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Newton Abbot
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9 March 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 20th March, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

NEIL AGGETT
Democratic Services Manager

Distribution: Councillors Smith (Chairman), Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Nutley, Orme, Parker, Pilkington, Prowse, Rollason and Winsor

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell and Thorne

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

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

Notes for the Public

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. Requests to speak must be received by email comsec@teignbridge.gov.uk or phone 01626 215112 by **12 Noon** on the **Thursday prior to the Committee 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

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. Report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes
To confirm the minutes of the meeting held on 20 February 2018. (To follow).
3. Agreement of the Meeting between Parts I and II.
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) DAWLISH - 17/02327/FUL 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking (Pages 1 - 14)
 - b) TEIGNMOUTH - 18/00250/FUL - Beachcomber, Promenade - Replacement windows, aluminium panels to roof and alterations to fenestration (Pages 15 - 18)
 - c) IPPLEPEN - 17/03031/FUL - Bulleigh Oaks Farm - Provision of temporary dwelling for agricultural worker and associated landscaping (Pages 19 - 26)

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.

8. Enforcement Report - Land rear of the Village Hall, Shillingford St George (Pages 27 - 30)
9. South Hams Special Area of Conservation Joint Supplementary Planning Document (Pages 31 - 58)
10. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 59 - 60)

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).

NIL

FURTHER INFORMATION:

Future meetings of the Committee

17 April, 15 May, 5 June, 3 July, 31 July, 29 August, 26 September 2018.

Dates of site inspections

Team 1 - 27 March 2018

Chairman, Vice Chairman and Cllrs: Bullivant, Colclough, Fusco, Hayes, Nutley, and Rollason

Team 2 -, 26 April, 2018

Chairman, Vice Chairman and Cllrs: Brodie, Dennis, Jones, Mayne, Orme, Parker

Team 3 - 1 March, 24 May 2018

Chairman, Vice Chairman and Cllrs: Austen, Clarence, Keeling, Pilkington, Prowse and Winsor

Notes for Planning Committee members on determining applications

Members are reminded of their legal responsibilities when determining planning applications as set out in the planning practice guidance on the government website Gov.UK.

“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”

S70 (2) of the Town and Country Planning Act 1990 and S38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the Council’s development plan unless there are material planning considerations that indicate otherwise.

[Article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provides that, subject to additional publicity requirements, a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

The development plan consists of the Teignbridge Local Plan and the Neighbourhood Plans.

The National Planning Policy Framework and National Planning Practice Guidance must also be taken into account.

S70 (2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown Court (such as a New Homes Bonus payments) or sums that a relevant authority has, will or could receive, in payment of the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular development will depend on whether it could help to make the development acceptable in planning terms.

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

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

As relevant or appropriate:

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

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PLANNING COMMITTEE
20 FEBRUARY 2018

CHAIRMAN: Cllr Dennis Smith



Site Inspection Report

REPORT OF:	Site Inspection Team – Councillors Smith (Chairman), Kerswell (Vice Chairman), Austen, Clarence, Pilkington
DATE OF SITE INSPECTION:	7 March 2018
APPLICATION:	DAWLISH - 17/02327/FUL 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking
WARD MEMBERS	Cllrs Clemens and Prowse
CASE OFFICER	Kelly Grunnill

Also present: A representative of the Town Council

Purpose of Site Inspection: To assess the effect of the proposal on the character of the surrounding area and amenities of neighbours.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 20 February 2018 is appended for ease of reference.

The Site inspection noted: the boundary and topography of the site; the surrounding area, the size and mix of surrounding dwellings; the existing dwelling to be demolished and the degree of excavation; the footprint of the proposed development; elevational details, proposed design and materials; distances between the proposed and existing dwellings which would be some 22 metres; and landscaping proposals consisting of the removal of the existing hedging at the roadside, and the proposed landscaping plan showing some trees that would be seen from the road frontage would soften the development.

Town Council – Objected on the grounds of overdevelopment of the site.

Four Members considered the application acceptable subject to conditions set out in the appended report. There is a mix of dwelling type in size and architecture in the immediate area, the existing building was an attractive dwelling but unlikely to be a Heritage Asset, there would be no detrimental effect on the character of the area, and the access to each plot and parking arrangements are acceptable.

One Member abstained.

The recommendation of the Business Manager is one of approval subject to conditions as set out in the appended report.

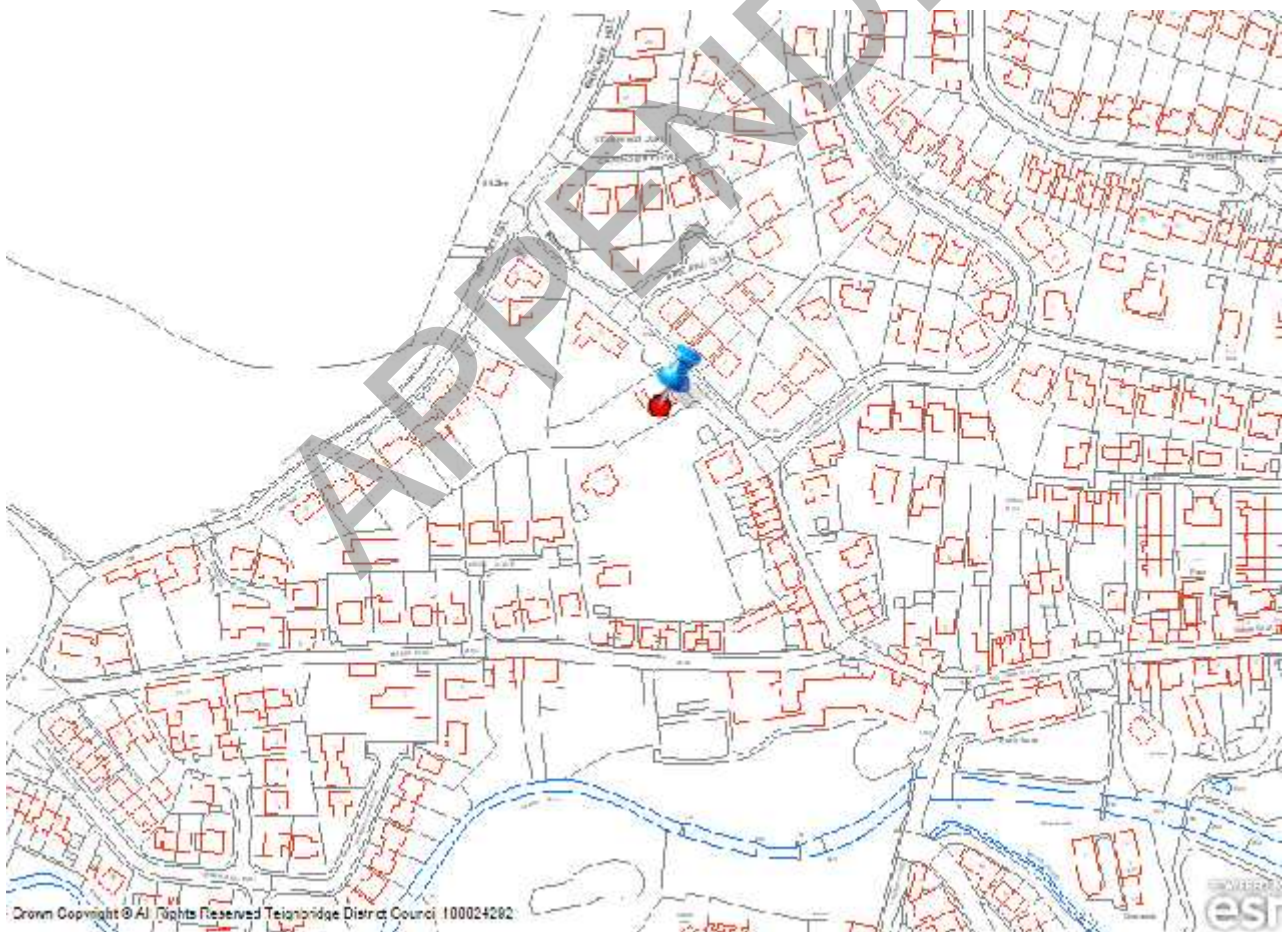
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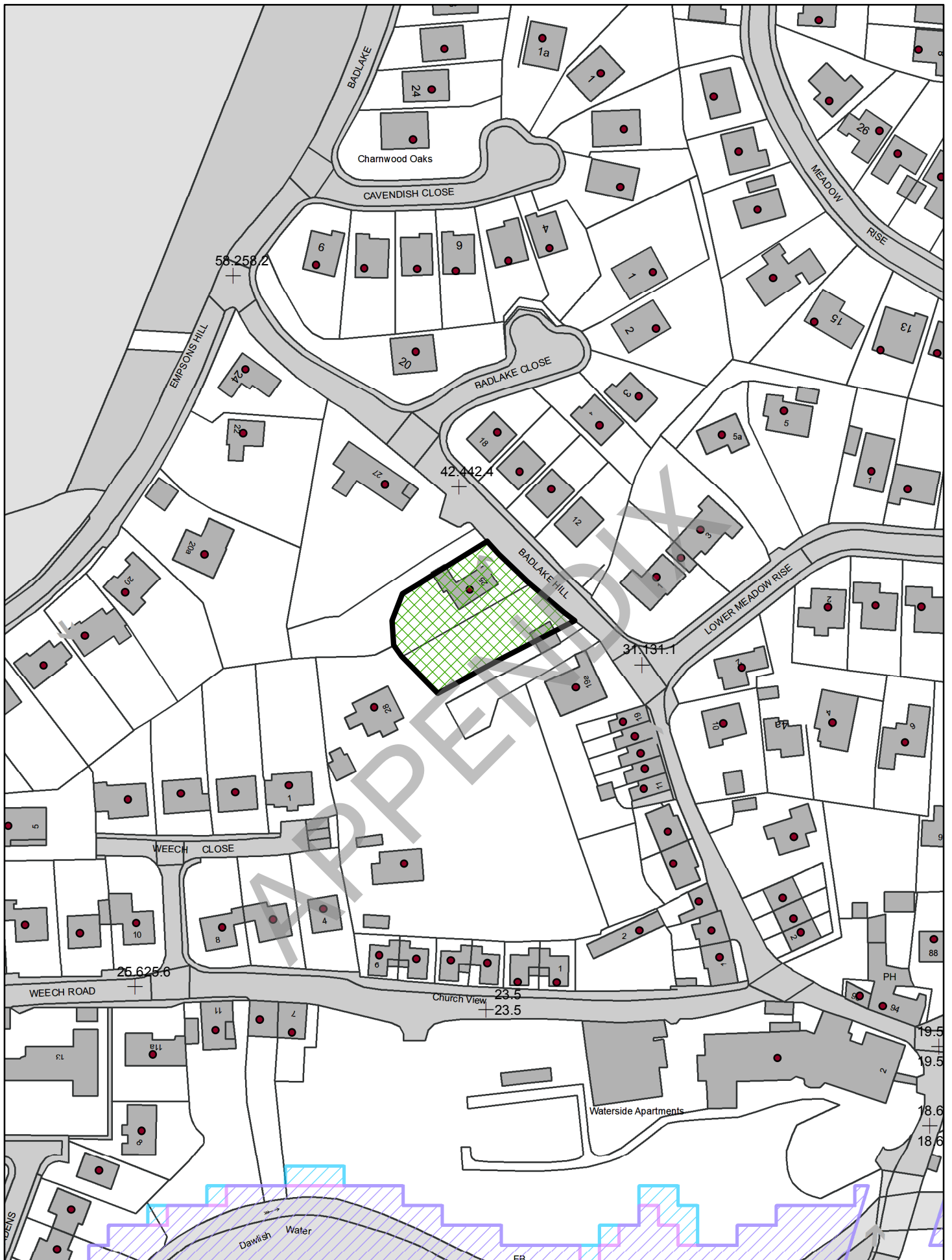
PLANNING COMMITTEE REPORT 20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 17/02327/FUL - 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking	
APPLICANT:	Hannon Homes Ltd	
CASE OFFICER	Kelly Grunnill	
WARD MEMBERS:	Councillor Prowse Councillor Clemens	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02327/FUL&MN	





