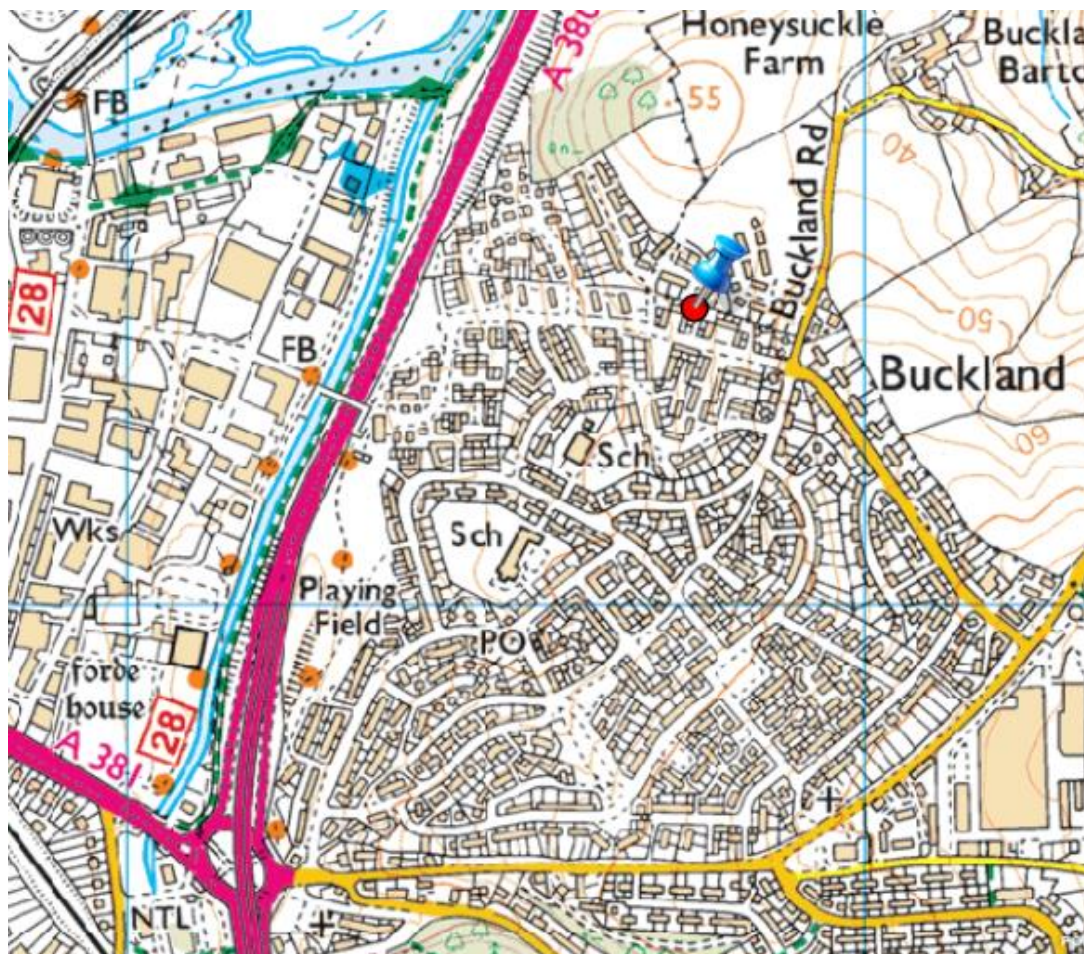
PLANNING COMMITTEE REPORT

18 February 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/02438/FUL - Garages Off Drake Road, Newton Abbot - Two semi-detached houses with associated and residents parking	
APPLICANT:	Teignbridge DC	
CASE OFFICER	Peter Thomas	
WARD MEMBERS:	Cllr Gordon Hook Cllr Chris Jenks Cllr Colin Parker	Buckland And Milber
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/02438/FUL&MN	





19/02438/FUL - Garages Off Drake Road, Newton Abbot



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1. REASON FOR REPORT

This application is reported to Committee because the proposal is on Council owned land and having considered the proposal, the Business Manager considers it merits oversight by Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. 3 Year time limit
2. Compliance with the approved drawings
3. No development until temporary refuse details have been agreed
4. Construction Management Plan condition
5. Parking spaces to be made available and retained at all times and provided prior to occupation of the approved dwellings
6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
7. Electric Car Charging Points to be provided prior to first occupation
8. Unsuspected contamination condition
9. Obscure glazing to rear windows
10. Drainage condition
11. Construction in accordance with the supplied level details
12. Retention of refuse details shown on plan
13. Removal of permitted development rights for windows and roof windows on the rear
14. Development carried out in accordance with the recommendations within the ecological report

3. DESCRIPTION

- 3.1 The site refers to a hard surfaced garage court containing eleven garages with associated space for a limited amount of casual parking. It lies to the rear of the houses facing onto Drake Road and is surrounded on all sides by residential properties.
- 3.2 The site slopes from east to west and the boundaries are formed in the main by timber fences with the rear boundary being formed by the hedge bank separating the site from the development in Jellicoe Road to the north. To the front the properties on Drake Road have their amenity spaces facing east onto the entrance road which leads to the site.
- 3.3 The proposal is to demolish the garages and construct a pair of semi - detached three bedroomed properties, sited towards the rear of the site, around 1.4m off the rear boundary and facing down the access towards Drake Road. It is the applicant's intention that they would be used as affordable rented dwellings. The dwellings would have side gardens and allow for tandem parking. The existing rear footpath links around the back to the houses on either side of the proposal would be retained. The house on the western side would be raised by around 0.4m, whilst the eastern dwelling would be slightly dug into the site.

- 3.4 The design for the houses allows for the main windows to face south east and west across the gardens of the proposed dwellings with the only rear window serving a bathroom. They would have a pitched concrete interlocking tiled roof with rendered walls and flat roof timber porches.

Site History

- 3.5 There have been two previous applications on this site for the construction of housing. The first, 09/01250/FUL (A pair of semi-detached houses with associated parking and turning facilities) was approved with conditions. However this approval was unimplemented and therefore expired.
- 3.6 The second, application 13/0216/FUL (Redevelopment of garage block to form two dwellings with parking and turning facilities and off-site parking arrangements (renewal of 09/01250/FUL) was deferred pending further information including type an design of and the best development for the site, but was subsequently withdrawn.
- 3.7 The main considerations are:
- Principle of development
 - Visual Impact
 - Neighbour impact
 - Impact on parking
 - Ecology
 - Bin storage
 - Contaminated land impact
 - Climate change
 - Other matters

Principle of the development/sustainability

- 3.8 The site is located within the settlement boundary of Newton Abbot, and comprises garaging within a residential estate. Given the proposal's location within the settlement boundary it is considered that the principle of the development of two dwellings is acceptable, however this is subject to the other policies of the Local Plan.

Visual Impact and appearance

- 3.9 The site slopes down from east to west and the boundaries are formed in the main by timber fences with the rear boundary being formed by a hedge bank and trees separating the site from the houses to the rear on Jellicoe Road.
- 3.10 Policy S2 of the Local Plan states that new development will need to be of a high quality design, which will support the creation of attractive vibrant places. Designs will be specific to place, based on a clear process which analyses and responds to the character of the site, its wider context and surrounding area. In this case it is noted that the area comprises a various forms of design with older housing situated to the front and sides, and a more modern development to the north. It is considered that the proposed design of the properties would, although different in

design, by virtue of its two storey and simple form sit amongst the existing buildings without causing harm to its appearance.

Neighbour Impact

- 3.11 Policy S1 requires that development should not impact on the residential amenity of existing and committed dwellings particularly on privacy, outlook and natural light.

The dwellings would be orientated to face south. Windows on the southern elevation would be at first and ground floor and face down the residential road. Whilst there may be some overlooking from these windows, it is considered that these amenity areas are already in the public domain and given the set-back nature of the dwellings that an overlooking objection could not be raised on this basis.

- 3.12 On the western elevation the window to bedroom 2 would be offset to face towards the gable of 99 Drake Road. There is some concern that the single side window proposed on the western elevation to bedroom 3 could cause some overlooking of the neighbouring garden. However, given the separation distance of around 10 metres, that there is already an access path to the rear which allows direct views into the neighbouring garden, and that windows have previously been proposed on the two previous applications on this site and no concerns were raised, it is considered that an objection could not be raised in planning terms. It is also considered that the same considerations apply for the windows on the eastern elevation. With regard to the northerly direction, the position and number of windows has been kept to a minimum to prevent harmful overlooking. It is considered that these windows could be obscure glazed by planning condition.

- 3.13 In terms of overbearing impacts, it is considered that given the separation and scale that the proposal would not harmfully overbear the properties to the east and west. To the north and separated by a bank is 14 Jellicoe Road. At the original site visit the boundary between these two elements comprised a high hedge and tree screen, however this screen has now been substantially cut back. 14 Jellicoe Road sits at a roughly 45 degree angle to the site with a single storey element closest to the boundary. Whilst the proposal would lie along the southern boundary of Jellicoe Road, the position of the two dwellings would not be across the full expanse of the boundary between the two. Whilst it is acknowledged that further development has taken place to the east of the site, there is a landscaped buffer which would mean that the garden would not be fully enclosed. Again, the principle of a dwelling in this location has been accepted and it is considered that it would be unreasonable to raise a new objection in this regard.

- 3.14 There are a number of concerns raised locally relating to noise and disturbance created during the construction phase. However, the proposal is for two dwellings and although there may be some noise created, this would be during a limited period only. It is not considered that an objection could be raised in this regard.

- 3.15 Concerns have been raised regarding asbestos. The submitted Geotechnical Assessment does identify that possible asbestos containing materials have been used for the roof of the garages, but no objections to the proposal have been raised by the contaminated land officer. In any event, the removal of asbestos waste is subject to waste management controls.

Parking

- 3.16 One significant issue that has been raised locally has been the loss of the garaging, and consequent impact on parking both within the site and within the surrounding roads. The proposal includes two tandem car parking spaces for each of the dwellings and four additional car parking spaces which will be made available to other residents. The garages are rented by both local residents and residents outside the Buckland area, and are owned by Teignbridge and let to Teign Housing to manage.
- 3.17 The concerns stem from the loss of the garaging and parking which residents consider would take away 11 parking spaces which are used by the residents in an area in which parking is considered to be at a premium. There are further concerns that this consequently would lead to friction regarding parking in the vicinity.
- 3.18 The concerns regarding parking arrangements are fully noted, however, a parking survey carried out by other Officers of the Council has been submitted, and the current usage of the garages has been reviewed finding two vacant, three used as storage, two with vehicles (one from off the estate) and four used for parking by adjacent residents. The survey found that the maximum number of cars parked in the area was four, with only one vehicle parked outside of the garages (over a ten day period). The survey and application has been assessed by the Highways Authority. No objection has been raised to the loss of the garaging and the provision of four parking spaces (as well as those proposed for the dwellings). The Authority has further stated that the number of trips to the dwellings would not have a severe impact on the highway network. No objection, subject to a construction management plan condition, is raised by the Highways Authority.
- 3.19 If there are concerns relating to disabled parking provision and other residents parking within the spaces provided, this can be controlled by an off street parking and places order. Further, the Housing Enabling Manager has advised that there are garage vacancies within the Buckland estate which could be allocated to the existing garage tenants. Given that no objection has been raised by the statutory consultee, it is not considered that an objection could be raised or sustained such that planning permission could be withheld on this basis.
- 3.20 Concerns have been raised regarding accessibility through the site, and impact on the surfacing of the road during construction would also be covered by the CEMP condition.

Affordable Housing

- 3.21 The proposal seeks permission for 2 units which will all be operated on a social rented tenure basis. On this basis the proposal supports the aims of policies WE2 and WE3 albeit as a site for 2, there is no formal affordable housing requirement in this instance.

Ecology

- 3.22 The Teignbridge ecologist has been consulted on the proposal and does not raise an objection subject to the recommendations within the ecology report being adhered to. This can be incorporated as a planning condition.

Bin storage

- 3.23 Concerns have been raised regarding the storage of bins, but provision for waste collection storage within the site has been made to provide for the proposed occupants and those on Drake Road. It is considered that details could be supplied of refuse arrangements during construction works for submission and approval.

Climate Change

- 3.24 The proposal is within the settlement limit of Newton Abbot and considered to be sustainably located. The proposals would be accessible by a variety of modes of transport and have good opportunities for walking or cycling to local facilities – including the train station for onward connections. The modern construction fabric of the dwelling would deliver a good fabric efficiency rating through the building regulations. The proposal would incorporate electric charging points the details of which could be supplied by condition and further potential for PV panels.

On balance, the proposal is considered to meet the requirements set out in both the Neighbourhood Plan and the Adopted Local Plan with regard to seeking to reduce carbon emissions.

Other Matters

- 3.25 Concerns have been raised on impact on property value is not a material planning consideration.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S9 Sustainable Transport

S10 Transport Networks

STRATEGY PLACES

S14 Newton Abbot

S21A Settlement Limits

S23 Neighbourhood Plans

WELLBEING - HOUSING

WE2 Affordable Housing Site Targets

WE3 Retention of Affordable Housing

WE4 Inclusive Design and Layout

QUALITY ENVIRONMENT

EN7 Contaminated Land

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

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Full text of responses is available to view on the application file

DCC Highways

This proposal will be accessed directly off an unadopted private road, which then is connected to an adopted unclassified County Road.

This area of garages is also used for parking, and the applicant has submitted a parking survey, this survey shows three vehicles are parked in this area on a regular basis.