1. REASON FOR REPORT

Councillor Prowse has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval because she considers the proposal to be:

- Over bearing
- Over development
- Loss of privacy
- Highway 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 the approved plans/documents
3. Surface water drainage scheme to be submitted for approval
4. Foul water to the combined drain only
5. Notwithstanding the submitted details, samples of external materials for the dwellings shall be submitted to and approved by the Local Planning Authority
6. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues)
7. Recommendations as set out in ecology report to be followed
8. Reptile Mitigation Plan
9. Construction Management Plan
10. Visibility plays as shown on drawing 1625-107 Rev B shall be provided prior to first occupation of any dwelling and thereafter shall be kept free of obstruction over 600mm
11. Hard and Soft landscaping to be undertaken and thereafter maintained in accordance with drawing 1713/01 P1 (Landscape Plan)
12. Notwithstanding the submitted details, details for all boundary treatments and retaining structures shall be provided prior to development commencing above d.p.c. Development shall be carried out in accordance with the approved details prior to first occupation of any part of the development
13. Notwithstanding the submitted details, the south east facing ground floor bathroom window, first floor study window and landing window in Plot 1 shall be obscure glazed to a minimum of Level 3 with no clear cut glazing and thereafter retained. No further windows inserted into the south west elevation without express consent being sought
14. Sample or details of all external materials including cladding specification

3. DESCRIPTION

The Site

- 3.1 25 Badlake Hill is a detached, L-shaped dwelling which sits in a mature plot on the west side of Badlake Hill. The dwelling is brick built, painted pink under a roof clad in cedar shingles. The property benefits from a detached double garage to the south of the dwelling, comprising rendered blockwork painted pink under a concrete tiled roof. The site has been cleared and the dwelling is currently vacant

- 3.2 The land to the north west as you travel along Badlake Hill rises steeply with No. 27 Badlake Hill being set at a higher level than the application site and No.19a Badlake Hill to the south east being set much lower.
- 3.3 The area is characterised by narrow roads with mixed development, comprising terraces with small gardens, uniform detached properties opposite and other larger detached dwellings on well-sized plots.
- 3.4 Properties are typically set back from the road frontages with fairly inconsistent building lines, other than the four properties on the opposite side of the road. There is a mix of housing designs although pitched roofs are a regular feature. Properties generally benefit from on-plot parking either on drives or within garages, however, there are some properties which have no off-street parking. Brick and render are a common feature in external materials with boundary treatments ranging from stone wall, fencing, scrub planting, hedging and being open.
- 3.5 The site does not lie in an area with any specific landscape protection nor is it within a Conservation Area. The site falls within the following relevant areas;
- Defined settlement boundary of Dawlish
 - Within 10km of the Exe Estuary or Dawlish Warren
 - Cirl Bunting breeding and wintering zone
 - SAC 500m wide strategic flyaway zone

The application is accompanied by a Design & Access Statement, Drainage Strategy, confirmation that South West Water can take foul water into its combined sewer, a Bat & Nesting Bird Survey and a £1,600 payment towards Habitat Mitigation.

The Proposal

- 3.6 This application seeks planning permission for the demolition of the existing dwelling and garage and the erection of three new dwellings. The dwellings comprise accommodation set over two levels at Plot 1 and Plot 2 and over three levels at Plot 3 incorporating a lower ground floor level.
- 3.7 Parking is provided by way of integral garages and parking on driveways, consisting of a double garage and two off-street parking spaces for Plot 1 and Plot 2 and a single garage and two off-street parking spaces for Plot 3.
- 3.8 Access to the plots would be obtained from Badlake Hill as is the case with the existing property and the proposal includes the provision of parking spaces in front of the integral garaging on block paved drives.
- 3.9 The design is contemporary in appearance, incorporating Juliet balconies at first floor level in the north east facing elevation with elements of full height glazing and panels of grey green Cedral weather boarding to soften the render elevations. The roof form is to be a pitched tiled roof with gable ends. The properties are stepped into the Hill.

- 3.10 It is proposed to have landscaping on either side of the proposed drive to provide some soft screening to the properties. Retaining structures will be provided and a mix of boundary treatments are identified to provide subdivision to the plots.

Principle of the Development/Sustainability

- 3.11 Policy S1A (Settlement Limits) designates areas where development may be acceptable, provided the proposal is consistent with the provisions and policies of the Local Plan. The proposal results in residential development within the Settlement Limits of Dawlish and therefore in policy terms it is a sustainable location for residential development.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.12 Having regard to its statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must give considerable importance and weight to any harm to the character of the Conservation Area.
- 3.13 Under section 66(1) the Local Planning Authority must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 3.14 There are no listed buildings within the vicinity of the site. Whilst Dawlish has a Conservation Area, the proposed dwellings are some distance away and the proposal would not adversely impact on the character and appearance of the Conservation Area.

Impact on character and visual amenity of the area

- 3.15 The site itself is not afforded any special landscape protection.
- 3.16 The site presently has the appearance of a largely cleared garden plot and does not presently provide a positive impact when viewed from Badlake Hill. However, the existing dwelling is substantial and does have some character.
- 3.17 The wider area is characterised by the narrow roads and a variety of plot sizes, dwelling types, building lines and set back from the road. It would be hard to argue that there is a well-established architectural character for the area. The three properties proposed are of contemporary design. The stepped level change means that the development retains a scale similar to existing properties opposite and is thus not considered to be out of keeping with the wider area.
- 3.18 The applicant has chosen to work with the gradient of the site and the properties appear as two storeys when viewed from the Badlake Hill. This design choice reduces the scale and massing of the dwellings when viewed from the surrounding residential properties and thus its impact on these dwellings.
- 3.19 The palette of materials is considered acceptable, there is a mix of brick and render in the area and, whilst timber cladding is not a common feature, it works well with this contemporary design. The Cedral weather boarding is also considered to act well as a feature element softening the render elevations. The contemporary design

approach is considered, in its own right, to be well executed with the proportions and use of materials resulting in three well designed properties. The design is considered to be acceptable within the wider context as it makes use of existing architectural features albeit in a more contemporary form.

- 3.20 The proposed buildings, being of a contemporary design, could also act as an interesting focal point whilst not appearing too over-dominant in its design, scale and massing.
- 3.21 It is considered that three dwellings can be accommodated on this site without appearing crammed in and it is considered that the proposals make effective use of the plot size and shape whilst ensuring that the properties have the benefit of a garden which is comparable to neighbouring properties to enable the dwellings to integrate with the character of the surroundings
- 3.22 If Members are minded to approve a condition is recommended for samples or details of all external finishing materials for the dwellings to ensure that they would be compatible with the character of the surrounding properties.

Impact on residential amenity of the occupiers of surrounding properties

- 3.23 6 letters of representation have been received raising concerns about the proposed development. In response to this the applicant has prepared a Planning Statement dated February 2018 which seeks to respond to these concerns.
- 3.24 The application site is on lower ground than the adjacent property to the north west (No. 27 Badlake Hill) and therefore whilst windows are proposed to the north west facing elevation they will not offer the opportunity for an unacceptable level of overlooking or overbearing impact due to the change in ground level.
- 3.25 Whilst substantial glazing is proposed to the rear elevations, this faces west towards 20a Empsons Hill and 28 Badlake Hill at a distance in excess of 20 metres and therefore does not raise overlooking concerns given the scale of development and that the existing property already gives rise to opportunities for overlooking.
- 3.26 A letter of objection has been received from 14 Badlake Hill (opposite the site on the east side of the road). Concern has been raised regarding overlooking from the first floor balcony windows into first floor bedroom windows. The detached dwellings opposite the site are set back approximately 15 metres from the application sites front boundary. The proposed dwellings are then set back a further 7 metres from the roadway frontage. Although the site is sat at an elevated position to the road, the existing frontage of Badlake Road properties is open to public views and this is part of the established character. Given the distance involved, it is not considered the proposed development would cause significant harm by way of overlooking or being overbearing upon the occupiers of the detached properties opposite.
- 3.27 To the south east is 19a Badlake Hill. This property has a later two storey wing with windows facing towards Plot 1. The occupier of 19a has raised objection to the development regarding overlooking, overshadowing and overbearing impact. In response to this the applicant reduced the number of windows in the side facing elevation and prepared a sun path map over drawing 1625-108 Rev B to illustrate potential overshadowing at various time of the year. The details confirm that whilst

there may be some loss of sunlight, this would be minimal and not sufficient to warrant a refusal of the application on grounds of harmful overshadowing. There are two windows in the south west-facing elevation of Plot 1 which serve a study (ground floor) and bathroom (first floor) and landing/hallway. A condition is recommended to require these to be obscure glazed and removal of permitted development for the insertion of any further windows in this elevation. These measures would alleviate any perceived feeling of overlooking.

- 3.28 Given the orientation of the development at Plot 1 in relation to the siting of 19a Badlake Hill it is not considered that the scale, location or design of the development would be over bearing.
- 3.29 A condition is, however, recommended to remove Permitted Development Rights for extensions and alterations to the dwellings and outbuildings in order to retain control over any future enlargements of the properties in the interests of protecting the residential amenity of neighbours.
- 3.30 The proposed development is considered to satisfy the requirements of Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033.

Impact on ecology/biodiversity

- 3.31 The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and therefore to mitigate against impacts of the development on these habitats the applicant has elected to make a Habitat Mitigation Contribution which satisfies Article 3(1).
- 3.32 The application site is within a SAC strategic flyway zone (250m buffer). An ecology survey has been submitted in support of the application which reports irregular low level use of the dwelling to be demolished by bats as well as the presence of slow worms, hedgehogs and nesting birds.
- 3.33 Whilst no further survey work is recommended or required regarding the above species as no roost is to be damaged, moved or manipulated by the works, the report does set out a number of precautionary recommendations to be followed. A condition should be applied to ensure the recommendations set out in the ecology report are followed as a precautionary measure.
- 3.34 The Council's Biodiversity Officer has also requested that a Reptile Mitigation Survey be undertaken and a condition has been recommended accordingly.
- 3.35 Subject to the requested conditions being imposed, the development complies with Local Plan Policies, EN8, EN9, EN10 and EN11.