This proposal is showing 4 additional parking spaces. The number of trips these two dwellings could create would not be a severe impact on the highway network.

Therefore the County Highway Authority has no objection to this proposal.

Biodiversity

Ecological report findings and recommendations are noted. There would be no biodiversity objection, strictly subject to the safeguards and measures given in the ecological report being put in place. Please include a suitable condition for this.

See especially pages 10-11 of the report for details, which cover matters such as: timing of works; safeguards should any bats be found during demolition works; protection of the northern boundary; landscaping and boundary planting; maintenance of the grassy / scrubby bank along the path off the northeast corner of the site; bat boxes (minimum of 3 x permanent flat crevice boxes, such as Schwegler 1FQ type) fixed on appropriate elevations; external lighting; any solid fencing to include access points for hedgehogs.

Contaminated Land

I refer to the above application and advise that I have no objections to make.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements

Housing Enabling Comments

This site is an infill site that is currently used as a garage site in Teignbridge DC ownership. The proposal is for the demolition of the garages and replacement with 2 @ 3Bed Homes for affordable/social rent built to accessible homes standard Part M 4(2)

6. REPRESENTATIONS

14 letters of objection have been received. The full text is available online however they raise the following summary concerns:

- Parking will be an issue
- The new houses will use the additional spaces provided
- People put their bins on the current parking area
- Demolition and building work will create dust and noise
- Will cause significant stress for people living nearby
- People use the garages for parking and storage
- There is no room to park on Drake Road
- People will lose their existing parking space from visitors
- These properties will have a bigger plot than any house in the local area
- Construction will cause the road to the site to deteriorate which serves a number of properties
- Will cause overlooking to the properties along the road
- Will be parking problems during the building process
- Hope will be filled with family from the estate
- Will affect the value of my property
- Will overlook our garden
- No provision of parking has been made for existing residents
- Should be made with garaging on the ground floor, residential above
- Asbestos will cause breathing problems
- There is not room to put two houses, bin storage and parking
- Previous building caused significant noise and disturbance
- The house will stick out like a sore thumb
- Surely more places to put affordable homes
- Will lead to disputes and friction
- Should pay visits in the later hours to see parking situation
- Will overlook my garden which am seeking to make disabled friendly.

7. TOWN / PARISH COUNCIL'S COMMENTS

The committee recommended refusal on the grounds of loss of garages and off-street parking in that part of the town

8. COMMUNITY INFRASTRUCTURE LEVY

Whilst the development would be liable for CIL, the Rate for affordable housing is set at zero. This proposal would therefore have a zero liability or would be entitled to claim an exemption such that its liability is zero.

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

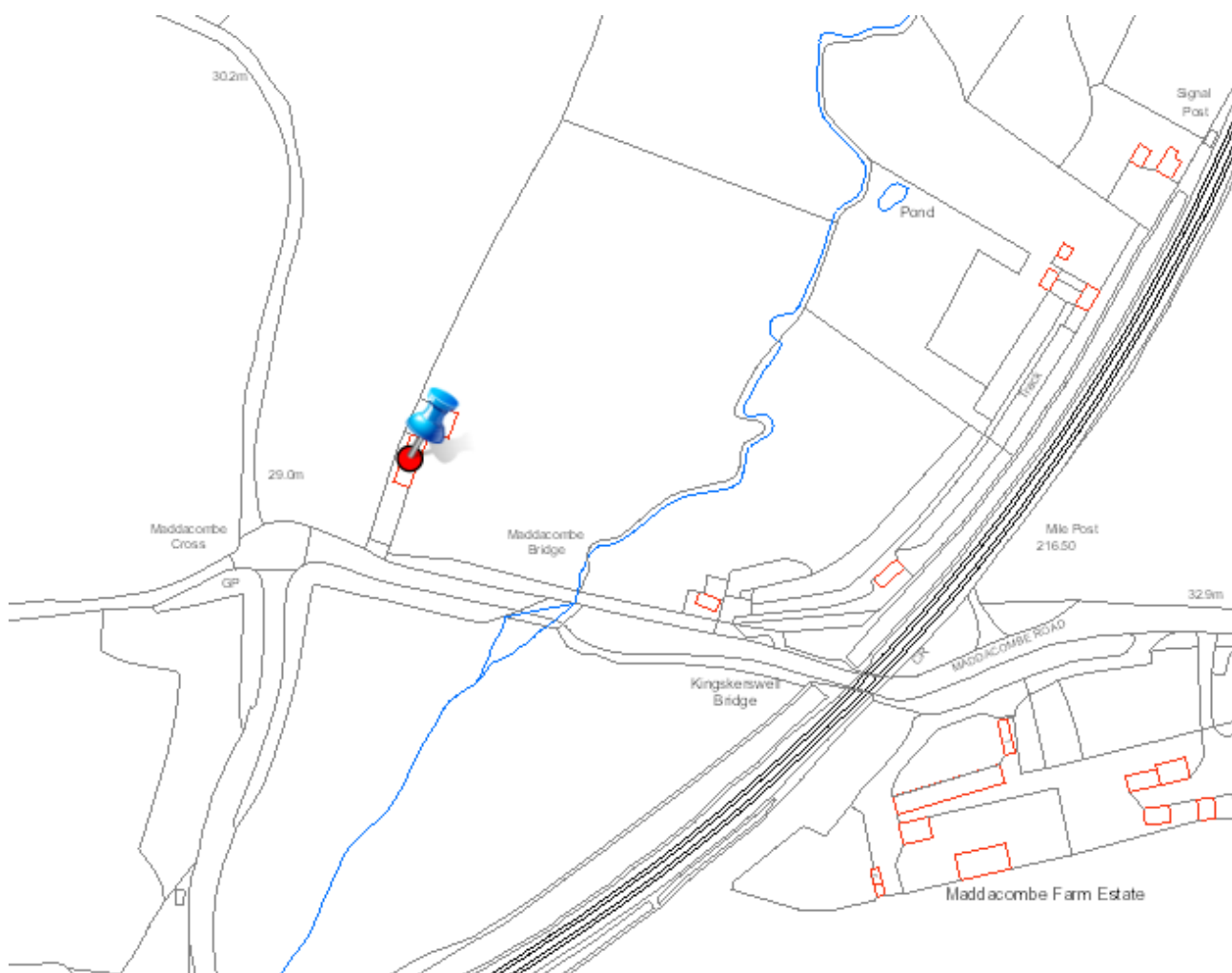
PLANNING COMMITTEE REPORT

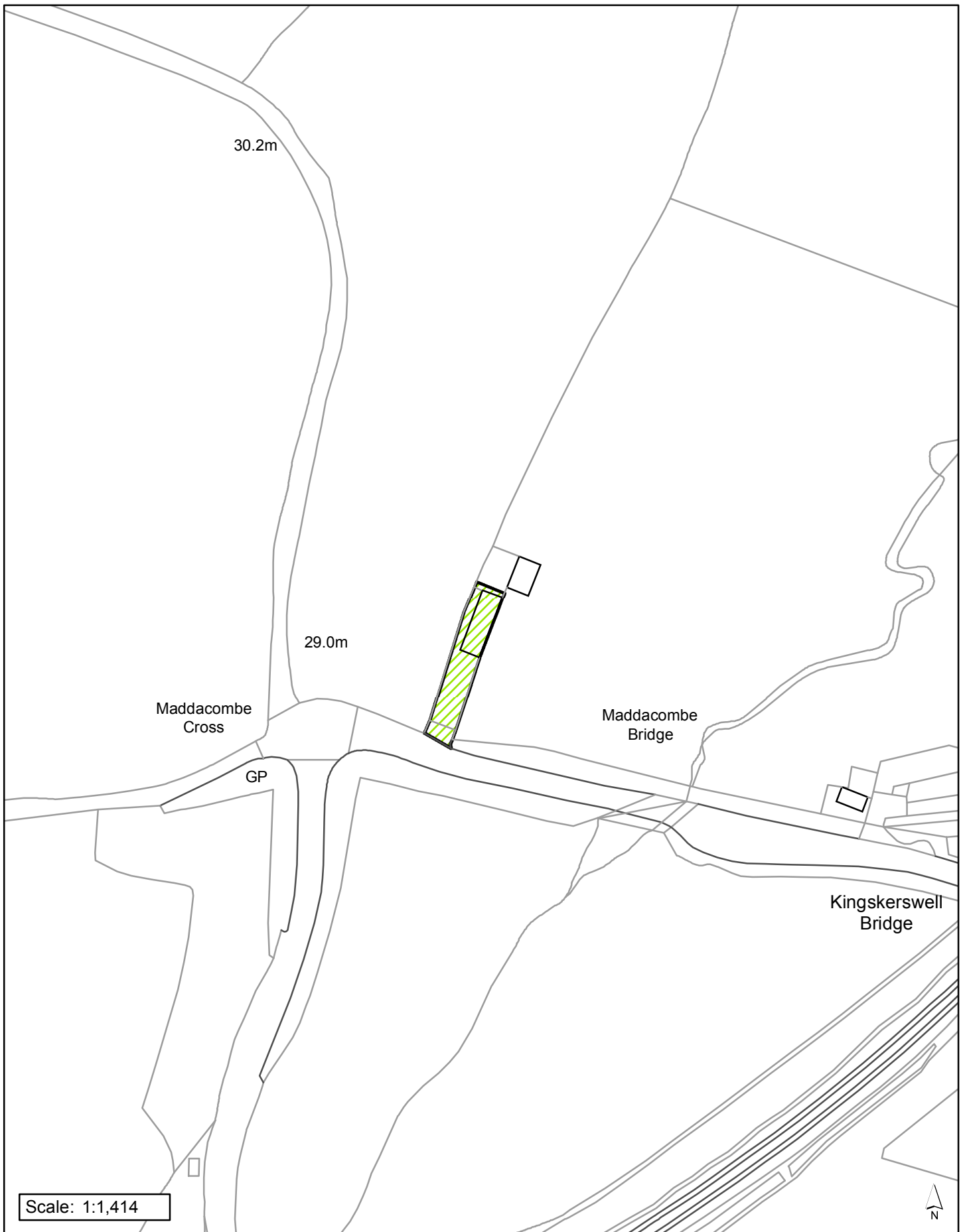
18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling	
APPLICANT:	Mr B Gartman	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Mary Colclough Cllr Richard Daws	Ambrook
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/02270/FUL&MN	





19/02270/FUL - The Meadows, Maddacombe Road,
Kingskerswell, TQ12 5LF

1. REASON FOR REPORT

Cllr Daws has requested this case be referred to Planning Committee for determination if officer recommendation is one of refusal. The reason given for this case is so planning committee can be asked to consider if the proposed replaced dwelling is similar in design and size to the permitted Class Q and if its physical impact will be no greater than Class Q. Also to consider if the proposal is appropriately scaled and designed to provide a coherent overall appearance that doesn't detract from the area and if it is in line with Local Plan policies S1 & S2.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

- The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22 (Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

3. DESCRIPTION

Site Description and Background

- 3.1 The application site relates to a hardstanding on what was the base of a former agricultural building on the site which is located off Maddacombe Road outside of any settlement limit.
- 3.2 The site has an existing vehicular access taken from Maddacombe Road.
- 3.3 A Class Q prior approval consent (application reference: 17/03027/NPA) was granted for the change of use of the agricultural building that was sited on the hardstanding to be converted to a dwelling. This however was not implemented.
- 3.4 Instead, an application was made (18/02045/FUL) to replace the barn the subject of the Class Q consent with a new dwelling. However, Officers did not support the design proposed and the application was withdrawn.
- 3.5 The original barn the subject of the Class Q consent was then demolished and without the benefit of Planning Consent, a new dwelling began being constructed on the site.
- 3.6 An application was then received, following an enforcement investigation, for the formation of a new dwelling (application reference: 19/01451/FUL) with the frame of the building having been completed. This application was refused under delegated authority on 30 September 2019 for the following reason:
 - The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22

(Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

Proposal

- 3.7 Planning Consent is sought in this application for the retention of a new dwelling at the site.
- 3.8 The only difference between this application and the previous refused application at this site is a difference to the design of the roof proposed. The previous application proposed a pitched roof whereas the roof proposed in this application is curved.

Principle of Development

- 3.9 The application site is located outside of a defined settlement limit and is classified as being within the open countryside in the Teignbridge Local Plan 2013-2033.
- 3.10 In a countryside location, which this site is classed as being within as it is located outside of any designated settlement, Policy S22 (Countryside) of the Local Plan only supports new dwellings where they are required for agricultural or forestry worker or provide affordable housing for local need or are a replacement dwelling.
- 3.11 In this case, no overriding agricultural or forestry justification has been provided and no indication has been provided that the proposal would provide affordable housing for local need.
- 3.12 Whilst there was a former barn on the site that was removed to accommodate the dwelling (the frame of which had been constructed at the time of the case officer's site visit) and this barn benefitted from a Class Q consent for conversion from an agricultural building to a dwelling (application reference: 17/03027/NPA) no part of the barn other than the hardstanding it stood on remains on site and the barn was never converted into a dwelling. This history cannot therefore be taken into account to justify a replacement dwelling at this site and whilst the permitted development legislation under Class Q allows for conversion of agricultural buildings to dwellings it does not permit replacement buildings. This planning history given that the building no longer remains on site should not therefore form a material planning consideration in the determination of this application as it is not a realistic fall-back position given that the barn is no longer in situ.
- 3.13 The applicant in the Planning, Design and Access Statement submitted with the application refers to another barn on the site as potentially being able to be converted under Class Q permitted development allowances which they refer to as Building 2 and suggests that this should be used as a fall-back position for the consideration of this application. This barn is not in the location of the proposed dwelling but elsewhere on the site. No application has been submitted to demonstrate that this building can be converted under Class Q and Officers do not consider therefore that this barn represents a realistic fall-back position at this stage. Furthermore, even if this other barn could be converted under Class Q to create a very modest dwelling of less than 50 sq m, that does not present a fall-back position to justify the proposed dwelling in another location on the site.
- 3.14 The current application must be considered under Local Policy and not the Permitted Development Legislation and the development of a new dwelling in the

open countryside, outside of any defined settlement, where no overriding agricultural or forestry justification has been provided and the proposal does not provide affordable housing for local need or a replacement dwelling would therefore under Local Policy fail to accord with Policy S22 of the Local Plan. As such, the principle of a new dwelling in this location is unacceptable.

- 3.15 Furthermore, the Abbotskerswell Neighbourhood Plan accords with policy S22 of the Teignbridge Local Plan and would not support a dwelling in the open countryside, the proposal would therefore also be contrary to the Abbotskerswell Neighbourhood Plan and policy S23 (Neighbourhood Plans) in the Teignbridge Local Plan.
- 3.16 The site is also located within a Strategic Open Break where policy EN1 seeks to maintain the physical separation of Kingskerswell and Abbotskerswell by limiting development to that which retains their open character and contribute to the settlements' setting and to development that would not harm the openness or landscape character of the area including local views. In this case, whilst the proposal would result in the addition of a new dwelling to the site it is single storey and would be located on the site of a former single storey agricultural building and would be grouped with the remaining agricultural building on the site such that it would have a negligible impact on the Strategic Open Break. It is not therefore considered that a refusal on the impact on the open character of the settlement could be justified in this case.

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

- 3.18 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhancing the character of the adjoining built and natural environment.

Whilst of little architectural merit, the building is simple in design and material palette and would not appear incompatible with its setting. It is not considered that a refusal on design or visual amenity grounds could be justified.

Impact on residential amenity of surrounding properties

- 3.19 The new dwelling is separated from neighbouring dwellings. The nearest neighbours being Maddacombe Farm (approx. 200 meters to the south east) and Maddacombe Terrace (approx. 204 meters to the south west).

Due to the separation distance between the proposed new dwelling and the nearest residential properties, it is deemed that the proposal would not result in any detrimental harmful overbearing or loss of light impacts to neighbouring properties nor would it raise overlooking/loss of privacy concerns.

It is considered that the proposed development would provide adequate amount of internal and external space for future occupiers of the proposed new dwelling.

Impact on ecology/biodiversity

- 3.20 Although no ecological survey report has been submitted, the proposed development is relatively limited in size and would be located on the hard surfaced base of the former barn. Furthermore, the area to the front of the dwelling which

would provide parking/amenity space is already hard surfaced. The proposal would therefore not result in any loss of biodiversity.

Flood Risk

- 3.21 The site is not located in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms is an appropriate site for residential development.

Highway Safety

- 3.22 There would be sufficient parking within the proposed curtilage of the property to serve the dwelling using the existing access off Maddacombe Road which was deemed adequate to serve 1 dwelling under the previous consent for Class Q on the site for conversion of the now removed barn to a dwelling. No highway safety concerns are therefore raised.

Conclusion

- 3.23 Officer recommendation is one of refusal as set out above.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S22 Countryside

S23 Neighbourhood Plans

EN1 Strategic Open Breaks

Abbotskerswell Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Drainage Engineers:

I have no objections to this planning application.

Devon Mineral Authority:

While the application site lies within a Mineral Consultation Area, it is not considered that the proposed dwelling will place any increased constraint on the nearby mineral resource. Devon County Council therefore has no objection in its role as mineral planning authority.

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Abbotskerswell Parish Council:

The Parish Council comments on the last application still stand as being applicable.

This application should be refused as it is a new dwelling in the open countryside and so would contradict the Abbotskerswell Neighbourhood Plan and TDC Local Plan being outside the development boundary.

If this application is going to be approved then the Parish Council would like it to be decided by Committee.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 95.34. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. The CIL liability for this development is £25,394.76. This is based on 95.34 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

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

CHAIRMAN: Cllr M Haines

DATE: 18 February 2020

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), Bullivant, Nuttall, Patch, Petherick, and Jenks

DATE OF SITE INSPECTION: 31 January, 2020

Application Abbotskerswell – 19/02270/FUL – The Meadows,
19/01665/FUL Maddacombe Road, TQ12 5LF
Retention of new dwellings

Also present: Councillors Bradford, Daws, and Taylor
Apologies: Cllrs D Cox, MacGregor, and Parker

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 dwelling from the entrance on Maddacombe Road.

The Planning Officer reported: The application is recommended for refusal because it is contrary to Local Plan policy S22 which only permits new dwellings in the countryside if they provide affordable housing for local need or are required for agriculture, forestry, or other necessary rural workers. The change made from the last refused application is a change from a pitched roof to a curved roof. The Planning Officer informed the team that Class Q consent is not a realistic fall back as the building had been demolished prior to application and so cannot be converted. The Planning Officer also explained that this was the second application from the applicant for the retention of a dwelling on this site with the previous application having been refused under delegated powers as being contrary to policy S22 as it creates a dwelling in the open countryside which does not provide affordable housing for local need or a dwelling for agriculture, forestry or other necessary rural workers. The Planning Officer also advised that there had been a previous withdrawn application between the Class Q consent granted to a previous owner and the previously refused application for the retention of a dwelling. This application sought to replace the barn with a new dwelling, however this was withdrawn by the applicants' agent following advice from Officers that the proposal would not be supported. Between this application and the previous application for a retention of a dwelling the original Class Q barn was demolished and the Planning Department received notification from an interested party that the frame of a building was being constructed which is what Members can see on site.

TEIGNBRIDGE DISTRICT COUNCIL

In response to questions from the Site Inspection Team, the Planning Officer spoke on: the reason for the new roof design being curved to seek to replicate the shape of the original barn, the energy impact of the new dwelling would likely be better due to the modern construction however this information was not submitted with the application so they were unable to comment this information; suggested that members could condition for other unauthorised structures on the land be removed if they voted for approval, the previous application for retention of the dwelling would have likely been refused irrespective of the roof structure because it is contrary to policy S22 creating a new dwelling in the Countryside. The Planning Officer also advised that Class Q is related to all agricultural buildings that could be converted to residential use which were in agricultural use on 20th March 2013, and so the other barn on the site which Members observed could potentially be converted under Class Q if it could be demonstrated that the permitted development criteria is met, however this had not been tested with an application.

The Site Inspection team then viewed the agricultural buildings from the north of the site.

The Planning Officer reported on the other buildings on site that required planning permission to be there but did not have it, the extent of the applicants land ownership, and the foundations of the class Q building.

In response to questions from the Site Inspection Team, the Planning Officer reported that demolition to a Class Q structure would result in the loss of the Class Q classification, photographic evidence is not suitable to defend approval of the application, and the financial situation of the applicant shouldn't be taken into account when making a decision. The Planning Officer also reported that if the building was not still on site and capable of being lived in it could not be considered as a realistic fall-back position. Members queried whether the base of the building remaining was sufficient and the Planning Officer advised that this would not be sufficient as the building which would be lived in had been removed.

The Site Inspection Team gave their views. All but one considered that the application is acceptable. One Member considered that the application was not acceptable due to the proposal being contrary to policy and raised serious concerns about setting a precedent if the application were to be granted for residential development in the countryside.

Cllr M Haines
Chairman

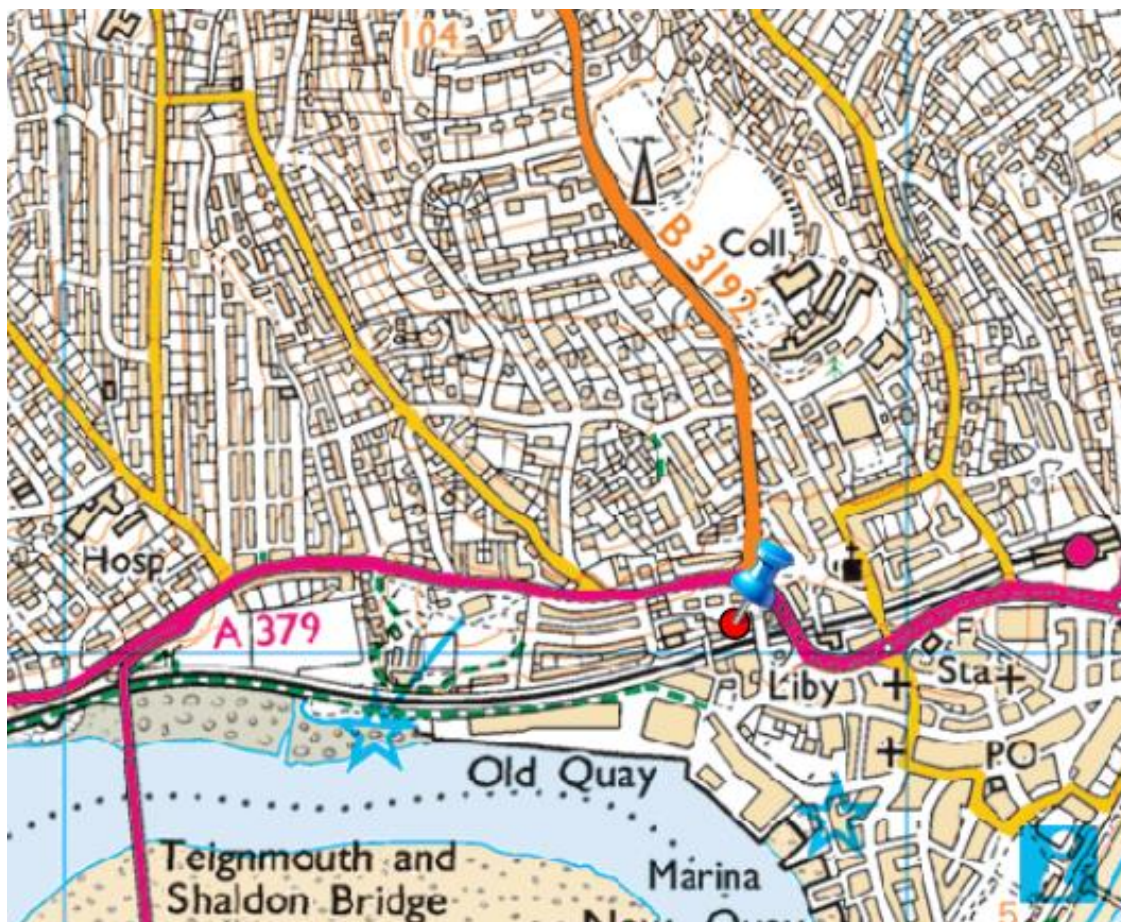
PLANNING COMMITTEE REPORT

18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings	
APPLICANT:	Mr G Trankle	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr David Cox Cllr Nina Jefferies	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01476/FUL&MN	





19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth,

1. REASON FOR REPORT

Cllr Cox has requested that this case be referred to Planning Committee for determination if officer recommendation is one of approval. The reason given for this request is overlooking and overdevelopment concerns.

2. RECOMMENDATION

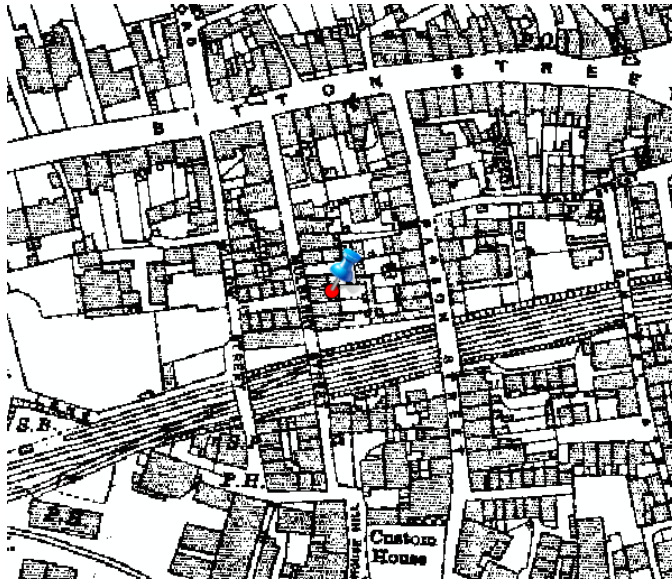
PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Unsuspected contamination condition;
4. Submission of and approval of a Written Scheme of Investigation (WSI) to secure the implementation of a programme of archaeological work;
5. No part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved by the Local Planning Authority;
6. Prior to first use on the building a sample of the slate to be used shall be submitted and agreed in writing by the Local Planning Authority;
7. No part of the development shall be commenced until a Construction Management Plan has been submitted and agreed;
8. Removal of permitted development rights for roof enlargements/extensions and extensions to the dwellings.