Impact on Trees

- 3.36 Owing to the removal of a number of trees recently no significant trees remain that will be adversely affected by the proposal. No arboricultural objections are therefore raised to the proposal. The site plan provides details of new landscaping within the site and at its frontage to Badlake Hill. The landscape treatments proposed are considered appropriate to the site and a condition is recommended to ensure that this landscaping is undertaken. The submitted plans indicate details for retaining walls and boundary treatments. In some places it is not specific regarding height

and boundary and therefore it is recommended that a condition be imposed to address the detail.

Land Drainage

- 3.37 The application form states that the surface water from the development will be discharged to the main sewer. However, South West water (SWW) as the statutory Water and Sewerage Undertaker has advised that the applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. A condition is therefore recommended that prior to construction of the dwellings a surface water management scheme be provided and approved in writing by the Local Planning Authority to ensure that surface water is adequately managed.
- 3.38 Furthermore, the application form advises that foul sewage will be disposed of by main sewer. South West Water has advised that foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. It is recommended that this be added as a condition to the consent. It is considered that the disposal of foul sewage by the mains sewer with South West Water agreement is an acceptable method of disposal.

Highway Safety

- 3.39 Letters of representation have been received which raise concern about the proposal resulting in additional vehicles using Badlake Hill and the suitability of the access to serve the proposed dwellings (visibility) and the narrow width of Badlake Hill.
- 3.40 The access to the site would be achieved by demolishing the existing property and frontage wall at the site to provide an access to each dwelling. On-site parking would be provided. The parking provided is considered sufficient to serve the size of the development. Space for turning is not available on site, however, given that other properties also have to reverse onto or off the road, this is part of the character of the area and nature of existing vehicular movements.
- 3.41 Devon County Council Highways were consulted on this application specifically about the impact of the proposal on highway safety on Badlake Hill following letters of objection. During the course of considering the application Highways requested additional information from the applicant about visibility splays from the proposed new drives. Revised drawings were provided to show the requested information and the County Highways Authority raise no objections to the proposal based on the shown visibility splays. They therefore conclude that the amendments made to the accesses on the revised drawing provide adequate visibility and would not raise a highway safety concern sufficient to justify refusing consent. A condition is however recommended for the visibility splays to be provided prior to first occupation of either dwelling and for them to be kept free of obstruction over 600mm.
- 3.42 It is concluded that the number of trips to be generated from the development would not be so severe as to harm highway safety.

Refuse and Recycling Facilities

- 3.43 The landscape plan provides details of refuse and recycling facilities, showing an area of storage on paving at the front of the site. Teignbridge's Refuse Department has raised no objections.

Summary and Conclusion

- 3.44 The proposed development brings forward a design which respects the residential amenity of the occupiers of surrounding properties by keeping the scale two storey. This ensures that the scale and massing of the buildings is not imposing when viewed from surrounding properties. The contemporary design responds to the topography of the site and, whilst a different design approach to the properties surrounding, does pick up on the palette of materials found locally.
- 3.45 It is considered that the access to each plot and the parking arrangements are acceptable.
- 3.46 This is considered to represent an appropriate form of development whereby the balance of considerations weigh in favour of approving planning permission. There is therefore a recommendation to approve planning permission, subject to the recommended conditions as set out above.
- 3.47 This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Highways) - In its initial response (4 October 2017) recommended that the planning officer followed standing advice. **Following letters of representation raising concerns about highway impacts, Devon County Council was asked to provide a formal response.**

Devon County Council (Highways) - (23 January 2018) – The site is accessed off an unclassified County Route which is restricted to 30 m.p.h. The number of personal injury collisions reported to the police between 1 January 2012 and 31

December 2016 is none. The number of trips this development could generate will not have a severe effect on the Highway. The drawings submitted with the application do not show the visibility each driveway can achieve onto the highway, therefore for the avoidance of doubt a plan should be provided to show that these are safe accesses. The Highway Authority will require this information prior to putting forward a formal recommendation. **The applicant subsequently prepared more detailed drawings showing the visibility splays.**

Devon County Council (Highways) - (30 January 2018) - Drawing number 1625-107 Rev A has been submitted which shows the visibility splays to meet the requirement to make the accesses safe. Therefore the Highway Authority has no objection to this proposal subject to conditions relating to a Construction Management Plan (CMP) and details for surface water disposal being agreed.

Teignbridge Drainage - Surface water is proposed to discharge to the public sewer. South West Water approval is required.

Teignbridge Waste - Has confirmed that the waste and recycling requirements for this development have been met.

Teignbridge Biodiversity - Has made the following comments:

SUMMARY

An additional Habitat Regulations contribution of £800 is required. If not forthcoming, the application must be refused. Protected species conditions are required.

DESIGNATIONS/ISSUES HRA

The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC. A Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of two dwellings is proposed, i.e. a total of £1,600.00. **£1600 has been paid.**

Bats and other species

The submitted species survey reports irregular low level use by bats, presence of slow worms and hedgehogs and likely presence of nesting birds in the garden. It recommends a suite of mitigation/compensation measures, which should be conditioned.

CONDITIONS REQUIRED

The works, including demolition, provision of alternative bat roosts, and measures for birds, slow worms and hedgehogs, shall proceed in strict accordance with the precautions and measures described in the protected species survey report (by Butler Ecology, dated 13 September 2017; including section 7, pages 22 onwards).

REASON: For the benefit of legally protected and priority species.

Prior to commencement, including site clearance, a Reptile Mitigation Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall show

how reptiles will be protected from harm during site clearance and works. The development shall proceed in accordance with the approved plan.

REASON: To provide protection and enhancements for legally protected species. A pre-commencement condition is required as site clearance activities are likely to kill or maim reptiles.

South West Water - Has made comment about the proposed means of foul and surface water disposal. SWW has recommended a condition to state that: Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. With regard to surface water disposal it is recommended that the applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable).

6. REPRESENTATIONS

6 letters of representation have been received (3 from 10 Badlake Hill) raising the following summarised concerns/objections:

1. Impact on highway safety – additional traffic, lack of pavements on the Hill, narrow roads widths, poor access, parking on the Hill already at full capacity
2. Impact on ecology/biodiversity – slow-worm, newt and cirl bunting
3. From 19a Badlake Hill – dominant development, loss of privacy, over shadowing, over development of the site, materials are not in keeping, pollution from increased vehicle movements, mature trees have been removed to facilitate the development which has also damaged biodiversity
4. Surface water run-off will cause flooding
5. 14 Badlake Hill – Overlooking from balconies causing loss of privacy, loss of frontage stone wall

7. TOWN COUNCIL'S COMMENTS

Dawlish Town Council resolved unanimously by members present to recommend a refusal of the application.

Following consideration of revised plans Dawlish Town Council (18 January 2018) has confirmed that it recommends refusal as the proposal is considered to be over development.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 606.09 m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 255m². The CIL liability for this development is £39,207.50. This is based on 351.09 net m² at £85 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.

Business Manager – Strategic Place

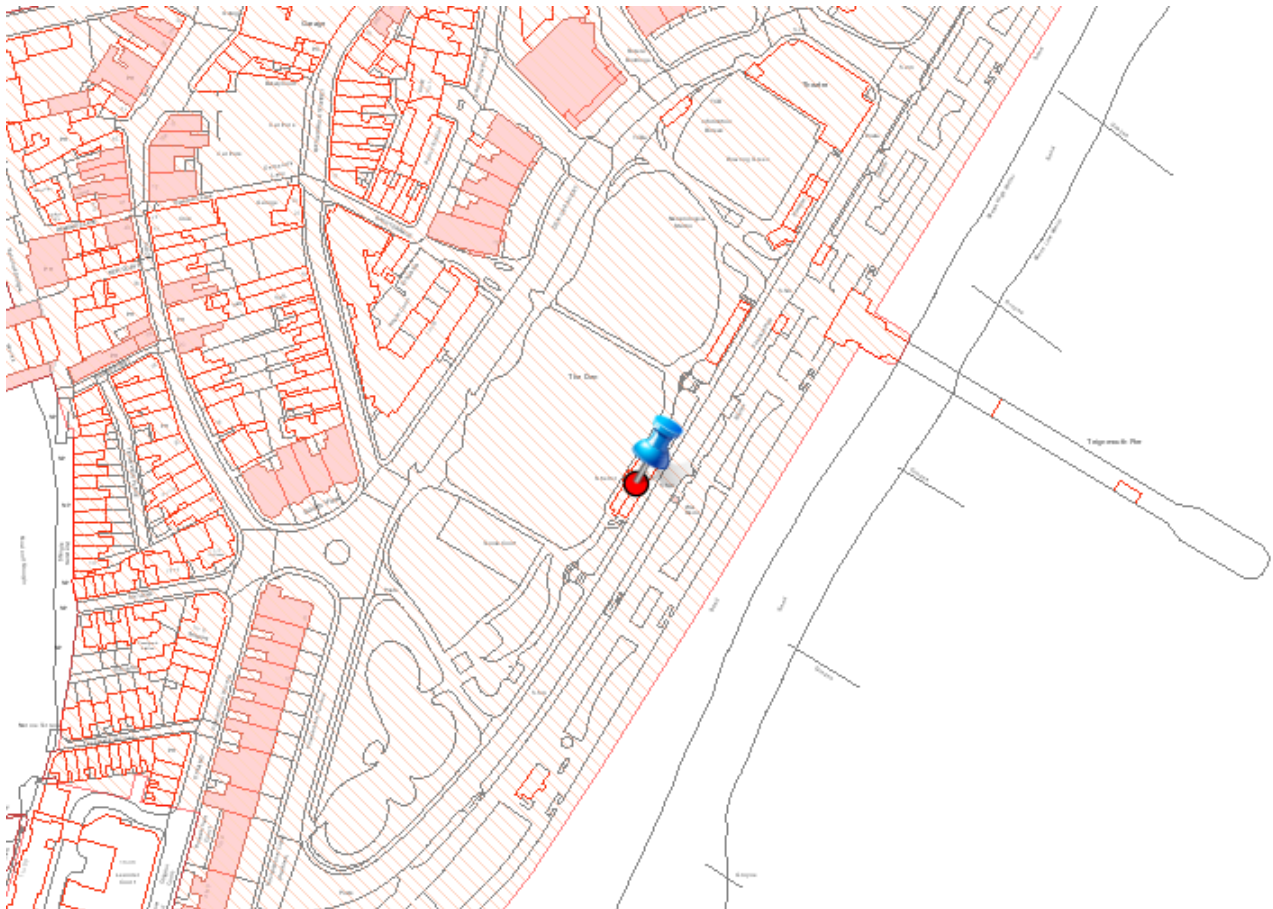
APPENDIX

PLANNING COMMITTEE REPORT 20 March 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/00250/FUL - Beachcomber, Promenade - Replacement windows, aluminium panels to roof and alterations to fenestration	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Anna Mooney	
WARD MEMBERS:	Councillor Russell Councillor Fusco	Teignmouth East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00250/FUL&MN	



1. REASON FOR REPORT

The applicant is Teignbridge District Council.

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. DESCRIPTION

- 3.1 The application site falls within the settlement limit for Teignmouth, as depicted on the Teignbridge Local Plan 2013 - 2033 Proposals Map.
- 3.2 The site is located within a Conservation Area and has multiple listed buildings, including the Grade II Listed Riviera Cinema, along the length of Den Crescent to the north and west.
- 3.3 The application seeks planning permission for replacement windows, aluminium panels to roof and alterations to the fenestration.
- 3.4 The key issues in the consideration of this application relate to:
 - Sustainability/principle of the development
 - Impact on the setting of Listed Buildings and the Conservation Area

Sustainability/Principle of the Development

- 3.5 The application site is located within the built-up settlement of Teignmouth within its Settlement Limit as set out in the Teignbridge Local Plan 2013-2033.
- 3.6 Under Teignbridge Local Plan Policy EC9 (Developments in Town Centres) development will capitalise on heritage assets to support regeneration, encourage visitors and improve the environment, vitality and interest of each centre. The refurbishment to the Beachcomber is considered to be an appropriate development to encourage visitors in accordance with this policy.
- 3.7 The principle of the development is therefore considered to be acceptable, and can be shown to be sustainable, subject to compliance with other relevant Local Plan policies.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.8 Having regard to its statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must give considerable importance and weight to any harm to the character of the Conservation Area.
- 3.9 Under section 66(1) the Local Planning Authority must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 3.10 The Conservation Officer supports the proposed development of the Beachcomber. The proposals are considered to comply with Policy EN5 (Heritage Assets) as they preserve the character of the Conservation Area and the setting of the adjacent listed buildings.

Summary and Conclusion

- 3.11 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.12 It is considered that this proposal accords with Policy EC9 and Policy EN5 and it is therefore concluded that the proposal is acceptable and the application should be approved.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S13 (Town Centres)

EC9 (Developments in Town Centres)

EN5 (Heritage Assets)

Teignmouth Conservation Area Appraisal and Management Plan

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Conservation Officer - No objections to the proposal. The scheme will be an enhancement on the previous appearance of this building.

6. REPRESENTATIONS

One letter of comment received from the tenant of the Beachcomber. Tenant should decide placement of opaque internal film to windows. Fanlights to windows should be re-located and other suggestions for fenestration changes.

7. TOWN COUNCIL'S COMMENTS

No objections, but Members raised concerns about the proposed location of opaque glass ruining the views of patrons. Members proposed the solution that the tenant should decide on the placement of opaque vinyl to be affixed to the glass as they deem necessary, subject to the approval of the planning officer.

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.

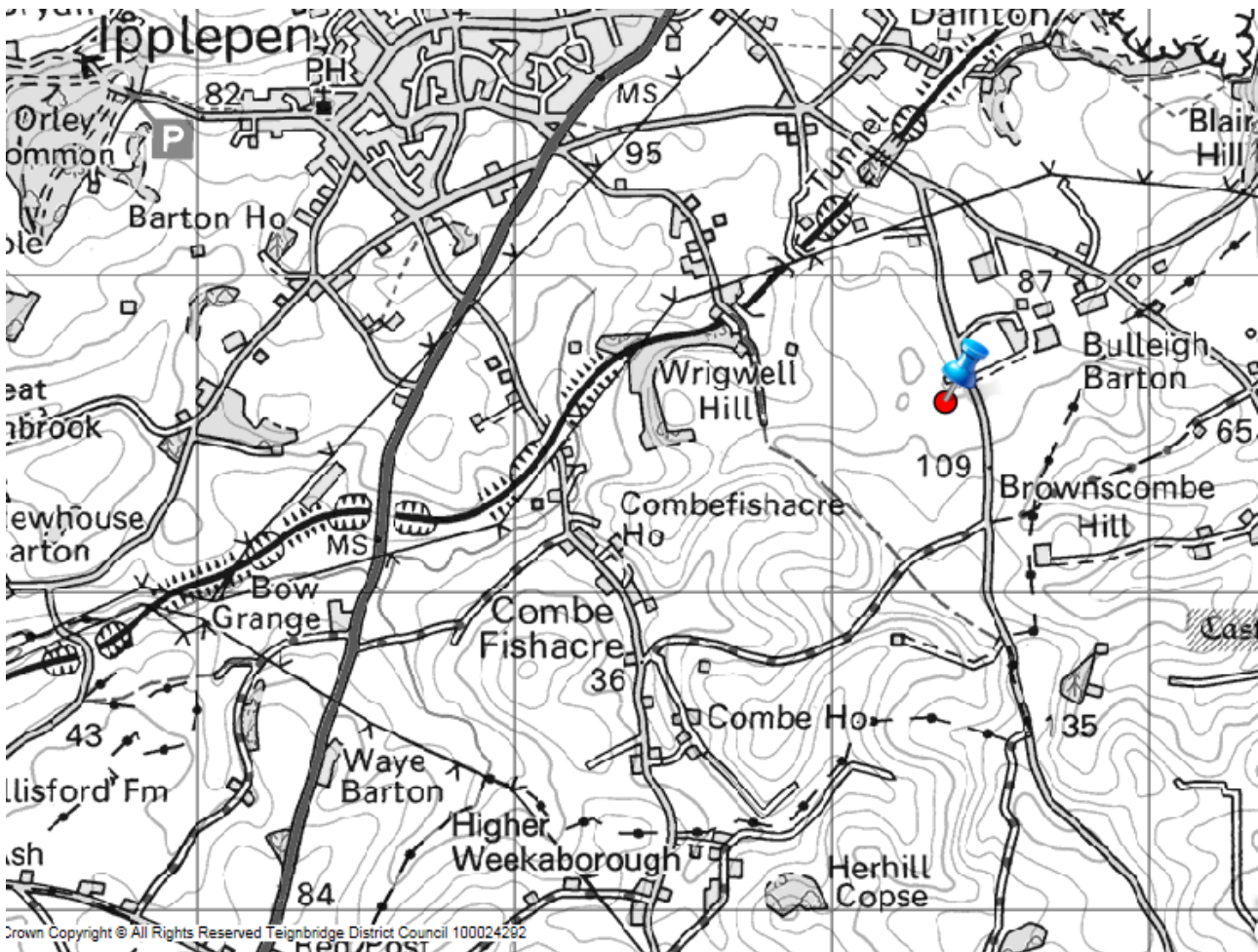
Business Manager – Strategic Place

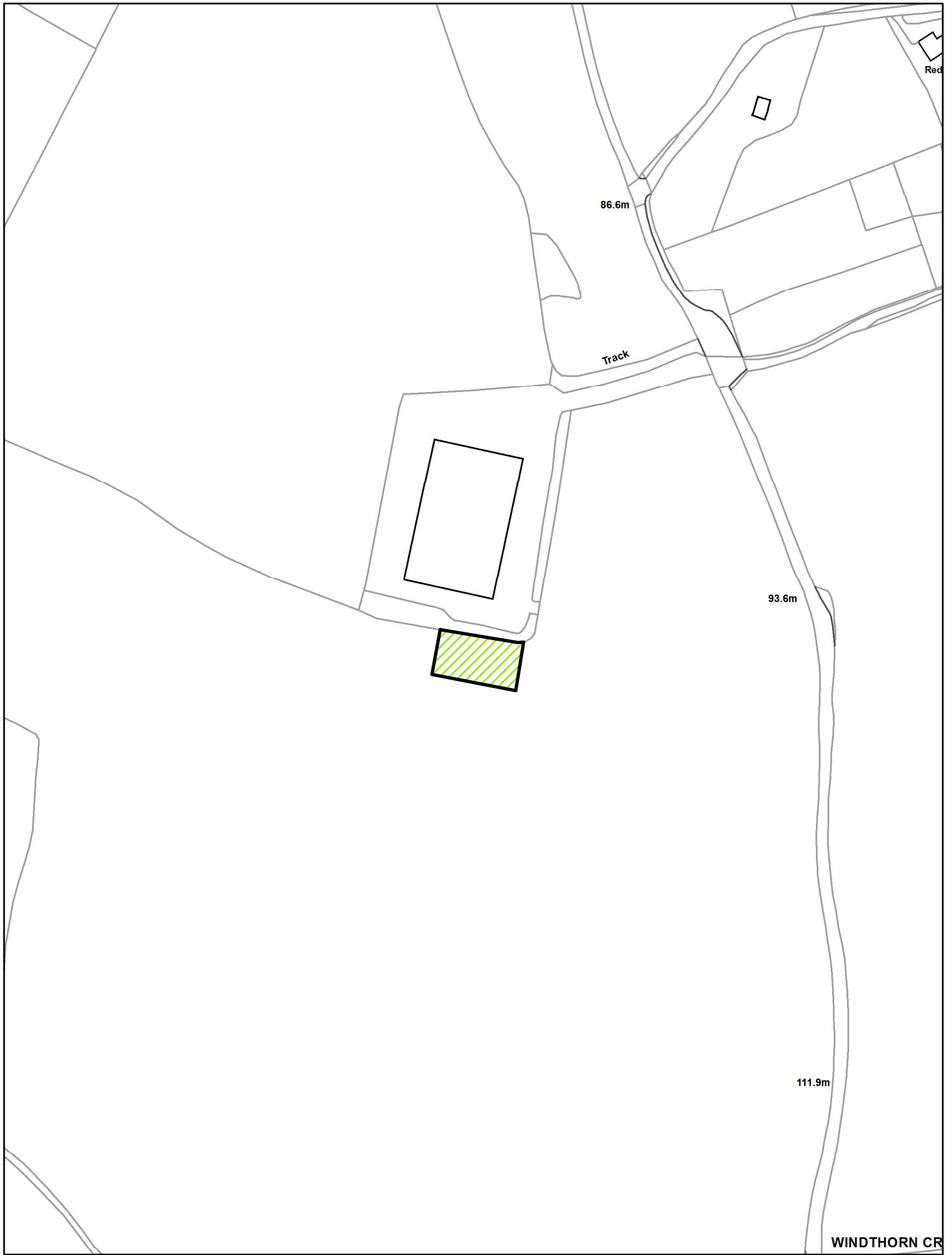
PLANNING COMMITTEE REPORT 20 March 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 17/03031/FUL - Bulleigh Oaks Farm - Provision of temporary dwelling for agricultural worker and associated landscaping	
APPLICANT:	Mr Dennis	
CASE OFFICER	Helen Murdoch	
WARD MEMBERS:	Councillor Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/03031/FUL&MN	





1. REASON FOR REPORT

Councillor Dewhirst has requested that the application be presented to Members of the Planning Committee in the event that Officers are recommending approval, as there are concerns about the necessity for a full time worker to live in such proximity to the newly-established farm buildings when the established farmhouse building is less than 300 metres away.

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 the approved plans
3. Details of temporary dwelling to be submitted for approval
4. Temporary consent for a period of 3 years only, when mobile home shall be removed from site and land made good.
5. Agricultural occupancy tie
6. Planting of soft landscaping as shown on approved plans in accordance with detailed planting scheme, Implementation Plan and Maintenance schedule

3. DESCRIPTION

Site Description and Proposal

- 3.1 The site is within the designated open countryside and within a field which has recently been subject to construction works to build a beef rearing unit in accordance with planning approvals 13/02501/MAJ, 14/00965/MAJ and 14/02408/MAJ. The site is part of a substantially-sized field which undulates gently. The beef rearing unit is located in the northernmost corner of the field adjacent to an existing access track which serves the surrounding farmland. A field access gate already existed to the east of the proposed site and this joins the road from Bulleigh Elms Cross to Windthorn Cross. The approved access point is roughly opposite the existing access to Bulleigh Barton Farm.
- 3.2 The approved beef rearing unit comprises two buildings which have footprints of 34 metres x 42 metres (including roof overhangs). The central permeable hardstanding has also been enclosed in line with a subsequent planning approval as detailed above. The building is cut into the site.