3. DESCRIPTION

Site and Proposal

- 3.1 The application relates to an area of land adjacent to 6 Mulberry Street, Teignmouth. The site is not in a Conservation Area and there are no listed buildings in the immediate vicinity.
- 3.2 Planning consent is sought for two semi-detached dwellings on this parcel of land. The dwellings would be two-storey with a room in the roof of the dwelling to the south.
- 3.3 Concern has been raised in representations received with regard to whether this is brownfield land or a greenfield site. Having referred back to Historic Maps of the site there is clear evidence that dwellings used to be sited on the land the subject of this application and therefore it would be classed for the purposes of planning as a brownfield site. The image below taken from the 1932-1939 Historic Map clearly shows dwellings on the site the subject of this application (marked with a pin):



Principle of Development

- 3.3 The site lies within the defined settlement limits of Teignmouth in which Local Plan policy S21A (Settlement Limits) would permit development where it is consistent with the provisions and policies in the local plan.
- 3.4 Furthermore, the site is located within an easy walk into Teignmouth Town Centre providing future occupiers with good access to facilities and services in the town and to public transport including bus and rail travel. The proposal to develop residential dwellings in this location would accord with the presumption in favour of Sustainable Development set out in policies S1A and S1 of the Local Plan which seek to promote development in sustainable locations which are accessible by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education.

Impact upon the character and visual amenity of the area

- 3.5 The site proposes two new homes on a parcel of land which historically contained houses. The dwellings are two-storey in scale, although the southern dwelling has a room in its roof which would make it appear three storey when viewed from the south due to the windows proposed on this elevation.
- 3.6 During the course of the consideration of this application the height of the proposed dwellings has been reduced to align with the height of the adjacent properties on Mulberry Street and the fenestration treatment has been revised to provide a more uniform frontage to reflect the symmetry found on the immediately adjacent semi-detached pair, albeit the dwelling to the south is stepped down to respond to the topography of the site.
- 3.7 It is concluded that the scale and massing of the proposed dwellings, their semi-detached character and height and simple material palette and roof form is such that the dwellings would not appear incongruous additions to the area. A condition is however recommended to secure a slate sample in order to be able to ensure that the chosen slate would be compatible with neighbouring properties.
- 3.8 Whilst the proposal does involve the introduction of Juliet balconies to the dwelling sited to the south, there are other properties on the adjacent Parson Street with

balconies to the south and it is not considered that the introduction of Juliet balconies to this elevation would adversely impact on the character and visual amenity of the area.

- 3.9 Overall, it is considered that the revisions made to the scheme are sufficient for Officers to conclude that the proposal would not adversely impact the character and visual amenity of the area.

Impact on residential amenity of surrounding properties

- 3.10 Public letters of representation received have raised concerns with regard to the impact of the proposal on privacy and light to 43-45 Parson Street to the east of the site and to 1 Westcliff Heights to the west of the site. Concern is also raised with regard to loss of privacy to 1A and 21 Mulberry Street to the south of the site on the other side of the train tracks.
- 3.11 As identified above historically the site was occupied by dwellings which would have formed a terrace of properties along the alignment of 5 and 6 Mulberry Street.
- 3.12 The proposed dwellings do not project forward of the front building line created by 5 and 6 Mulberry Street nor would the proposed dwellings project forward of the rear building line created by 5 and 6 Mulberry Street. The height of the proposed dwellings would also be comparable to these existing properties.
- 3.13 The relationship between the proposed new dwelling and 43 and 44 Parson Street to the east would therefore be the same as the relationship between the existing dwellings 5 and 6 Mulberry Street and 45 and 46 Parson Street to the east of these properties. Whilst it is recognised that the urban grain in the area is tight knit it is not concluded that siting dwellings in the proposed location would result in a significant loss of light to 43-45 Parson Street to the east nor would the proposal result in an unacceptable overbearing impact on these properties. In addition, it is not considered that the proposed windows/doors to the east elevation would result in an unacceptable level of overlooking/loss of privacy to these properties to justify a refusal of planning consent. Albeit, it is recognised that the owners having had the benefit of no development in this area may feel the perception of overlooking it is not however considered that this would be justification for refusal of planning consent in this case particularly given the historic context of the site and the surrounding urban grain.
- 3.14 Concern has been raised with regard to overlooking to 1 Westcliff Heights from the glazing proposed to the front elevation of the dwellings. Given the angle of 1 Westcliff Heights and its neighbours to the application site the proposed glazing would not provide the opportunity for direct overlooking between the proposed new development and this property or its neighbours and as such it is not considered that a refusal on overlooking/loss of privacy grounds could be justified. Concern has also been raised with regard to loss of light to this property, however given the separation distance between the properties and orientation of the site in relation to this property it is not considered that a refusal on the grounds of the proposal causing a significant loss of light to this property could be justified.
- 3.15 Concern has also been raised with regard to overlooking/loss of privacy to 1A and 21 Mulberry Street on the other side of the train tracks from the application site as a result of the glazing and Juliet balconies proposed on the south elevation of the new dwelling facing onto the train tracks and as a result of the height difference between the site and these properties. Whilst it is recognised that there is a height

difference between the site and these properties, the separation distance (over 30 meters) is such that it is not considered that a refusal on overlooking/loss of privacy grounds could be justified.

- 3.16 Overall, having considered the impact of the proposal on the residential amenity of neighbours, Officers conclude that the proposal would not have a detrimental impact on the residential amenity of neighbours in terms of being overbearing, resulting in a significant loss of light or resulting in an unacceptable level of overlooking/loss of privacy to neighbouring occupiers. A condition is however recommended to remove permitted development rights for roof enlargements/alterations and for extensions to avoid an overdevelopment of the site and in the interest of ensuring that privacy of neighbours would not be compromised by any future development of the site.

Impact on ecology/biodiversity

- 3.17 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/>.
- 3.18 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Unilateral Obligation to pay the Habitat Mitigation Contribution required before development commences.
- 3.19 With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Land drainage/flood risk

- 3.20 The site is located in flood zone 1 and therefore in flood control terms is an appropriate site for new residential development to be located.
- 3.21 The submitted details advise that both foul sewage and surface water disposal would be via the mains sewer.
- 3.22 Public letters of representation have been received in respect of drainage which object to the connection to the mains sewer.
- 3.23 South West Water have confirmed by email to the applicant, a copy of which has been provided to the Local Planning Authority, agreement of discharge to the mains sewer.
- 3.24 During the course of the consideration of this application clarification on discharge point, sizing and positioning of the proposed surface water attenuation tank and exceedance routing has also been provided.
- 3.25 The Council's Drainage Engineers have been consulted and have advised that they have no in-principle objections to the proposal, from a surface water drainage perspective, subject to a pre-commencement condition being imposed if minded to approve that no part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage system has been

submitted to, and approved in writing by, the Local Planning Authority. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Parking and Highway safety

- 3.26 Public letters of representation received have raised concerns about the lack of parking for this development and existing pressures on parking in the area and that the plan submitted showing a parking annotation in the top corner of the plan which is residents parking for the Council Houses/Formal Council Houses and would not be available for the occupiers of the new development.
- 3.27 No parking is proposed as part of this development, however given the site's location within easy walking distance to Teignmouth Town Centre and its accessibility by walking, cycling and public transport for main travel purposes with the Town Centre being well served by buses and Teignmouth having a rail station within a reasonable walking distance from the site it is not considered that a refusal on lack of parking could be justified in this case given the sustainable location of the site which would mean that occupiers could manage without the need for a private vehicle.
- 3.28 Given the constrained nature of the site however construction of the dwellings would be difficult. It is therefore recommended that if minded to approve a condition be attached to secure details of a Construction Management Plan to secure details of deliveries, material storage and contractor parking during undertaking the works in the interest of minimising impact on neighbours during the construction phase of the proposal.

Other Matters

- 3.29 A representation received raises issues relating to stability of a garden wall and outbuilding. These are not planning considerations and would be a civil matter.
- 3.30 Some representations received also raise concern that the proposal would devalue their properties, this is not a valid material planning consideration.

Conclusion

- 3.31 It is deemed that the proposed development would not adversely affect the character and visual amenity of the area or adversely affect the amenity of neighbouring properties. The application is therefore considered acceptable and compliant with the Teignbridge Local Plan. Officer recommendation is one of conditional approval.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033:

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

5. **CONSULTEES**

Environmental Health:

Unsuspected Contamination Condition recommended to be applied if minded to approve.

Devon County Council Highways:

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

Devon County Council Historic Environment Team:

The proposed development lies in an area of archaeological potential within the historic core of the town. The mid-19th century Tithe Map shows the area already developed, while the later OS maps show the site containing occupied by terraced houses that were demolished sometime in the later 20th century. The supporting information in the Contaminated Land report suggests that the site still contains evidence of former buildings and, as such, there is the strong likelihood for the survival of below-ground archaeological deposits associated with the post-medieval expansion of the town to survive within the development site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that will be present. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason: *'To ensure, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.17 of the*

Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

Devon County Council Minerals Authority:

Devon County Council has no objection to this proposal in its role as mineral planning authority.

Natural England:

Providing that the Appropriate Assessment concludes that these measures are secured as planning conditions or obligations by your Authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your Authority's Appropriate Assessment, Natural England is satisfied that your Appropriate Assessments can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Teignbridge District Council Drainage Engineer:

Further clarification has been received on the discharge point, sizing and positioning of the proposed surface water attenuation tank. Exceedance routing has been provided and it is expected that suitable boundary treatment is provided to allow exceedance flows down Mulberry Street and prevent flows towards surrounding properties.

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

6. REPRESENTATIONS

Five objection representations have been received and one letter of support.

The letters of objection raise the following summarised concerns (see case file for full representations):

- Concern build cannot be erected without using private lane owned by Westcliff Heights, Parson Street to which access is required at all times;
- Concern proposal will impact on the front door, lounge and bedroom window belonging to the owner of 1 Westcliff Heights in terms of loss of light and privacy to this property;
- Great concern is raised with regard to the development connecting to the main sewer;

- Concern with regard to lack of light, overlooking and loss of privacy to numbers 43, 44 and 45 Parson Street;
- Concern with regard to privacy of the owners of the two properties in Mulberry Street, numbers 1A and 21 (other side of the train line), where the proposed development would look into bedrooms and bathrooms;
- There is significant overdevelopment in the immediate area causing parking issues in the area;
- Drawing number 2 is misleading and shows parking at the top of the drawing. This is parking for residents of local authority housing, or people that have purchased these properties only, and would not be for new development;
- Proposed development makes no provision for parking for these two properties;
- Would there be any loss of integrity of the railway wall;
- There has been a recent planning application for an additional storey at 1A and 1B Mulberry Street which was refused, surely this sets a precedent for refusing this development;
- There was discussion that this site was a brownfield site, it is not and has been a garden for many years, therefore making it a greenfield site;
- Proposal would result in the loss of a green space;
- Letter of support comes from property applicants relative lives in;
- Concern proposal would reduce quality of life of existing residents;
- Concern with regard to dwelling construction impacting on garden wall and outbuilding which backs onto development site;
- Devalue property.

The letter of support makes the following comment:

- Totally for this. The land is a wasted area and would be nice to see it restored back to houses like the land previously was many years ago;
- It would be less invasive then the other houses next to it that look down on to the railway tracks as its further away from the line and would not cause any blocking of light just as the trees that were there before caused no blockage of light;
- Proposal provides more housing in the town which is highly needed.

7. TOWN / PARISH COUNCIL'S COMMENTS

Teignmouth Town Council – The committee asked the Ward Member to place the item on Category B due to potential over-development of the site and loss of amenity to existing residents.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 173.78 sq m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. The CIL liability for this development is £30,356.97. This is based on 173.78 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

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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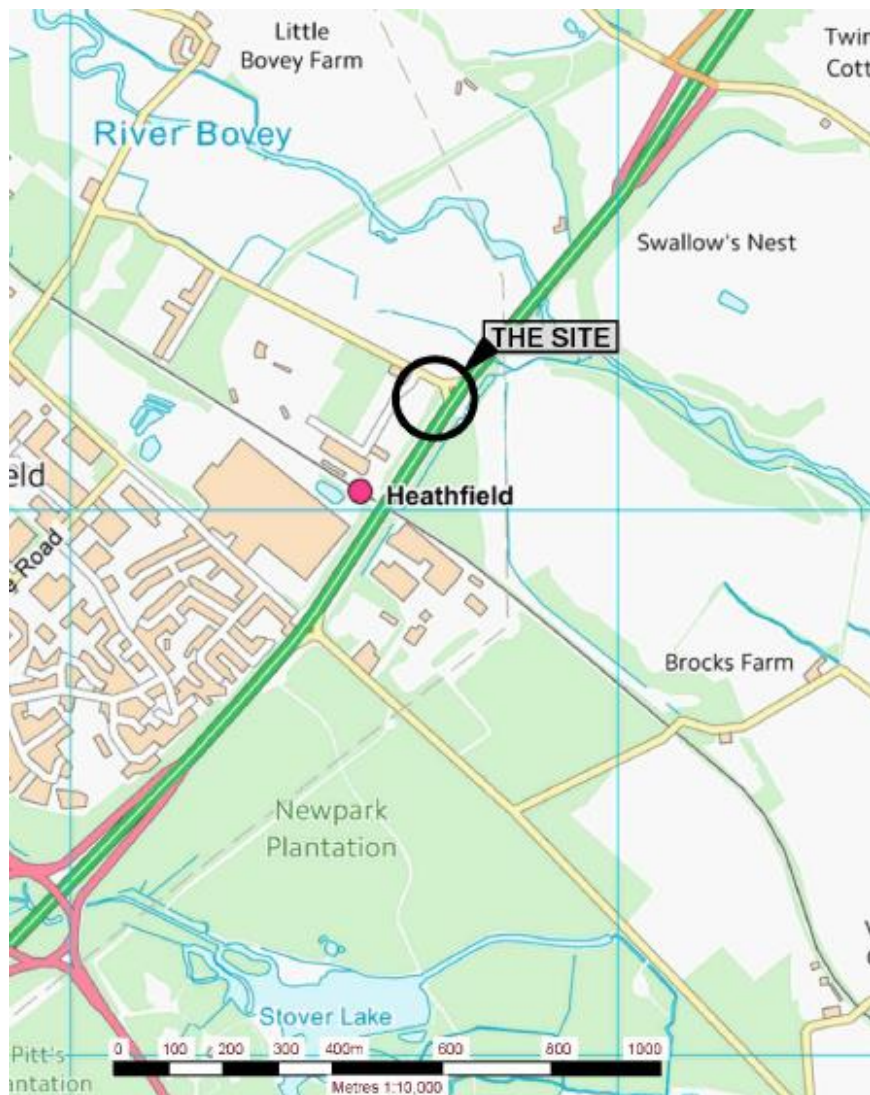
PLANNING COMMITTEE REPORT