- 3.3 At the time of approving these new agricultural buildings the case set out was that these were linked to the agricultural enterprises at Bulleigh Barton Farm and that they would assist with improving soil quality by generating appropriate fertilizer to spread on the land. Since the establishment of the units it would appear that these units have been incorporated into a new farmstead known as Bulleigh Oaks Farm. These buildings service a farm business operated by the applicant. The applicant runs a mixed livestock and arable holding. It is proposed that the temporary dwelling will be occupied by the applicant's son, Mr S Dennis, who is working full time on the holding primarily involved in the livestock enterprises. According to information given the applicant, Mr N Dennis is also employed full time on the holding primarily involved in the arable enterprise and lives in a dwelling situated at the opposite farmstead known as Bulleigh Barton Farm (set more than 500 metres away and not within sight of the beef rearing unit). It is reported that there is one further full time worker employed.
- 3.4 This application seeks permission for a temporary dwelling for an agricultural worker and is to be positioned to the south of the recently-built farm buildings detailed above and located on the farmstead known as Bulleigh Oaks. The mobile home proposed would be accessed via the existing farmyard. The mobile home will be set within an associated domestic curtilage and new soft landscaping is proposed to create a linear landscape feature to help to assimilate the proposed mobile home into the wider landscape.
- 3.5 It should be noted that on the farmstead known as Bulleigh Barton and owned by the applicant there are two agricultural worker's dwellings and one other dwelling that is not tied. Currently the applicant's son does not live on either holding.

Planning Considerations

- 3.6 Policy S22 of the Teignbridge Local Plan sets out the types of development that can be considered within the open countryside and beyond the limits of defined settlements. One such permitted type of development is the provision of dwellings for agricultural workers. Therefore the principle of the proposal is supported providing all other policy considerations, in particular the requirements of Policy WE9 (Rural Workers' Dwellings) are duly met. In line with Policy WE9 permission is sought for a temporary dwelling for a period of 3 years, in order to allow assessment of the farming business in accordance with sections (a), (b) and (c) of Policy WE9. In accordance with Policy WE9 the application proposals have been assessed by an independent Agricultural Consultant. The Consultant prior to making his assessment was made aware of the planning history of the site and the existing tied and open dwellings in existence at Bulleigh Barton Farm. The Consultant, being mindful of the number and type of stock involved in the enterprises, carried out in the farm buildings at Bulleigh Oaks (breeding ewe flock and barley, beef cattle with calves being brought in at 3 months and finished between 15-19 months), concluded that there is a need for a full time presence on site at most times of the day and night. He concluded that this was required for the proper functioning of the enterprises.
- 3.7 Despite the applicant having control over three existing residential units these are all located at his other farmstead known as Bulleigh Barton and the applicant claims that the original farm buildings at this farmstead can no longer be used for the carrying out of livestock enterprises. It is noted that there are a lot of employment uses which have gone into individual units at this site and there are no buildings

which would provide the same accommodation as that presently provided by the new purpose built units. The Consultant was of the opinion that the needs of the enterprises at Bulleigh Oaks were such that it required someone to be resident and within sight and sound of the buildings. The dwellings at Bulleigh Barton are neither in sight nor sound due to distance and topography. Having viewed the business plan the Consultant is also satisfied that there is a firm intention and ability to develop the enterprise.

- 3.8 Officers have no reason or information to conclude any differently from the Agricultural Consultant and are satisfied that the principle of the temporary mobile home for an agricultural worker meets the requirements of Policy WE9. Conditions to restrict this to a temporary dwelling and to restrict the occupancy to an agricultural worker should be duly added.
- 3.9 Although not within a an Area of Great Landscape Value, due to the topography of area the site is visible within the wider landscape especially as the approved landscape planting around the existing buildings and yard has yet to establish. During the course of this application and the previous application which was withdrawn, there has been much discussion about the location of the proposed mobile home and its associated domestic curtilage. Suggestions made by Officers including the Landscape Officer were not considered practical by the applicant, especially suggestions about locating the mobile home within the approved yard area. There were concerns that simply taking a chunk out of the corner of the field would create an uncharacteristic landscape feature. A scheme has come forward to create an extended landscape feature by building a new Devon Hedge which will, in part, enclose the mobile home and its associated curtilage. It is considered that this will help to screen the temporary building while delivering biodiversity enhancement. It is considered that the proposed location is acceptable for a temporary mobile home and will accord with Policy EN2A (Landscape Protection and Enhancement).
- 3.10 The site lies within a Mineral Safeguarding Area for a limestone resource. Policy M2 of the Devon Minerals Plan seeks to safeguard mineral resources against sterilisation or constraint. New dwellings can conflict with this. However, as Devon County have noted, this application is for a temporary permission only and it is not considered that approval of this proposal would cause harm to the mineral resources identified. However, an informative will be added to any approval which advises of this constraint which will have implications should a permanent dwelling be sought in this location in due course. It is also considered that the location approved for a simple low key mobile home may not be appropriate from a landscape visual point of view for a permanent dwelling. Both of these are of course matters which would need to be duly considered as part of any subsequent application for a permanent dwelling.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

STRATEGY PLACES

S22 (Countryside)

WELLBEING - HOUSING

WE9 (Rural Workers' Dwellings)

QUALITY ENVIRONMENT

EN5 (Heritage Assets)

EN2A (Landscape Protection and Enhancement)

EN8 (Biodiversity Protection and Enhancement)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Archaeology) - Comments awaited

Devon County Council (Minerals) - The site for the above prior notification lies just within the boundary of a Mineral Safeguarding Area for the limestone resource, and within the associated Mineral Consultation Area, as defined through the Devon Minerals Plan that was adopted in February 2017. Devon County Council should be consulted on planning applications that fall within a Minerals Consultation Area.

Policy M2 of the Devon Minerals Plan seeks to safeguard mineral resources against sterilisation or constraint by other forms of development. However, as the dwelling is proposed for a temporary period, it will not sterilise the mineral resource or constrain potential mineral development in the longer term. Devon Council therefore has no objections to the proposed development in its role as mineral planning authority.

It is recommended, however, that any permission that you may grant should include an informative note alerting the applicant of the site's location in a Mineral Safeguarding Area and advising that the advice of Devon County Council be sought in the event of a future application for a permanent dwelling.

Agricultural Consultant - I support this application for the reasons I have stated as it is my opinion the applicant has satisfied the necessary criteria under local and national policy guidance for a temporary agricultural worker's dwelling. I have dealt with the issue of the applicant's other residential dwellings which are situated relatively near to the present application site, although I consider them not to be close enough to meet the functional needs of the livestock enterprise managed within the recently erected farm buildings at Bulleigh Oaks.

6. REPRESENTATIONS

To date there have been no letters of representation.

7. PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council do not consider there to be a need for a temporary dwelling as follows:

- a. The unit is newly-established
- b. The adjacent Bulleigh Barton Farm is in the same ownership as the applicant where there is adequate permanent accommodation
- c. The NPPF does not contain any specific policies for the provision of such dwellings
- d. Whilst a functional test could demonstrate that there is sufficient work for a full-time worker it would not demonstrate that the said worker should be resident on site.

8. COMMUNITY INFRASTRUCTURE LEVY

This is a temporary dwelling and is therefore not liable for 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.

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 20 March 2018

REPORT OF: Business Manager – Strategic Place

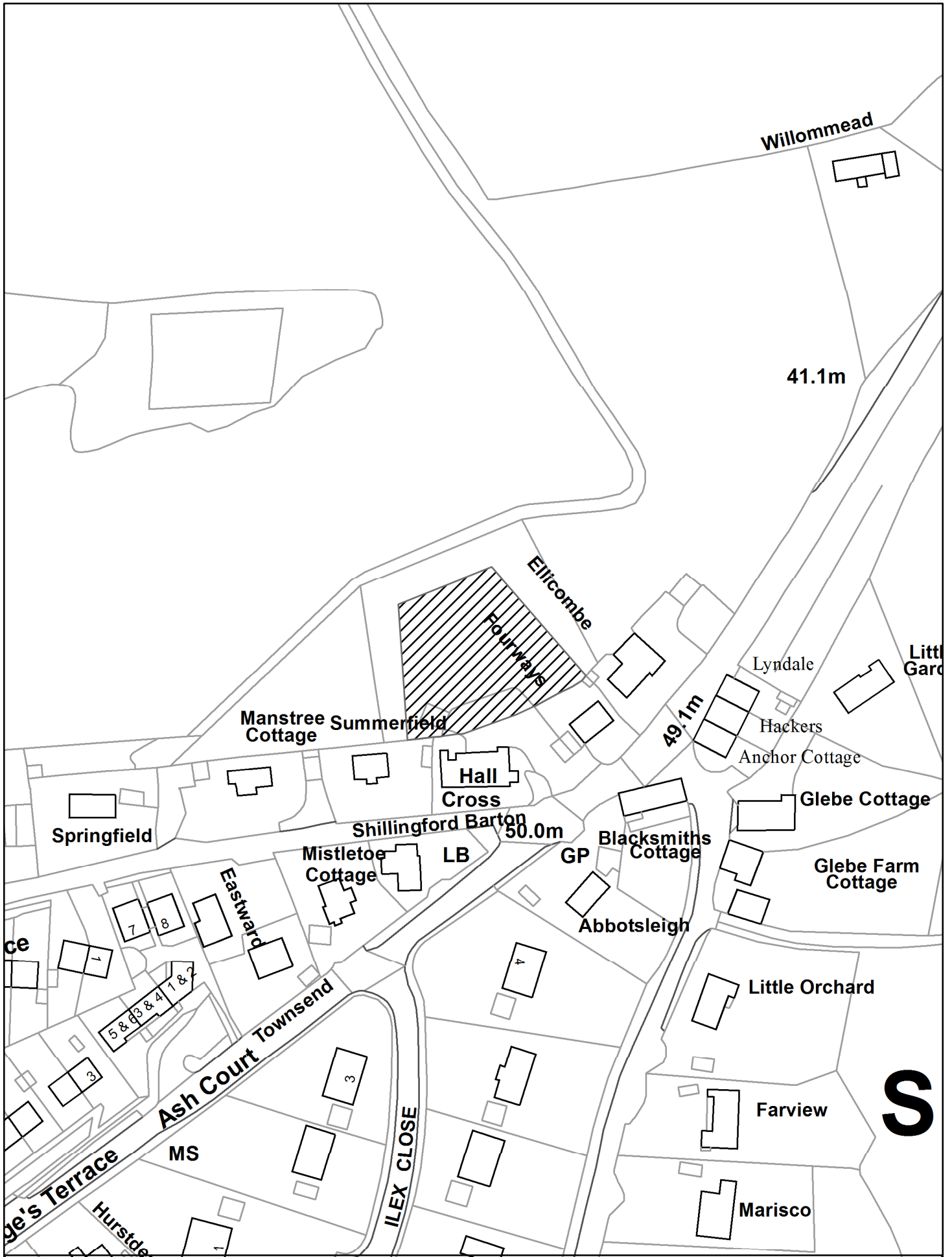
ENFORCEMENT REPORT

REFERENCE NO: 17/00438/ENF

DESCRIPTION OF DEVELOPMENT

SHILLINGFORD: Land rear of the Village Hall, Shillingford St George





OBSERVATIONS

1. In December 2017 the Council received a complaint regarding a new fence being erected across the car park on land to the rear of the Village Hall, Shillingford St George.
2. From an investigation it was noted that a new post and rail fence had been erected across the car park. When planning permission (reference 01/03875/COU) was granted in December 2001 for the change of use from agricultural land to recreational including erection of a storage shed, a Condition was attached that prevented any fences or other means of enclosure being erected without planning permission. Condition 2 states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures, fences, gates or walls shall be erected within the curtilage of the site (other than those expressly authorised by this permission)
REASON:- To protect the character and appearance of the area
3. As no planning permission had been granted to erect the fence the Council contacted the Trustees of Shillingford St George Millennium Village Green who appeared to own the land, and were responsible for the fence. They were advised to remove the fence or submit a planning application to determine whether the fence could be retained.
4. In response the Trustees contacted the Council to explain that the fence was erected to prevent people parking on the village green. It seems that there has been a dispute between the Trustees and the Parish Council and that, despite attempts to resolve the matter, they felt that they had to take the action they took and the fence was erected. Despite further correspondence with the Trustees it seems that they do not propose to remove the fence and no planning application has been received for its retention.
5. From the investigation it is clear that there is a breach of the planning condition by the erection of the fence. Where a planning breach has occurred the Council must decide whether it is expedient to take enforcement action to remedy the breach. This is set out in the Councils adopted Planning Enforcement Policy.
6. As the fence erected is contrary to a planning condition any action taken must relate to the reason for the imposition of the condition. In this instance the condition was imposed to protect the character and appearance of the area. Therefore, when deciding on whether to take enforcement action it is necessary to demonstrate that the fence erected has a detrimental impact on the character and appearance of the area.
7. Having viewed the fence, which is a simple post and rail fence that includes gates for both vehicle and pedestrian access, it is not considered to be out of keeping with the surrounding land and as such does not have a detrimental

TEIGNBRIDGE DISTRICT COUNCIL

impact on the character and appearance of the area. It is noted that the position of the fence does impact on the day to day use of the land and the Village Hall by reducing the amount of space to park cars and access the Village Hall, particularly for disabled people. However, these were not the reasons for imposing the planning condition.

8. It is clear that a planning breach has occurred. The options for enforcement are either a Breach of Condition Notice (BCN) or an Enforcement Notice for the non-compliance with the planning condition. If a BCN was served, there is no right of appeal, but non-compliance with the BCN would involve the matter being placed before the Courts. The decision to serve a BCN could be challenged by Judicial Review if it was considered to have been issued for the wrong reasons.
9. An Enforcement Notice could be served requiring the fence to be removed. However, there is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. This could take a number of months to be determined and it would be difficult for the Council to successfully defend an appeal as there are no planning reasons to demonstrate that the fence has a detrimental impact on the character of the surrounding area.
10. It is recognised that the erection of the fence has resulted in a high level of objection from local residents, including a petition. The objections point out that it has resulted in difficulties in parking for events at the Village Hall, resulting in on road parking and dangerous reversing manoeuvres on and off the highway. The lack of parking is causing difficulty for the public who wish to access the Village Green.
11. The fence has been erected due to a disagreement between the Village Hall Committee and the Trustees of Shillingford St George Millennium Village Green. Whilst it is possible to serve a BCN or an Enforcement Notice, it would be difficult to defend such action on planning grounds, bearing in mind the original reason for imposing the condition. It should be borne in mind that even if planning enforcement action did result in the removal of the fence this would not necessarily overcome the dispute between the Village Hall Committee and the Trustees. Until this is resolved there is the possibility that other action may be taken to demarcate the separate land ownerships and regulate how the land is used. Planning enforcement action is therefore unlikely to be the best way to provide a lasting remedy for this problem. What is necessary is for the Trustees and the Village Hall Committee to come together to agree to find a way forward that is beneficial for all those involved, including the local residents who benefit from the use of the Millennium Green and the Village Hall.

RECOMMENDATION

The Committee is recommended to resolve that no planning enforcement action is taken.

WARD MEMBERS: Cllr Goodey and Lake, Kenn Valley

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 20th March 2018

REPORT OF: Business Manager – Strategic Place

SUBJECT: South Hams Special Area of Conservation Joint Supplementary Planning Document

RECOMMENDATION

Planning Committee is recommended to:

Resolve

That the draft South Hams Special Area of Conservation Greater Horseshoe Bats Joint Supplementary Planning Document (SPD) is approved for consultation.

1. PURPOSE

To consider the draft South Hams Special Area of Conservation Greater Horseshoe Bats Joint SPD and to approve it for consultation purposes.

2. BACKGROUND

2.1 The South Hams Special Area of Conservation, (SAC) and associated Consultation Zone, covers an area which lies within five local planning authority areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council.

2.2 This Supplementary Planning Document (SPD) updates and replaces the 'South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance' published by Natural England in 2010. The update takes on board feedback from developers, consultants and planners on the 2010 guidance, new data on greater horseshoe bats and experience gained over the last eight years. In addition, a draft Heart of Teignbridge and Bovey Tracey Mitigation Strategy was published and consulted upon by Teignbridge District Council in February 2017; the contents of this document and the outcomes of the consultation have been considered in the drafting of the new SPD.

TEIGNBRIDGE DISTRICT COUNCIL

- 2.3 Unlike adopted Local Plans, an SPD does not form part of the statutory Development Plan and does not contain policies. Instead, the SPD is intended to sit alongside the relevant adopted and emerging Local Plans to help all developers, applicants and competent authorities determine, through a clear, rationalised decision process, whether plans and projects within the Consultation Zone require Habitats Regulations Assessment (HRA) in order to promote the protection and enhancement of the South Hams SAC greater horseshoe bat population.
- 2.4 The draft SPD has been prepared jointly by the authorities in partnership with Natural England and in consultation with specialist expert advice provided by Greenbridge Ltd., Biosciences Department (University of Exeter) and Marquis and Lord scientific consultancy (who developed the 2010 Guidance). The new document will accord with the Teignbridge Corporate Plan in terms of the 'Great Places To Live And Work' programme and in particular the action concerning protecting the most important habitats and investing in new wildlife areas.

3 MAIN IMPLICATIONS

- 3.1 The South Hams SAC has been designated in part for its population of greater horseshoe bats and includes both maternity and hibernation roosts vital to the survival of the species.
- 3.2 Unusually, the South Hams SAC comprises five separate but linked component Sites of Special Scientific Interest (SSSIs). A sixth site at High Marks Barn was designated as a SSSI in 2012 as an important greater horseshoe bat maternity roost. Whilst not formally part of the SAC, the colony is an integral part of the overall SAC population and accordingly it is considered important in terms of maintaining the integrity of the South Hams SAC.
- 3.3 Greater horseshoe bats travel relatively large distances across the landscape and have large foraging territories. As such, they are not confined to the designated SAC sites, but move across the wider landscape and between the SAC sites, using key features in the landscape to navigate and forage. The species are long-lived (in excess of 30 years) with the bats remaining faithful to the important roosting sites, returning year after year. They feed primarily in and around woodlands, hedges and grazed pasture (particularly cattle grazed). Any loss or degradation to such areas can have an impact, including removing key food sources and eradication of features used by the species to navigate and commute between roost sites and feeding areas.

Approach of the SPD

- 3.4 The SPD is aimed at anyone developing, determining and commenting on planning applications in the South Hams SAC Consultation Area (shown in Figure 1 of the document). It provides guidance on the implementation of national policy and local Development Plan policies with respect to the South

TEIGNBRIDGE DISTRICT COUNCIL

Hams SAC by providing clarity on planning requirements, in order to reduce costs and delays to both developers and local planning authorities and to ensure that the legal duties associated with the Habitats Regulations are met with regard to the South Hams SAC.

- 3.5 It clearly sets out, through defining a South Hams SAC Consultation Area (encompassing Sustenance Zones and a Landscape Connectivity Zone), where and under what circumstances there is the potential for plans and projects to have a Likely Significant Effect on the South Hams SAC and therefore when an HRA Screening is required. In addition, an outline of the information required from the applicant at each stage of the planning process is given in the case of an HRA Screening being required, including survey, mitigation and monitoring requirements.
- 3.6 To support the guidance, important features of the South Hams SAC alongside data on potential 'pinch points' are mapped and will be available on Devon County Council's online Environment Viewer mapping service. This information will be publicly available to assist in the early identification of potential in-combination effects to be assessed through the HRA Screening process.
- 3.7 A series of Advice Notes are being developed to sit alongside the SPD to provide more detail and technical information. These Advice Notes do not form part of the South Hams SAC SPD and therefore are not subject to this consultation.

HRA Screening in Sustenance Zones

- 3.8 Sustenance Zones are the area within 4km of designated maternity and hibernation roosts which include critical foraging habitat and commuting routes for bats using the roosts. The SSSI/SAC roosts and the Sustenance Zones are strategically important in maintaining the population of greater horseshoe bats across the South Hams SAC.
- 3.9 Development within, or in close proximity to, these sites could therefore have a Likely Significant Effect on the integrity of the South Hams SAC. Even small-scale changes to the landscape have the potential to affect the integrity of the SAC and therefore Screening will be required for any plan or project which impacts on greater horseshoe bat habitat or flight lines in a Sustenance Zone.

HRA Screening in Landscape Connectivity Zone

- 3.10 The Landscape Connectivity Zone provides a different function to the Sustenance Zones, offering an important network of commuting routes used by the SAC population of greater horseshoe bats. In the Landscape Connectivity Zone, greater horseshoe bat activity occurs in smaller numbers than within the Sustenance Zones and bats are much more dispersed across this area. As such only developments which severely restrict the movement of bats at a landscape scale could impact on the SAC bat population (generally

TEIGNBRIDGE DISTRICT COUNCIL

therefore large housing / road / quarry developments) and would be subject to HRA Screening.

4 GROUPS CONSULTED

- 4.1 The SPD has been produced in partnership between five local authorities and will be consulted upon by these authorities.
- 4.2 Consultation, lasting for 6 weeks, will be administered centrally by Devon County Council on behalf of the five local planning authorities. Documents will be available to view online, at the relevant Council offices and at libraries within the consulting authority areas. Paper copies of the document will be available on request to the County Council.
- 4.3 As part of the consultation, views on seven main questions are invited (listed on page 5 of the document) relating to changes to the draft SPD from the original 2010 guidance and concerning the clarity of aspects covered.
- 4.4 Comments will be able to be submitted by using a consultation response form available online or by post which can be submitted electronically or by post.

5 TIMESCALE

- 5.1 Following the end of the consultation period in May, the local planning authorities will consider all submitted representations and, having made any necessary amendments to reflect consultation responses, proceed to adoption of the SPD at an Executive meeting later in the year.
- 5.2 The adopted SPD will be published on the local planning authority websites together with an Adoption Statement and will be available for inspection in accordance with the relevant statements of community involvement for each local authority.

6 JUSTIFICATION

- 6.1 The main reasons are to update and replace the South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance published by Natural England in 2010. The draft document takes on board new data on greater horseshoe bats and experience gained over the last eight years. Other relevant details are contained in section 2 of the report.