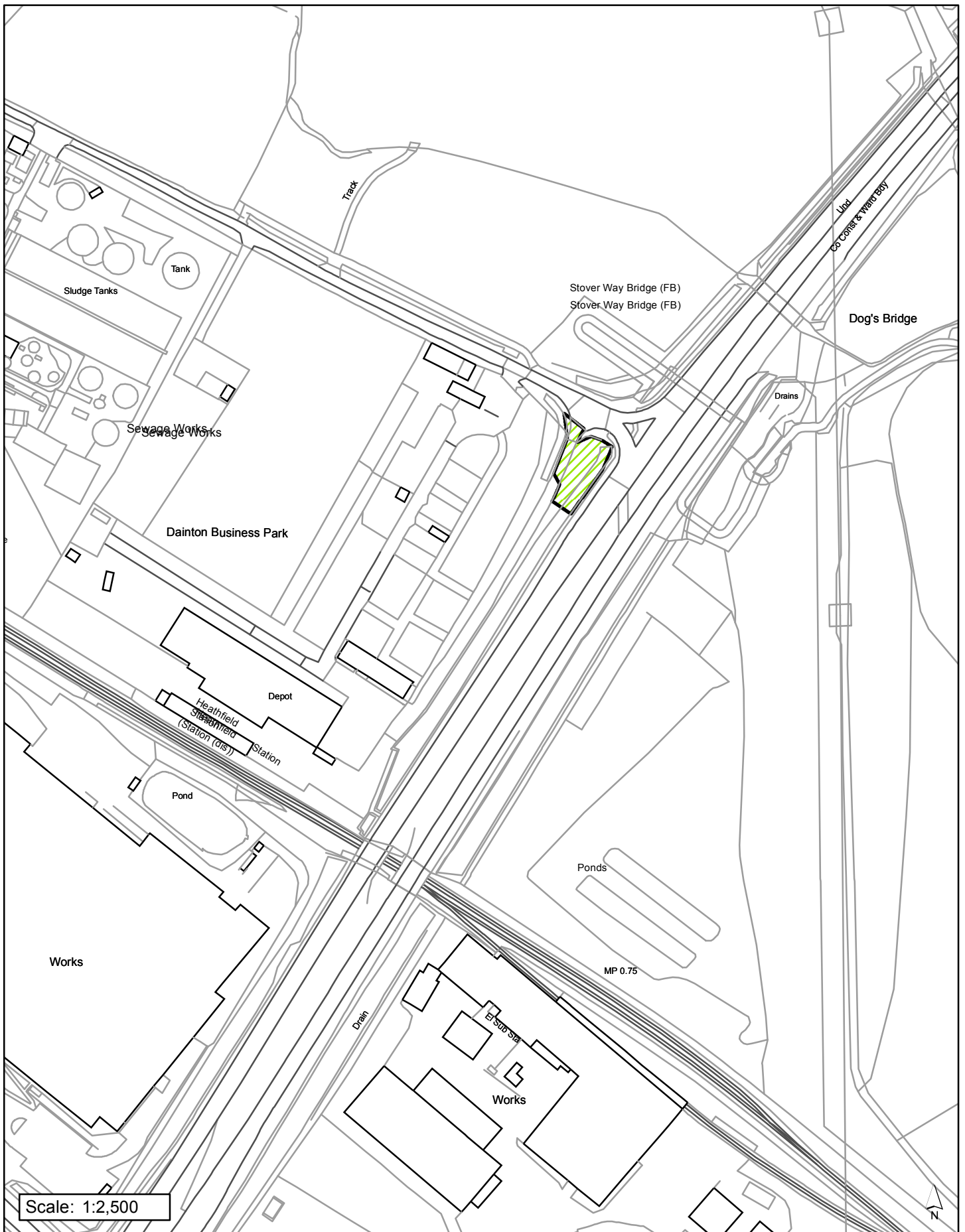
18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	19/01342/FUL - Sabre Power, Station Park - Construction and operation of an urban reserve 2.5MW gas fired power plant and associated equipment	
APPLICANT:	Mr B Wallace	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr George Gribble Cllr Avril Kerswell Cllr Sally Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01342/FUL&MN	





19/01342/FUL - Sabre Power, Station Park, Haytor View, TQ12 6RL

1. REASON FOR REPORT

Councillor Morgan has recommended that this application be referred to the Planning Committee due to considering that the proposal is a contradiction to the Town and District Council's climate change policies.

2. RECOMMENDATION

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. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.
4. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority.
5. Prior to the commencement of the development hereby permitted, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the Local Planning Authority.
6. Prior to the commencement of the development hereby permitted, a Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority
7. No external lighting shall be installed on, or in association with, the structures hereby approved, unless otherwise agreed in writing by the planning authority.

3. DESCRIPTION

The Application Site

- 3.1 The application site consists of an area of hardstanding adjacent to an access road which is located between the A38 and the Dainton Business Park at Heathfield. The site is accessed via an unnamed road which joins a junction of the A38 approximately 10m to the north east of the site. The site contains an existing gas kiosk. The site features an existing 2.4m high palisade fence on its northern boundary and, mature trees/vegetation on the eastern and southern boundaries. The western boundary is open to the access road. The site lies within designated open countryside. The site is located within a Greater Horseshoe bat Landscape Connectivity Zone, Sustenance Zone and strategic flyway in association with the South Hams Special Area of Conservation (SAC). Furthermore, the site lies within a Mineral Safeguarding Area for the ball clay resource.

The Application

- 3.2 The application seeks consent for the construction and operation of an urban reserve 2.5MW gas fired power plant and associated equipment. The proposals would be contained within a fenced compound and comprise:
- One 2.5MW generator
 - Gas supply and substation connection points
 - Oil and waste oil storage tanks
- 3.3 The proposed generator would measure 12.2m in length, 2.4m in depth and would have a maximum height of 7m. The site would have a gated access from the adjacent access road.
- 3.4 The applicant's agent has advised that according to the Department for Business, Energy and Industrial Strategy (BEIS) UK Energy Statistics in 2018, a record 52.8% of electricity was generated from renewable resources. However, this means that the UK is still heavily reliant on old inefficient and carbon intensive forms of electricity generation such as coal power. These power stations are predominantly located in the Midlands and North of England, and electricity generated from these stations has to be transported long distances at high voltages to provide power to areas such as Teignbridge. Moving electricity is inefficient and increases the carbon intensity of grid supplied power.
- 3.5 The agent has explained that the Urban Reserve sites such as the development currently proposed do not replace renewable energy generation capacity but support its use and further development. In order to transition the electricity network to a low carbon system there is a need to move away from high carbon intensive technologies in favour of lower carbon options and in the UK this has predominantly been new solar and wind farms. However, both solar and wind power generation are 'weather dependant'. Natural Gas has a significantly lower carbon intensity than coal and is dispatchable – in that it can be turned on, and off, as demand requires. Urban Reserve projects also export electricity at lower voltage providing electricity to the local area reducing losses experienced when transporting electricity through the transmission network.
- 3.6 As renewable generation grows there are times when wind and solar farms fail to generate enough electricity to meet demand. The reduction in renewable generation capacity is most acutely felt during periods of high pressure in the winter months. During this time wind speeds are low, and the daylight hours are short meaning the UK is increasingly reliant on 'dispatchable technologies' such as that proposed.
- 3.7 Building new, localised, highly efficient natural gas 'back up' power stations therefore enables the further penetration of renewables in the UK without risking black outs and interruption to businesses (and similar disruption of residential supplies) and helps move away from large centralised carbon intensive power stations. The overall effect is to reduce the carbon intensity of grid supplied electricity, support further development of renewables and give resilience to the local network.

- 3.8 The locations for Urban Reserve sites are chosen as local to areas with a risk of power outages and being small under-utilised sites within the areas they are intended to serve.
- 3.9 In terms of the future, the agent has advised further that gas fired generators are 'temporary' in that they are seen as a solution to bridging the gap between traditional and renewable energy generation until either advancing technology provides alternative grid support solutions or renewable energy generation/storage methods are developed with sufficient capacity to render them obsolete. In the case of alternative grid support solutions, given that the generators are containerised, they are readily replaceable with similar small scale units fired by, for example, hydrogen if/when that technology is suitably advanced.

Planning History

3.10 Relevant site history:

- 97/02549/FUL: Change of use, conversion and restoration of Old Railway Sidings Buildings into offices. Approved 15/10/1997
- 07/02508/CLDE: Certificate of Lawfulness for existing use of land for general storage. Refused 10/1/2008.

Main issues

3.11 The main issues for consideration are:

- The principle of the development/sustainability;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Impact of the development upon the character and visual amenity of the area/open countryside;
- Impact on ecology/biodiversity;
- Highway safety;
- Impact on trees;
- Land drainage/flood risk;
- Other matters

Principle of the development/sustainability

- 3.12 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions; however, the relevant development plan is the Teignbridge Local Plan 2013-2033.
- 3.13 The application site is located within designated countryside and Policy S22 (Countryside) of the Local Plan details that in open countryside, development will be

strictly managed, and limited to uses which are necessary to meet the overall aim of the policy. These uses include energy infrastructure.

- 3.14 Policy S6 (Resilience) of the Local Plan states that the Council will work with communities, developers and infrastructure providers to ensure that the future impact of climate change and fossil fuel scarcity is minimised. Furthermore, Policy S7 (Carbon Emission Targets) of the Local Plan sets out 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. This policy was adopted back in 2013 so is not new however; it was updated at the end of last year to reflect national policy changes at that time. The new wording to take immediate effect was approved recently;

“the carbon emissions reduction target in S7 should be read to reflect the new national carbon reduction target which is to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels (equivalent to a 48% reduction between 2017 and 2033)”

Policy EN3 (Carbon Reduction Plans) of the Local Plan specifies 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.

- 3.15 Paragraph 148 of the National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. Furthermore, Paragraph 154 of the NPPF details that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 3.16 The use of small-scale gas fired generation facilities into the local electricity distribution network is also supported in the National Policy Statement for Energy EN-1. Paragraph 3.3.11 of this document with regards to ‘The need for more electricity capacity to support an increased supply from renewables’ states:

“An increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand, for example when there is little wind”.

- 3.17 Paragraph 3.3.12 details that ‘It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have

now, with a larger proportion being built only or mainly to perform back-up functions'. Paragraph 3.6.2 notes that 'gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply'. Furthermore, paragraph 3.6.8 specifies that 'it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation'.

- 3.18 The National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) further highlights the role for Fossil fuel electricity generation in providing a diverse energy mix as the UK makes the transition towards a secure decarbonised electricity system.
- 3.19 The Committee on Climate Change's report 'Net Zero, The UK's contribution to stopping global warming' (May 2019) details that electricity systems need to match electricity supply to demand in real-time. It notes that as more weather-dependent sources of electricity supply come online, matching supply to demand can become more challenging. The report states further that given important roles for electrification in both transport and heat, electricity demand will rise in most areas. Solutions that enhance system flexibility (e.g. smart charging of vehicles and hybrid heat pumps), will be important in ensuring that demand peaks are manageable and enabling maximum use of renewable generation. As such, many networks will need to be upgraded in a timely manner and future-proofed to limit costs and enable rapid uptake of electric vehicles and heat pumps.
- 3.20 The proposed development is one of many proposed nationally to address the capacity shortfalls in the grid due to peak demands, the unpredictability of renewable energy and the inability for large centralised power stations to react quickly. The need and support for such facilities is now reflected in a number of appeal decisions where Inspectors have allowed appeals for these facilities as they support the transition to a low carbon future. In an appeal decision for a 14MW Peaking Power Generation Plant in Derbyshire (appeal reference APP/R1010/W/17/3172633), the Inspector concluded that the proposed gas-fired engine-driven electricity generators could be described as 'associated infrastructure', as described in the NPPF and in paragraph 3.15 of this report, that would support the move towards low carbon energy supplied increasingly by renewable energy developments.
- 3.21 In an appeal decision for a flexible electricity generation plant in Hampshire (appeal reference APP/C1760/W/18/3194508), the Inspector stated:

14. The Overarching National Policy Statement for Energy (EN-1) states that as part of the country's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. However, it explains that some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, additional generating capacity will be required overall, to provide back-up at times when the availability of intermittent renewable sources is low. This may include generation using fossil fuels.

3.22 The Inspector commented further in appeal number 3194508 that the scheme would contribute to national objectives by delivering electricity to the grid on a demand responsive basis.