Nick Davies Business Manager, Strategic Place

Wards affected	Ambrook, Ashburton & Buckfastleigh, Bishopsteignton, Bovey Tracey, Chudleigh, Ipplepen, Kerswell-with-Coombe, Kingsteignton, Newton Abbot
Contact for any more information	Trevor Shaw Senior Planning Officer 01626 215703
Appendices attached:	Appendix 1 - South Hams Special Area of Conservation, Greater Horseshoe Bats Supplementary Planning Document, Consultation Draft, February 2018

South Hams Special Area of Conservation

Greater Horseshoe Bats



Supplementary Planning Document

Consultation Draft February 2018



DRAFT

Every effort has been made to avoid technical terms and acronyms in this document. However, some have had to be included for clarity. Technical terms (highlighted and emboldened when first used) and acronyms are listed and defined in the Glossary.

Consultation Statement

[This statement does not form part of the draft Supplementary Planning Document, and will be omitted from the Document on its adoption]

Supplementary Planning Documents are developed to provide guidance on the implementation of policies in the statutory Development Plans produced by Local Planning Authorities (such as Local Plans, Waste Plans and Mineral Plans). The policies to which the SPD relates are included in Appendix XX of the SPD.

This Supplementary Planning Document is being prepared to provide guidance on the implementation of policies relating to the South Hams Special Area of Conservation, specifically on the population of greater horseshoe bats for which the site is (in part) designated. It covers five Local Planning Authority areas, Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council.

The document updates and replaces the *South Hams Special Area of Conservation Greater Horseshoe Bat Consultation Zone Planning Guidance* published by Natural England in 2010.

The document is aimed at those preparing to submit and those determining and commenting upon planning applications across the five Local Planning Authorities including: land owners, developers, planning agents, ecological consultants, Council Members and other organisations.

It includes:

- An overview of why the document is needed.
- A description of the Consultation Area for the South Hams Special Area of Conservation (including a map).
- A flow chart to help clarify whether the Local Planning Authority is required to undertake a Habitats Regulations Assessment.
- An overview of the information which the Local Planning Authority requires from the developer.
- An explanation of changes made to the 2010 guidance (*South Hams Special Area of Conservation Greater Horseshoe Bat Consultation Zone Planning Guidance*).

A series of Advice Notes is also being developed to sit alongside this Supplementary Planning Document. These are not part of the formal consultation but any comments on those that have been drafted would be very welcome.

This consultation is being undertaken in accordance with Regulations 12 and 13 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

Screening for Environmental Assessment

The Environmental Assessment of Plans and Programmes Regulations 2004 require that environmental assessment is undertaken for a plan or programme that is (a) “required by legislative, regulatory or administrative provisions”, and (b) “sets the framework for future development consent”. The Local Planning Authorities consider that this Supplementary Planning Document is not required by any of the provisions

mentioned above. It is therefore considered that environmental assessment under the provisions of the 2004 Regulations is therefore not required.

While section 19(5) of the Planning and Compulsory Purchase Act 2004 requires sustainability appraisal to be undertaken for development plan documents there is no such requirement for a supplementary planning document. Strategic environmental assessment alone can be required in some exceptional situations. This is usually only where either neighbourhood plans or supplementary planning documents could have significant environmental effects¹.

Screening for Habitats Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a land use plan is likely to have a significant effect on a European site, appropriate assessment should be undertaken by the plan-making authority before the plan comes into effect. Habitats Regulations Assessment has been undertaken for all development plans relevant to this Supplementary Planning Document. As the Supplementary Planning Document provides guidance on the implementation of policies relating to a European site (the South Hams Special Area of Conservation) it is considered that no additional Habitats Regulations Assessment is necessary.

Anyone disagreeing with the Local Planning Authorities screening opinions given above is entitled to state this in their consultation response and provide the reasons for their view.

How to have your say

Devon County Council is leading the consultation process on behalf of the five Local Planning Authorities.

The consultation period starts on **Monday 16th April 2018**
and closes at **5.00pm on Wednesday 30th May 2018**

Responses cannot be accepted after this deadline.

Viewing the Draft Supplementary Planning Document

The Draft Supplementary Planning Document can be viewed:

- Online at the County Council's website: www.devon.gov.uk/haveyoursay
- At the relevant Council offices during normal office hours (see Contact Details in Annex 1)
- By contacting Devon County Council using the details below to receive a paper copy.
- At libraries within the consulting authority's areas

What are the issues to comment on?

The five Local Planning Authorities are keen to receive your views on the following matters:

¹<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

1. Is the Draft Supplementary Planning Document clearly structured and legible?
2. Do you agree with the proposed approach to replacing Strategic Flyways with the Landscape Connectivity Zone? If not, please explain why.
3. Do you agree with the proposed boundary of the Landscape Connectivity Zone and Sustenance Zones shown on Figure 1 (also available online at: <http://map.devon.gov.uk/DCCViewer/>)? If not why not?
4. Does the Flow Chart help in clarifying which planning applications will require a Habitat Regulations Assessment? If not, how can this be improved?
5. Does the document help to clarify the information which the Local Planning Authority require from the developer? If not, how can this be improved?
6. Are the proposed arrangements for monitoring and review of the Supplementary Planning Document clear and appropriate?
7. Do you have any further comments?

Note that the Local Planning Authorities are unable to take into account any comments on the content of existing or proposed Development Plan Policies as these matters are considered through separate processes.

Submitting Comments

Responses to this consultation can be submitted by using the **Consultation Response Form** (which includes the eight questions listed above). This form is available to download at <https://new.devon.gov.uk/haveyoursay/> or can be provided using the contact details below.

Completed forms should be returned by post or email (with name and postal address included) to the contact details below before the deadline (25th May 2018).

Please note that all submitted representations will be made publicly available, including on the County Council's website, with the person/organisation making the representation (but not their personal signatures or email and telephone contact details) being identified.

Comments received after the deadline or sent to the other Local Planning Authorities will not be accepted.

What Happens Next?

Following the end of the consultation period, the Local Planning Authorities will consider all submitted representations and, having made any necessary amendments to reflect consultation responses, proceed to adoption of the Supplementary Planning Document at a full Council Meeting. The adopted Supplementary Planning Document will be published on the Local Planning Authority websites together with an Adoption Statement and will be available for inspection in accordance with the relevant Statements of Community Involvement for each Local Authority.

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1 Introduction

Greater horseshoe bats² are one of Britain's rarest bats and are confined to South West England and South Wales. A significant proportion of the British population is found in South Devon and the Buckfastleigh **maternity roost** is thought to be the largest in Europe. The South Hams Special Area of Conservation (SAC) has been designated³ by Natural England to help protect a population of over 2000 greater horseshoe bats. SACs form part of a network of designated sites across Europe and are sometimes referred to as **European or International sites**.

1.1. What is the purpose of this Supplementary Planning Document?

- 1.1.1 This Supplementary Planning document (SPD) is aimed at all those developing, determining or commenting on **planning applications** (including prior notifications and outline applications) in the **South Hams SAC Consultation Area** shown on Figure 1. It provides guidance on the implementation of national and local **Development Plan** policies with respect to the **South Hams SAC**, specifically in relation to the population of greater horseshoe bats for which the site is, in part⁴, designated as an SAC. Further information on SPDs is given in Annex 1.
- 1.1.2 By providing clarity on planning requirements, the guidance aims to reduce costs and delays to both developers and Local Planning Authorities.
- 1.1.3 The South Hams SAC Consultation Area lies within five **Local Planning Authority** areas: Dartmoor National Park Authority, Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council (referred to as the **LPAs**). Details of these LPAs and links to their Development Plans are given in Annex 2.
- 1.1.4 This SPD updates and replaces the *South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance* published by Natural England in 2010. The update takes on board feedback from developers, consultants and planners on the 2010 guidance, new data on greater horseshoe bats and experience gained over the last eight years. For those familiar with the 2010 Guidance, an explanation of changes is provided in Annex 3
- 1.1.5 Information in this SPD can also be used to ensure that development plans (such as Local Plans and Neighbourhood Plans) and infrastructure projects which don't need planning permission, meet requirements relating to the protection of the South Hams SAC.
- 1.1.6 A series of Advice Notes are being developed to sit alongside this SPD to provide more detailed technical information on issues such as greater horseshoe bat ecology, the stages of a Habitats Regulations Assessment and mitigation.

² For a fact sheet on Greater Horseshoes see http://www.bats.org.uk/data/files/Species_Info_sheets/greaterhorseshoe.pdf.

For more information on the ecology of Greater Horseshoe Bats see Advice Note 1.

³ Under the European Habitats Directive and the UK Habitats Regulations – see Advice Note on HRA, when published.

⁴ The South Hams SAC is also designated to protect habitats including sea cliffs, heathland, semi-natural grasslands, scrub, caves and woodland. This SPD however only relates to greater horseshoe bats

- 1.1.7 The SPD is based on the best available evidence currently held on the South Hams SAC greater horseshoe bat population and habitat. Should significant new evidence come to light that challenges the contents of the document, the SPD will be reviewed and updated as necessary.

1.2. What is the status of the SPD?

- 1.2.1 This SPD is being prepared as a Local Development Document under the Planning and Compulsory Purchase Act 2004. The policy guidance contained within the SPD is supplementary to each of the Local Plans adopted by the partner authorities (see Annex 2), the overall purpose being to provide clarity and detail on how the policies of the Local Plans relating to the South Hams SAC are to be interpreted and achieved.
- 1.2.2 SPDs are a **material consideration** in determining planning applications. They have a high level of 'weight' in the decision-making process as they must be prepared in accordance with national planning policies and go through a statutory consultation process. This SPD is consistent with the National Planning Policy Framework and has been prepared in accordance with the existing European legislation which is in place at the time of publishing.

1.3. What are the headline requirements for Local Planning Authorities and Developers?

Local Planning Authorities

- 1.3.1 When determining **planning applications**, LPAs have a legal duty to ensure that there will be no adverse effects on the South Hams SAC population of greater horseshoe bats. Any application which will have an adverse effect will be refused, other than in exceptional circumstances (see Advice Note 1, when produced, for further details).
- 1.3.2 If there is **any** potential for a development to have a **likely significant effect** on the SAC's population of greater horseshoes, the LPA must carry out an assessment known as a **Habitats Regulations Assessment (HRA)**. Simplistically, this will include:
- an assessment of likely impacts on the SAC from the proposed development, using greater horseshoe survey information and details of the proposal. The assessment must look at the impacts of the development on its own, as well as the impacts of the development **in-combination** with other existing and proposed developments;
 - any **mitigation** measures required to avoid an adverse effect; and
 - clarification as to how these measures will be secured e.g. through conditions attached to the planning permission, or a legal obligation agreed with the developer.

Developers/Applicants

- 1.3.3 It is the developer's responsibility to provide the LPA with:
- sufficient information to enable the LPA to decide whether HRA is required.
 - sufficient information for the LPA to be able to undertake the HRA.

- 1.3.4 To help LPAs and developers meet these requirements, this SPD includes:

Section 2

Background information on the South Hams SAC Consultation Area.

Section 3

A flow chart to help clarify when HRA is required.