3.23 In an appeal decision for the construction and operation of an 8MWe Peaking Power Generation Plant in Cumbria (appeal reference APP/G0908/W/17/3189773), the Inspector stated the following when granting planning permission in April 2018:

12. Whilst noting that the appeal scheme would rely on a non-renewable energy source to provide energy to the National Grid, the appellant points out that flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive in order to cover the intermittency of generation. The proposed plant would be a low utilisation peaking asset, which would not be in continuous operation. It is designed to specifically work around renewables and to support the system when renewable generation levels decline. Combined carbon emissions from these peaking assets, along with renewable sites, can provide very low carbon power. In this respect, I agree with the conclusions drawn by the Inspector in the submitted appeal decision that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 of the Framework.

13. Taking the above into account, the proposal would accord with the Framework's aims of securing economic growth in order to create jobs and prosperity, whilst meeting the challenges of a low carbon future. The plant would be connected to the Local Distribution Network and may improve the viability of the industrial estate by providing greater security of supply. In providing infrastructure, supporting the well-being of the community and supporting the move to a low carbon economy, the development would accord with the three dimensions of sustainable development within the Framework. Therefore, even if I had concluded that the plant would not constitute an appropriate sui generis use in terms of Policy S12, the benefits of the proposal would, in my opinion, outweigh the policy conflict and the loss of a modest sized parcel of employment land in an area where the Council accepts that employment land is not in short supply.

19. Furthermore, National Policy Statement EN-1 states that whilst the UK must reduce its dependence on fossil fuels, gas is the cleanest and most reliable fossil fuel and will continue to be a central part of Britain's energy mix during the transition to a low carbon economy as a reliable source of flexible power generating capacity. Moreover, the plant proposed will use gas only intermittently and not continuously. Whilst I have not been provided with full copies of those policies of the ALP referred to by the Green Party, I see no conflict in their aims to reduce Allerdale's carbon footprint.

3.24 On 18 April 2019, Teignbridge District Council declared a climate emergency. In addition, Bovey Tracey Town Council declared a climate emergency on 1 July 2019. Furthermore, Devon County Council declared a climate emergency on 21 February 2019. Point 6 of the Devon Climate Declaration details that:

In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will

openly report progress on its delivery. We know this transformational change will be challenging and will include:

- *Deploying more renewable, decentralised and smart energy systems*
- *Retrofitting energy-efficiency measures into our existing buildings*
- *Constructing zero-carbon new buildings*
- *Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles*
- *Changing our consumption to use less, re-use more and choose low-carbon options*
- *Challenging all economic sectors to review their practices and the values of those they do business with*
- *Divesting from fossil fuels*
- *Changing our dietary patterns and reducing food waste*
- *Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon*
- *Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration*
- *Empowering the people of Devon with the knowledge and skills to act collectively.*

- 3.25 The proposed development would be powered by natural gas and therefore it is important to recognise that this technology is not a renewable technology or low carbon project itself. However, the proposal will support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy for the National Grid at times when renewable energy sources cannot meet demand (e.g. dark, still winter mornings with no wind) rather than more carbon intensive forms of electricity generation such as coal power. Consequently, it can be considered that the proposal would help contribute towards helping to achieve reductions in carbon emissions in accordance with Policy S7 of the Local Plan and in line with the objective of Policy EN3 of the Local Plan.
- 3.26 Policy S22 of the local plan does support energy infrastructure within the countryside and the NPPF states that the planning system should support the transition to a low carbon future in and support renewable and low carbon energy and associated infrastructure. As outlined in the appeal decisions referred to previously in this report, Inspectors for appeal decisions for similar proposals elsewhere in the country have been allowed as Inspectors consider gas-fired electricity generators to be associated infrastructure as supported by the NPPF. Furthermore, national policy documents detail that there must be some fossil fuel generating capacity to provide back-up capacity when generation from renewable generating capacity is low and to help with the transition to low carbon electricity generation.
- 3.27 Furthermore, gas fired generators can be considered as 'temporary' in that they are seen as a solution to bridging the gap between traditional and renewable energy generation until either advancing technology provides alternative grid support solutions or renewable energy generation/storage methods are developed with sufficient capacity to render them obsolete.

- 3.28 The principle of the proposed development is finely balanced as the proposed development is not a renewable technology or low carbon project itself, although the proposal is a facilitator of renewable energy. As such, the proposal would support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy when renewable energy sources cannot meet demand and consequently would help contribute towards achieving a reduction in carbon emissions. Given the support provided by our Local Plan for the development of energy infrastructure and the number of appeal decisions where Inspectors have supported such proposals on the basis of them supporting the transition to a low-carbon future in appropriate locations and as 'associated infrastructure' supported by the NPPF, it is considered that, on balance, the principle of the proposed development is acceptable as it would support the transition to a low carbon future and would provide an element of energy security for the local area.

Impact of the development on the residential amenity of the occupiers of surrounding properties

- 3.29 The nearest residential properties are Swallow's Nest which is located approximately 340m to the north east of the application site, Heathfield Cottages which are located approximately 465m to the north west of the application site and Sharps Crescent which are located approximately 480m to the south west of the application site. Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan details that proposals will be required to perform well against 10 criterion which include health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development.
- 3.30 In terms of noise from the proposed development, Teignbridge District Council's Environmental Health department were consulted on this application and they requested the submission of a noise impact report. Following the submission of a Noise Impact Assessment, the Council's Environmental Health department have commented that they have no objections to the proposal in terms of noise impacts. As such, subject to compliance with the submitted Noise Impact Assessment, it is deemed that the proposal would not result in any unacceptable noise impacts upon the amenity of nearby residential properties.
- 3.31 In terms of air pollution from the proposed development, the applicant will need to apply for an Environmental Permit from the Environment Agency (EA) to be able to operate the proposed plant. During its determination of the application for the environmental permit, the EA will assess risks associated with emissions to air from the plant. Environmental permits for Specified Generators require that the air quality standards must not be breached and they will also contain emission limit values that must be complied with. The EA will assess during the course of its determination whether stringent conditions will be complied with and will only issue an environmental permit where no significant impact to human health will occur.
- 3.32 Whilst the Council's Environmental Health department initially commented that they had no objections to the proposal in terms of air quality, following a representation from Teign Energy Communities, the Environmental Health department requested if the applicant could provide evidence that demonstrates adequate elevation and dispersion of flue gases. The applicant stated in an e-mail dated 13 November 2019 that stack height and adequate dispersion of flue gases is a matter for the EA and the permitting process and an environmental permit will not be issued if the stack height is not adequate or if the stack is not performing its function adequately. The

Council's Environmental Health department have confirmed that they are happy with the applicant's response and have recommended the application for approval in terms of air quality.

- 3.33 Given that the Council's Environmental Health department have not raised any objections to the proposed development in terms of noise or air quality, it is deemed that the proposal would comply with Policy S1 of the Local Plan and would not result in any adverse impacts upon the residential amenity of the occupiers of surrounding properties.

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

- 3.34 Although the proposed generator would be up to 7m in height, the site would be screened by the existing mature trees/vegetation on the eastern boundary of the site. Whilst the proposal involves the removal of three Scots pine trees from the site, it is recommended that a landscaping condition is included with any permission to ensure that the site is adequately screened when viewed from the A38. Furthermore, there are a number of existing commercial and industrial uses within the vicinity of the application site. As such, given the relatively small-scale nature of the proposed development, the existing screening on the eastern boundary of the site, and the nearby existing commercial and industrial uses, it is considered that the proposal would not result in a significantly harmful impact upon the character and visual amenity of the area or open countryside.

Impact on ecology/biodiversity

- 3.35 Representations regarding the impact of the proposed development are noted and the Chudleigh Knighton Site of Special Scientific Interest (SSSI) is located approximately 370m to the north east of the site. Teignbridge District Council's Biodiversity Officer has raised no objections to the proposal subject to the removal or cutting back of any vegetation taking place outside of the bird breeding season. Natural England have also been consulted on this application and they have stated that they have no comments to make on the application.
- 3.36 As the application site lies within a landscape connectivity zone in association with the South Hams Special Area of Conservation for Greater Horseshoe bats, it is considered necessary to include a condition with any permission which states that no external lighting shall be installed unless an external lighting scheme is first agreed in writing by the Local Planning Authority.

Highway safety

- 3.37 The site would be accessed off an unclassified county road which joins a junction of the A38 approximately 10m to the north east of the site. Devon County Council's Highways department have commented that the number of trips that the proposed development could generate once in operation would not be a severe impact or safety issue on the county highway network. As such, the County Highway Authority have raised no objections to the proposal.
- 3.38 In terms of traffic impact, Highways England have commented that based on the estimated 1-2 two-way maintenance trips per week to the site post construction, when considering the existing trips to the adjacent industrial estate, they accepted that the additional trips will fall within the daily variation expected at the nearby junction with the A38. As such, Highways England consider that the proposal is

unlikely to have a material impact on the safe and efficient operation of the strategic road network. With regards to Highway Safety, Highways England have commented that whilst access from the existing road into the site itself is in relatively close proximity to the A38 Trunk Road junction, entry speeds are constrained by the alignment of both approaches to this junction. In addition, neither the construction nor operational phases of the site are expected to generate large numbers of additional movements at the existing access. As such, Highways England do not consider that the proposal would result in a severe impact on road safety.

- 3.39 Both DCC Highways and Highways England have requested that prior to commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan. These details will be required via a planning condition. It is therefore considered that this application is acceptable with regard to the impact on highway safety.

Impact on trees

- 3.40 Teignbridge District Council's Senior Arboricultural Officer has commented that if trees on the northern and eastern boundary of the site are to be removed, a landscape plan showing significant tree planting will be required prior to determination of the application. Highways England have also requested that if the local planning authority (LPA) are minded to grant consent for the proposed development, prior to the commencement of the development, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the LPA in consultation with Highways England.

- 3.41 The applicant has detailed in the submitted Planning Statement that prior to the construction of the proposed development, three Scots pine trees would need to be removed. Although no replacement tree planting details have been provided, it is considered necessary to include a condition with any permission requiring a Landscape and Boundary Treatment Plan to be submitted to and agreed in writing by the LPA prior to the commencement of the development. Highways England have also requested that a tree protection plan shall be submitted and these details will be required via a planning condition.

Land drainage/flood risk

- 3.42 The application site is not located with Flood Zones 2 or 3. With regards to land drainage, Highways England have requested that if the LPA are minded to grant consent for the proposed development, a condition is included with any permission which states that prior to the commencement of the development, a detailed drainage strategy shall be submitted to and agreed in writing by the LPA in consultation with Highways England.

Other matters

- 3.43 The site lies within a Mineral Safeguarding Area for the ball clay resource. However, Devon County Council have raised no objections to the proposed development in their role as mineral planning authority as the application site is a small area of land between existing development and the A38, and extraction of ball clay is very unlikely to be economic. Representations regarding the impact of the proposed development on property values are noted, however, this is not considered to be a material planning consideration.

Conclusions

- 3.44 Although finely balanced, given that the proposed development would support the transition to a low carbon future and consequently would help contribute towards achieving a reduction in carbon emissions, it is deemed that the principle of the development is acceptable. It is also considered that the proposal would not result in any adverse amenity or visual impacts or would result in any unacceptable impacts upon biodiversity, highway safety, trees or flood risk. It is therefore recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S10 Transport Networks

S11 Pollution

S22 Countryside

EN3 Carbon Reduction Plans

EN6 Air Quality

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

Devon Minerals Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Environmental Health (Air Quality):

Comments dated 5 August 2019

No objections

Comments dated 22 October 2019

I have revisited the application and note the range of observations from Teign Energy Communities which cover many other disciplines.

However with focus specifically on local air quality impacts and stack emissions I do take the point made that there is very little numerical detail about content of emissions, velocity of flue gases, to support the notion that the stack will deliver

adequate dispersion, even though the nearest potentially significant receptor is 60 metres to the north west of the site.

In short, and for the sake of certainty, can the applicant provide evidence that demonstrates adequate elevation and dispersion of flue gases.

Comments dated 5 December 2019:

I have reviewed the comments in the email of the 11th Nov and am pleased that there is confirmation that adequate dispersion will be delivered via the environmental permitting regime, which is akin to the environmental permits we issue as a regulator.

On this basis I recommend approval.

TDC Environmental Health (Noise):

Comments dated 3 October 2019:

The applicant should seek and obtain the services of a professional sound consultant to submit a noise impact report for this proposal.

Works should not commence until such time as the report has been received and any remedial action agreed with the local planning authority.

Details should also be provided by the application with regard to CO₂ capture and flue gas recycling from this proposal.

Comments dated 4 December 2019:

No objections

TDC Senior Arboricultural Officer:

Provided trees on the northern and eastern boundary of the site are retained there are no arboricultural objection to the proposal.

If the above trees are to be removed a landscape plan showing significant tree planting will be required prior to determination of the application.

TDC Biodiversity Officer:

It is not clear if the proposal would entail removal or cutting back of vegetation. If the council is minded to grant consent, please include an informative with regards to cutting or clearance of shrubs, hedges or other vegetation, which may form nesting sites for birds.

DCC Highways:

This site will be accessed off an unclassified County Road which is restricted to 60 MPH.

Although the access to the site is off Devon County Council Highway Network, it will can also be accessed and will possibly be visible from the A38, therefore Highways England should be consulted on this application.

The number of trips this power plant could generate once in operation would not be considered to be a severe or safety issue on the County Highway network. Therefore the County Highway Authority has no objections.

DCC Minerals:

The application site lies within a Mineral Safeguarding Area for the ball clay resource, as defined in the Policies Map for the Devon Minerals Plan. Policy M2 of this Plan seeks to safeguard mineral resources from sterilisation or constraint by other forms of development.

In this case, the application site is a small area of land between existing development and the A38, and extraction of ball clay is very unlikely to be economic. Devon County Council therefore has no objection in its role of mineral planning authority.

Highways England

Comments dated 17 September 2019:

Drainage

The Planning statement mentions a proposed layout plan and a flood risk assessment exist, can we please have copies of these. The application form indicates that surface water will be disposed of to the existing watercourse although no information is currently available which details this.

As-built drawings relating to the construction of the trunk road appear to suggest the presence of drainage assets within the plot, which will need to be investigated should construction be proposed in this location. The 'unnamed road' the other side of the site was also installed during the trunk road construction and the drainage of that road heads into a ditch that appears to follow the Highways England boundary going northwards as per the screenshot below. Unless the applicant can demonstrate that this land falls within their ownership, this must not be impacted by the proposals, nor will any new/change of use connections be permitted into this drainage asset, in line with paragraph 50 of DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

Owing to the proximity to our boundary, we will need to understand the interaction with existing drainage assets as well as the proposed internal layout of the site and how it will direct water close to the boundary.

Land Ownership

With reference to Land Registry records, the applicant will be required to cross land within Highways England Ownership to access the development. Can the applicant please provide the relevant legal agreement(s) that permit this use, both under the current site usage and the proposed change of use.

Comments dated 26 September 2019

Highways England has no objection in principle to the proposed development subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed drainage strategy including relevant plans and details of overland drainage flows shall be submitted to and agreed in writing by the Local Planning Authority (in

consultation with Highways England). **Reason:** To ensure the protection of the Highways England drainage asset.

2. Prior to the commencement of the development hereby permitted, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The plan shall include as a minimum, details of any proposed works that may impact on the adjacent highway planting and a method statement for the protection of the planting during the construction phase. Works shall be undertaken in accordance with the approved plan and any damage to highway planting shall be remediated. **Reason:** To ensure the protection the Highways England soft Estate.

3. Prior to the commencement of the development hereby permitted, a Tree Protection Plan which conforms to “*BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*” shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). **Reason:** To ensure the protection of the Highways England soft estate.

4. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The plan shall include as a minimum: construction vehicle movements, construction operation hours, a routing and signing strategy for construction vehicles to and from site, construction delivery hours, expected number of construction vehicles per day, and car parking provision arrangements for contractors. Construction shall be carried out in accordance with the approved plan. **Reason:** in the interest of the safe and efficient operation of the A38 trunk road.

Natural England:

No comments.

Wales & West Utilities Ltd:

No objections to the proposals, however Wales & West Utilities apparatus may be at risk during construction works and should the planning application be approved then Wales & West Utilities require the promoter of these works to contact Wales & West Utilities directly to discuss their requirements in detail.

6. REPRESENTATIONS

A site notice was erected at the entrance to the site. At the time of drafting this report (30 January 2020), 197 letters of objection, 10 letters of representation and one letter of support had been received.

The letters of objection raised the following planning issues:

- Should be using renewable energy.
- Existing noise issues on the site.
- Inappropriate location for the type of development.
- Will cause light, noise and air pollution.
- Greener options should be considered first.
- Burning fossil fuel conflicts with Teignbridge's objective of being carbon neutral by 2025.

- In conflict with climate emergency declared by Teignbridge District Council, Devon County Council & Bovey Tracey Town Council.
- The applicant has not included a statement justifying the need for a gas fired power station in this area.
- Intermittent gas fired power stations will have a substantial impact on the local environment, including nearby housing, in terms of:
 - Increase in CO₂ and other pollutants including NO_x.
 - Noise
 - Sudden reduction in oxygen levels in the close vicinity of the plant
- Once there is significant renewable generation in the area there will be need for alternative local supply to balance intermittent renewable supply, but this needs to use a carbon neutral supply to meet the zero carbon objective.
- There are new commercially available technologies that can bulk store excess renewable energy.
- The proposal would exacerbate global warming and release toxic nitrogen compounds.
- Water pollution.
- Would set a precedent for future similar developments.
- The infrastructure is unable to sustain the increase in traffic, plant vehicles and people.
- Any increase in greenhouse gases will worsen the climate emergency.
- Impact on biodiversity.
- The proposal would cause noise pollution and, thereby, increase stress for local inhabitants.
- No environmental impact study has been submitted.
- Impact on human health.
- Visual impact.
- Impact on property values.
- Impact on road safety.
- Located near schools, houses and employment areas.
- Loss of trees.

The letters of representation made the following comments:

- Can the proposed plant be converted to burn hydrogen when and if this becomes available, or to replace the plant with other lower carbon technology as soon as possible; and what carbon offset mitigation is proposed in the meantime.

The letter of support made the following comments:

- Without facilities like the proposed development then there would be electrical outages if we were to rely on just renewable technologies such as wind and solar.
- The proposal is a local system which generates electricity locally therefore it is more efficient as the losses which can arise in the national grid when electricity is distributed nationally are eliminated.

7. TOWN COUNCIL'S COMMENTS

Object as the proposals appear to contradict the Town, County and District Council's climate change policies.

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. The site is less than 0.1ha, significantly less than the threshold where EIA is more likely to be required for energy generating sites of 0.5ha and above.

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

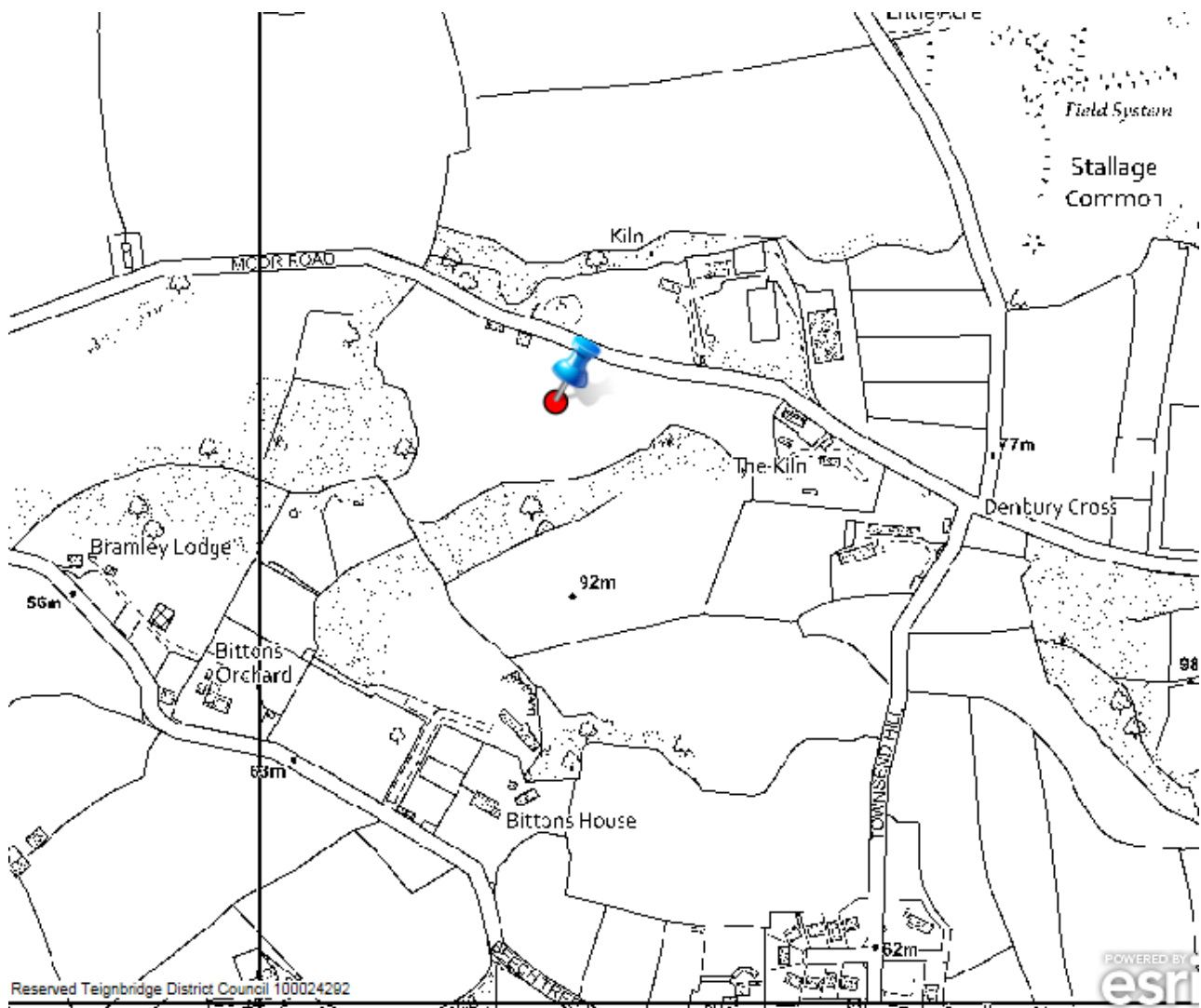
PLANNING COMMITTEE REPORT

18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/01877/FUL - Moorwood, Moor Road - The temporary stationing of a log cabin for 3 years to serve as a key worker supervisory dwelling in connection with equestrian use	
APPLICANT:	Mr & Mrs J Clyne	
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=19/01877/FUL&MN	





19/01877/FUL - Moorwood, Moor Road, Ipplepen, TQ12 5TP

1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to the Planning Committee because he considers that the application is contrary to the Teignbridge Local Plan Policy WE9. He considers that there is no evidence that there is an essential functional need for a full time worker, let alone one housed on site and at the moment there is stabling for a very small number of horses on the site which are being adequately looked after. He advises that there is no business unit on the site and that there is more than enough accommodation in the village within 2/3 Km of the site. Councillor Dewhirst also considers that the proposal is contrary to Policy EC5(c) of the Teignbridge Local Plan.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. Written confirmation to Local Planning Authority of date of commencement of development;
3. Development to be carried out in accordance with the approved plans
4. Equine worker(s) occupation only;
5. Log cabin to be removed and land restored to original condition 3 years from date of commencement;
6. No external lighting to be installed unless an external lighting scheme is first agreed in writing by Local Planning Authority.

3. DESCRIPTION

The Application Site

- 3.1 The application relates to a site known as Moorwood which is located on the southern side of Moor Road, Ipplepen, opposite a property known as Clennon. The site is served by two accesses from Moor Road. Planning permission was approved in May 2019 for stables, an implement/fodder store, schooling area, turnout pen and parking facility at the site. At the time of the officer site visit on 12 December 2019, the site contained two timber buildings, a number of paddocks and parking facilities. The site lies within designated open countryside, a Greater Horseshoe bat Landscape Connectivity Zone in association with the South Hams Special Area of Conservation (SAC) and a Cirl Buntings Wintering Zone. The site also lies within a Mineral Consultation Area for aggregate minerals.

The Application

- 3.2 The application seeks consent for the temporary stationing of a log cabin for three years to serve as a key worker supervisory dwelling for a new rural enterprise in connection with the equestrian use on the site. The enterprise will consist of livery services and a small scale breeding programme of competition horses.
- 3.3 The log cabin would be sited on an existing area of hardstanding adjacent to the road and would be positioned between the implement/fodder store and rest/wash room. The cabin would measure 13.1m x 6.65m and would measure up to 4.1m in height at its highest point with a dual pitched roof and a small element of flat roof

form. The walls of the cabin would be clad in timber weatherboard and stained timber and the roofing materials would consist of a grey slate effect steel clad roof for the pitched roof element and grey mineral felt for the flat roof element. The cabin would also feature a verandah on its south west elevation.

Planning History

3.4 Relevant site history:

- 16/02499/FUL: Stables with tack room, feed store and toilets. Approved 3/5/2017 but not implemented.
- 18/02343/FUL: Stables plus implement/fodder store, schooling area, turnout pen and parking facility. Approved 8/5/2019.

Condition 8 of planning permission stated:

The permission hereby approved is in substitution of the planning permission approved under application 16/02499/FUL and is not in addition to the planning permission approved under application 16/02499/FUL.

Main issues

3.5 The main issues for consideration are:

- The principle of the development/sustainability;
- Whether the criteria justifying a rural worker's dwelling are met;
- Impact of the development upon the character and visual amenity of the area/open countryside;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Highway safety;
- Impact on ecology/biodiversity;
- Carbon reduction;
- Other matters

Principle of the development/sustainability

- 3.6 The proposed log cabin would be on a temporary basis to serve as a key worker supervisory dwelling for a new enterprise on the site in connection with the equestrian use and associated buildings which were approved under planning application 18/02343/FUL. Whilst Condition 9 of planning permission 18/02343/FUL stated that *'the use hereby approved shall be used solely as stabling for an individual or group of individuals and in connection with the existing equine use of the subject land'*, due to the level of parking available on the site and the improvements to the visibility splays which were required via a planning condition, it was not considered necessary to limit the use of the stables to private use only. The submitted Rural Worker's Dwelling Appraisal document details that the proposed enterprise will specialise in the livery of competition horses and horses being

trained to compete. In addition, the Rural Worker's Dwelling Appraisal document notes that in the longer term, a small scale breeding programme of competition horses will be developed alongside the livery yard. The Rural Worker's Dwelling Appraisal document specifies further that the type of horses that will be on the site require supervision at all times, creating an essential need for a worker to live on site to provide 24 hour supervision.

3.7 As the site lies in the open countryside outside of any settlement limits, Policy S22 (Countryside) of the Teignbridge Local Plan applies. Under this Policy, residential development is not acceptable in principle, except for certain exceptional circumstances. One of these exceptions is where residential accommodation is necessary for agriculture, forestry and other necessary rural workers. Paragraph 79a of the NPPF details that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Furthermore, the NPPG advises that considerations that may be relevant to take into account when applying paragraph 79a of the NPPF, include in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. As such, subject to justification, it is considered that the principle of the development would accord with both local and national planning policy.

3.8 Policy EC5 (c) (Equine Development) of the Local Plan details that the number of horses kept on a site is limited to 2 horses per hectare of pasture. The officer report for planning application 1802343/FUL detailed that the field at Moorwood is 8.4 acres (3.39936 hectares) and almost supports seven horses (3.4 x 2 equals 6.8). As the proposed floor plans for the stables detailed that the building would house seven horses, it was considered that the site was of an acceptable size to support seven horses.

Criteria justifying a rural worker's dwelling

3.9 Policy WE9 (Rural Workers' Dwellings) of the Teignbridge Local Plan specifies that dwellings for workers in agriculture, forestry or other rural business will be permitted in open countryside provided that:

- a) there is an essential functional need arising from the business for a full time worker to be housed on the site;
- b) the business unit is of sufficient size to require a full time employee, is economically viable and has clear prospects of remaining so; and
- c) there are no dwellings on the holding which could meet the need, and no such dwellings have been sold in the previous 3 years.

3.10 The submitted Rural Worker's Dwelling Appraisal document has been produced by a rural planning consultant who holds a BSc in Equine Welfare with Business Management. This document sets out the background to the proposed enterprise on the site and concludes that there is a functional need for someone to be on site 24 hours a day due to the type/breed of horses that will be on the site. Furthermore, a confidential Business Plan has also been submitted by the applicant which details that the enterprise has been planned on a sound financial basis. In addition, there are no existing dwellings on the site.

3.11 The Council has sought the independent advice of its Agricultural Consultant to scrutinise the stated need for the proposed log cabin. The consultant concludes

that there could be a proven functional need for a full-time worker to be resident on site. The consultant also comments that he considers that the proposed business should be economically viable and have a clear prospect of remaining so. The consultant does state the proposed site for the temporary dwelling is located close to the adjoining settlement and therefore the availability and suitability of dwellings to either purchase or rent within that settlement is an important factor to take into consideration. However, his opinion is that the functional need is specific to the site and cannot be met by living off site in the adjoining settlement. The consultant concludes that the criteria set out in Policy WE9 are satisfied.

- 3.12 In accordance with Policy WE9 of the Local Plan, it is considered that there is a functional need for the temporary dwelling, the unit could be viable and there are no alternative dwellings that could meet the identified need. It is therefore deemed that the exceptional circumstances required for residential use in the open countryside have been demonstrated.

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

- 3.13 Policy WE9 details further that where a dwelling is permitted in accordance with these criteria, it will be subject to the seven requirements which include:

- the siting of new buildings should be grouped with existing buildings where possible;
- the new dwelling is limited to a size to meet the established functional need;
- the dwelling should be discreetly located and designed to reflect traditional Devon styles;

- 3.14 Policy S2 (Quality Development) of the Local Plan notes that new development should integrate and, where possible, enhance the character of the adjoining built and natural environment. Policy S22 (Countryside) of the Local Plan states that in assessing development proposals, particular account will be taken of the distinctive characteristics and qualities of the Landscape Character Area, the integrity of green infrastructure and biodiversity networks, and impact on overall travel patterns arising from scale and type of development proposed. Policy EC5 (Equine Development) of the Local Plan details that the keeping and training of horses in open countryside will be acceptable in principle, subject to:

- Buildings, enclosures, tracks, structures, lighting and other development being sited and designed to minimise harm to landscape character and biodiversity;

- 3.15 The proposed log cabin would be sited between the implement/fodder store and rest/wash room on the site. Whilst the proposed cabin does contain two bedrooms and a verandah, the Council's Agricultural Consultant has commented in his consultation response that the proposed temporary dwelling takes the form of a standard mobile home/chalet type design and is easily of a size commensurate with the need. The log cabin would be located adjacent to the hedgerow and would be a similar height to the stable building that was approved under application 18/02343/FUL. Whilst the design of the cabin may not reflect traditional Devon styles, the proposal seeks permission for a temporary dwelling and therefore the building is temporary in nature. It is considered that there would be no significant

harm to the appearance of the countryside that would outweigh the functional and financial requirement for an on-site dwelling, to enable the enterprise to develop.

- 3.16 It is therefore considered that the proposal would accord with Policies WE9, S2, S22 and EC5 of the Local Plan.

Impact of the development on the residential amenity of the occupiers of surrounding properties

- 3.17 Due to the single storey nature of the proposed log cabin and its distance from the nearest residential property, it is deemed that the proposal would not result in any detrimentally harmful impacts upon the amenity of surrounding properties.

Highway safety

- 3.18 Condition 5 of planning permission 18/02343/FUL required that the development shall not be brought into use until adequate visibility splays had been implemented. Following an officer site visit on 12 December 2019, it was observed that the visibility splays had been implemented. As such, given that there is a sufficient level of parking on the site and vehicles are able to turn on the site and exit in a forward gear, it is considered that the proposal would not result in any significantly worse impacts in terms of highway safety than the existing situation.

Impact on ecology/biodiversity

- 3.19 As the application site lies within a landscape connectivity zone in association with the South Hams Special Area of Conservation for Greater Horseshoe bats, it is considered necessary to include a condition with any permission which states that no external lighting shall be installed unless an external lighting scheme is first agreed in writing by the Local Planning Authority.

Carbon reduction

- 3.20 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 48% from 2017 levels by 2050. 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.
- 3.21 The proposal involves the temporary stationing of a log cabin. The building would be able to be repurposed at the end of the temporary period. The provision of a worker's dwelling on the site could reduce the number of vehicular trips to and from the site by a full-time worker to supervise the horses.

Other matters

- 3.22 The site lies within a Mineral Consultation Area for aggregate minerals. As the proposal is for a temporary period of three years, Devon County Council have raised no objections to the proposed development in their role as mineral planning authority. However the DCC Minerals department have commented that in the event of planning permission being granted, they recommend that an informative is included with any permission advising that the mineral safeguarding implications of any future proposals for permanent development should be discussed with Devon County Council. The Devon Stone Federation (DSF) have also raised no objections to the proposed temporary log cabin. However, the DSF have advised that if sought

in the future, for a permanent dwelling on the site would conflict with Policy M2 of the Devon Minerals Plan and the DSF would object.

- 3.23 Condition 3 of planning permission 18/02343/FUL stated that within three months of the date of the decision notice, the most westerly access onto Moor Road shall be permanently blocked up in accordance with details to be submitted to an approved in writing by the Local Planning Authority (LPA). Although no details were submitted to the LPA, following an officer site visit on 12 December 2019, it was observed that the most westerly access onto Moor Road had been sufficiently blocked up. Furthermore, it was also observed that in accordance with Condition 4 of planning permission 18/02343/FUL, the banks in association with the works to the visibility splays at the entrance to the site had been adequately constructed.

Conclusions

- 3.24 The expert advice submitted by the applicant is corroborated by the Council's independent Agricultural Consultant. The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE9 (Rural Workers' Dwellings)

EC3 (Rural Employment)

EC5 (Equine Development)

EN2A (Landscape Protection and Enhancement)

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

Devon Minerals Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Agricultural Consultant:

Occupational dwellings associated with equine enterprises are quite common and can take many forms in respect of the business plan set out with a particular equine enterprise. They can vary from livery, foaling, stallions at stud, to the other extreme of race horses in training and training establishments. The size of the proposed business in this present application is not large by any means, but it is my opinion on the balance of the evidence provided, that it satisfies all the necessary criteria for me to give my support.

DCC Highways:

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

DCC Minerals:

The site lies within the Mineral Consultation Area and close to the nearby limestone resource. However, as the proposal is for a temporary period of three years, the proposal is consistent with Policy M2 of the Devon Minerals Plan, and Devon County Council has no objection in its role of mineral planning authority.

In the event of planning permission being granted, it would be prudent to include an informative note advising that the mineral safeguarding implications of any future proposals for permanent development should be discussed with Devon County Council.

Devon Stone Federation:

The site lies within a Mineral Consultation Area for aggregate minerals, defined to protect an important limestone deposit. Whilst a temporary log cabin would not sterilise the nearby deposit, if approved, there is potential for a permanent residential presence to be confirmed for the holding, which would compromise future mineral development of the deposit. Therefore the DSF requests that if permission is granted, an informative note is added, advising the applicant that if sought in future a permanent dwelling on this site would conflict with policy M2 and therefore the DSF would object.

6. REPRESENTATIONS

A site notice was erected at the entrance to the site. Two letters of objection and three letters of support have been received.

The letters of objection raised the following summary planning issues:

- There is no requirement for a key worker nor a temporary lodge to be built at Moorwood.
- The current application is a device to build a dwelling on the site.
- The lawful planning status of the application site is wholly unclear and there is no sound basis on which to judge whether worker accommodation is essential or not;
- The use of the site is restricted to social and domestic equestrian use and therefore the policy tests for on-site residential accommodation are failed;
- The form and content of the application is unclear and there is no sound basis on which to judge whether worker accommodation is reasonably justified;
- The applicants only live 4 minutes from the site and ordinary security measures and CCTV would be more than adequate to provide reasonable supervision of horses at the site between late evening and first thing in the morning;
- Essential functional need has not been demonstrated;
- The proposal does not comply with Policies WE9 or S22.
- The proposal is for a permanent oversized dwelling and no adequate demonstration has been provided to illustrate an essential functional need.

The letters of support made the following comments:

- There is a need for a manager to be onsite for the welfare and security of the animals.

- The application is for a temporary dwelling and should be considered on its own merits.
- Supports a local business.

7. PARISH COUNCIL'S COMMENTS

Comments dated 18 October 2019

Ipplepen Parish Council are unable to make a constructive recommendation and would welcome further information regarding the applicants' business plan. We reserve the right to make comment prior to any TDC decisions being made.

Comments dated 29 November 2019

Having reviewed the 'Business Plan and Forecasts' document received by Teignbridge District Council on 27 September 2019 and released on 05 November 2019; Ipplepen Parish Council wish to comment as follows.

The 'Business Plan and Forecasts' document is not a comprehensive plan as would be expected; there is very little substance.

The proposed equine business is not established and therefore cannot warrant the need for temporary dwelling for a key worker at this time.

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

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 18 February 2020

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 19/00056/COND OGWELL** - Oak House West Ogwell
Appeal against conditions imposed on planning application 19/000987/VAR - Removal of condition 3 on planning permission 10/00145/COU (change of use and conversion of swimming pool building to ancillary domestic accommodation with alterations to elevations) to allow use as a separate dwelling

APPEAL ALLOWED (DELGATED REFUSAL)
- 2 19/00060/REF DAWLISH** - Dawlish Water Farm Ashcombe Road
Appeal against the refusal of planning application 19/01117/FUL - Retention of agricultural building and access track

APPEAL ALLOWED (DELGATED REFUSAL)
- 3 19/00055/REF CHUDLEIGH** - Northwood Farm Barn B And C
Appeal against the refusal of application 19/00812/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 two dwellings

APPEAL DISMISSED (DELGATED REFUSAL)
- 4 19/00062/FAST DAWLISH** - 29 Underhay Close Dawlish
Appeal against the refusal of planning permission 19/01219 - Front entrance porch

APPEAL DISMISSED (DELEGATED REFUSAL)

TEIGNBRIDGE DISTRICT COUNCIL

- 5 19/00028/TREE NEWTON ABBOT** - 24 Keyberry Park Newton Abbot
Appeal against the refusal of permission 19/00413 - Fell
one cypress (T2)

APPEAL ALLOWED (DELEGATED REFUSAL)
- 6 19/00049/REF HACCOMBE WITH COMBE** - 3 Buckland Barton
Cottages Newton Abbot
Appeal against the refusal of planning application
19/01042/FUL - Demolition of existing outbuildings and
erection of a dwelling

APPEAL DISMISSED (DELEGATED REFUSAL)
- 7 19/00039/FAST OGWELL** - 16 Abbotsridge Drive Ogwell
Appeal against the refusal of planning permission
19/00878/FUL - Construction of boundary wall to a
height of 1.8 metres

APPEAL DISMISSED (DELEGATED REFUSAL)
- 8 19/00020/TREE NEWTON ABBOT** - 71 Twickenham Road Newton
Abbot
Appeal against the refusal of 19/00135/TPO - Height
reduction by up to 6m and thinning of one silver birch
and one sweet chestnut

APPEAL DISMISSED (DELEGATED REFUSAL)
- 9 19/00009/CERT WHITESTONE** - Yonder Ridge Rowhorne Road
Appeal against the refusal of 18/01984/CLDE -
Certificate of Lawfulness for use of land for siting of
caravan for human habitation with associated wooden
building and residential access

APPEAL ALLOWED (DELEGATED REFUSAL)
- 10 19/00006/ENFA TEIGNMOUTH** - Woodlands Farm Holcombe Down
Road
Appeal against grounds a, c, f and g of Enforcement
Notice 17/00392/ENF - Without planning permission the
rebuilding and increase in height of an agricultural
building

APPEAL DISMISSED ENFORCEMENT NOTICE
VARIED AND UPHELD