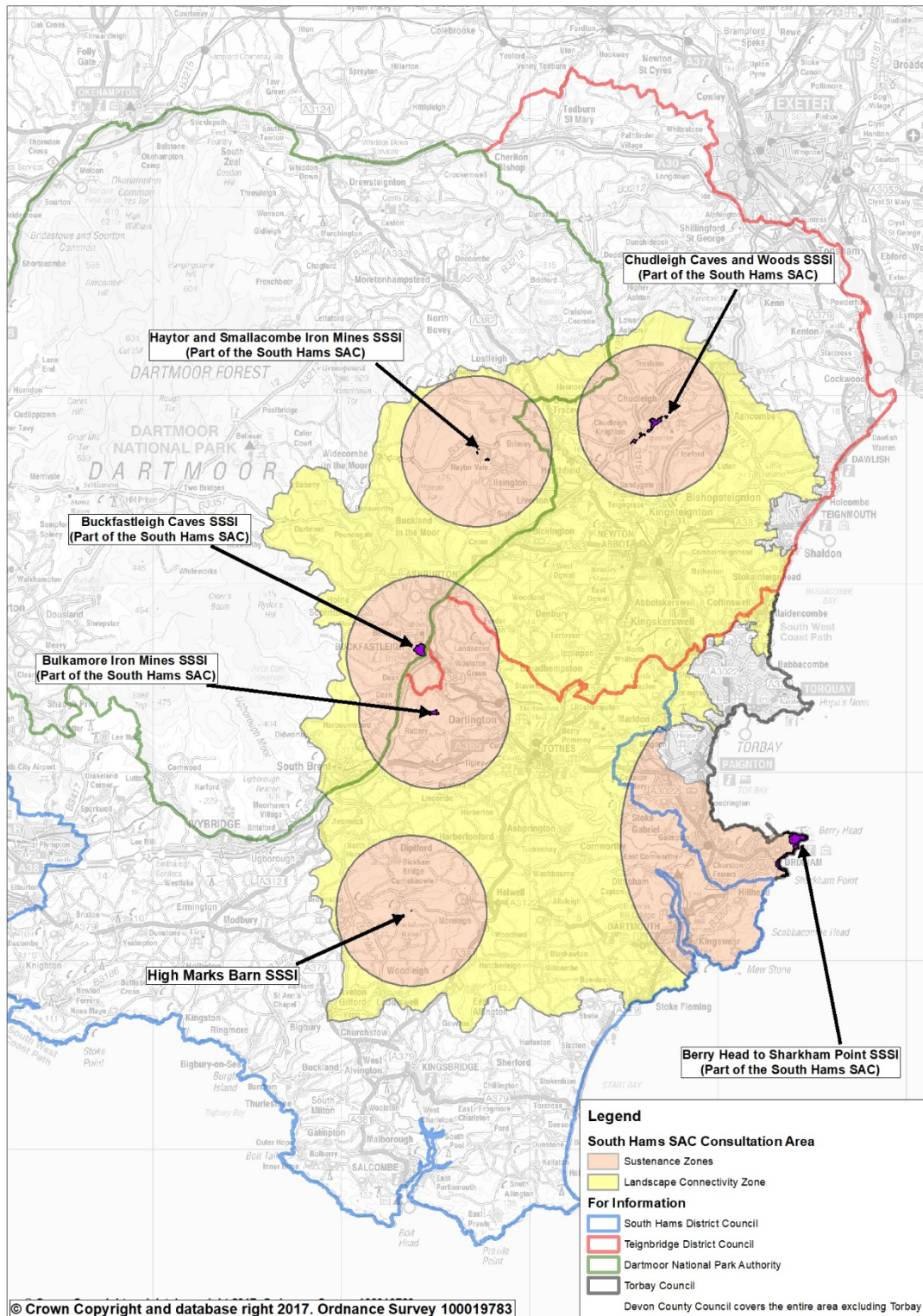
Section 4

Guidance on the information required from the developer.

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Figure 1: South Hams SAC Consultation Area

For a more detailed map see: <http://map.devon.gov.uk/DCCViewer>



2 The South Hams SAC Consultation Area

2.1. General greater horseshoe bat requirements

2.1.1 Greater horseshoe bats use a network of dark **Roosts**, **Foraging Habitats** and **Commuting Routes**. Definitions of these features are given below. Features must be dark as greater horseshoe bats are normally extremely sensitive to increased light levels. They will typically avoid areas where conditions are brighter than full moonlight on a clear night (typically recorded as being between 0.25 and 1 lux). Further detailed information on greater horseshoe bat requirements, including lighting, is set out in the Advice Notes (when published).

Roosts

2.1.2 *Roosts - a range of structures used by bats for shelter and protection*

2.1.3 A variety of structures are used throughout the year for hibernating, raising young bats (maternity roosts), feeding, mating and resting. Greater horseshoe bats are long lived (in-excess of 30 years) and remain faithful to these roosts for generations. Large numbers of bats can be found in hibernation roosts (used by all bats during the winter) and maternity roosts (used during the summer by mothers and their young). Other roosts tend to be used by individuals or small numbers of bats at a time.

Foraging Habitat

2.1.4 *Foraging Habitat – areas where bats feed.*

2.1.5 Greater horseshoe bats feed in different habitats during the year as availability of prey changes. Foraging habitats include cattle grazed pastures, the edges of broadleaved woodland, stream corridors, wetlands, tree lines and tall, thick hedges where prey is found (moths, dung beetles, cockchafer beetles and dung flies, crane flies, parasitic wasps and caddis flies). Research has shown that adult greater horseshoe bats using maternity roosts largely forage within 4km of the roost while juveniles hunt mainly within 1km of the roost and are highly dependent on grazed pasture⁵.

Commuting Routes

2.1.6 *Commuting Routes – linear features which bats follow when moving around the landscape between roosts and between roosts and Foraging Habitat.*

2.1.7 Greater horseshoe bats have a weak **echolocation** call (which bats use to navigate) and therefore generally fly close to the ground (up to ~ 2m) and close to linear landscape features such as hedges, woodland edge and vegetated watercourses which they use for navigation.

⁵ Research into foraging around maternity roosts is referenced in the Advice Note on greater horseshoe bat ecology (when published).

2.2. The South Hams SAC Consultation Area and potential impacts

2.2.1 The South Hams SAC Consultation Area has been developed to help clarify where and when, impacts, on Roosts, Foraging Habitat and Commuting Routes, are most likely to have a significant effect on the SAC and therefore require HRA. The Consultation Area is shown on Figure 1 and consists of the features discussed below.

* Indicates that the feature is mapped on the DCC Environment Viewer at <http://map.devon.gov.uk/DCCViewer>. Note that Foraging Habitats and Commuting Routes are not mapped on the Viewer as specific habitats and routes used by greater horseshoe bats are largely unknown. Any known data on greater horseshoe bat distribution is available from Devon Biodiversity Records Centre. There will be a charge for this information.

Designated Roosts*

- 2.2.2 *Designated Roosts* - the six maternity and/or hibernation roosts designated as SSSIs and believed to support an important proportion of the total greater horseshoe bat population across South Devon.
- 2.2.3 Five of the Designated Roosts are included within the South Hams SAC designation. The sixth roost at High Marks Barn SSSI is considered integral to the SAC population. It was not included in the original SAC designation but is part of the SAC Consultation Area. The six Designated Roosts are listed in Box 1.
- 2.2.4 **Developments impacting on these roosts (and any others that meet SSSI criteria) could impact upon the SAC population and require HRA – see the flow chart in Section 3.**

Box 1: The Designated Roosts (M=Maternity H=Hibernation)

Site Name	Roost description	M	H
Berry Head to Sharkham Point SSSI and NNR	Caves on sea cliffs	✓	✓
Buckfastleigh Caves SSSI (supports the largest known maternity roost in the UK)	Cave complex and barns	✓	✓
Bulkamore Iron Mine SSSI	Large disused mine		✓
Chudleigh Caves and Woods SSSI	Cave complex	✓	✓
Haytor and Smallacombe Iron Mines SSSI	Disused mines		✓
High Marks Barn SSSI (supports the second largest maternity roost in England)	Large agricultural barn	✓	

Sustenance Zones*

- 2.2.5 *Sustenance Zones* - the area within 4km of the Designated Roosts which includes critical Foraging Habitat and Commuting Routes.
- 2.2.6 Research has shown that greater horseshoes using maternity roosts largely forage within 4km of the roost⁶. Sustenance Zones have therefore been mapped with a 4km radius centred on each designated roost⁷.
- 2.2.7 **Developments impacting on Foraging Habitat and Commuting Routes in Sustenance Zones could have a likely significant effect on the SAC greater horseshoe bat population and require HRA** – see the flow chart in Section 3
- 2.2.8 Most urban areas within Sustenance Zones are not likely to provide suitable conditions or opportunities for foraging bats.
- 2.2.9 Due to the difficulties in monitoring hibernating bats, the distances which they travel to forage in the winter is unknown. It is possible that due to weather conditions, and the weaker physical condition of bats during the winter, they may forage closer to roosts within the hibernation Sustenance Zones. This needs to be considered when assessing impacts and carrying out HRA.

Landscape Connectivity Zone*

- 2.2.10 *Landscape Connectivity Zone* – the area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats.
- 2.2.11 Evidence from surveys indicates that greater horseshoe bats commuting through the Landscape Connectivity Zone are dispersed and found in low numbers. Impacts will occur where plans or projects severely restrict the movement of bats at a landscape scale.

Situations in which a development in this area could have a likely significant effect and require HRA are (see the flow chart in Section 3):

- Large developments impacting on a network of Commuting Routes and landscape permeability.
- Impacts on **Pinch Points** (see para 2.2.12)
- Impacts on **Existing Mitigation Features** (see paragraph 2.2.14)

Pinch Points*

- 2.2.12 *Pinch points* - known, or potential, Commuting Routes which are significantly restricted e.g. due to urban encroachment or proximity to the sea / estuaries.
- 2.2.13 **Further restriction of Pinch Points could severely restrict the movement of bats and therefore require HRA** – see the flow chart in Section 3.

⁶ Research into greater horseshoe bat foraging around maternity roosts is referenced in the Advice Note on greater horseshoe bat ecology, when published.

⁷ Due to its location next to the sea and urban development within Brixham Town the Berry Head Sustenance Zone is based on a sustenance area equivalent to a 4km radius circle. Note that the boundaries of all the Sustenance Zones have changed slightly from those within the 2010 South Hams SAC guidance (see Annex 3).

Existing Mitigation Features*

2.2.14 *Existing Mitigation Features* – can include Roosts, Commuting Routes and Foraging Habitat created, enhanced or protected to meet Habitats Regulations Assessment requirements for approved projects.

2.2.15 Impacts on these features could have a likely significant effect and therefore require HRA – see the flow chart in Section 3.

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3 Is Habitats Regulations Assessment Required?

- 3.1.1 As early as possible in the development of the plan or project (pre-application stage) the LPA and developer should discuss the proposal and, using existing knowledge, follow the flow chart to clarify whether HRA is required.
- 3.1.2 If the developer chooses not to discuss the application with the LPA at pre-application stage the LPA will have to assess whether HRA is required using information submitted with the planning application. If HRA is required and insufficient information has been submitted the LPA may be unable to validate the application or need to request further information or new mitigation measures which could affect design/layout. All scenarios will lead to delays and increased cost. It is therefore strongly recommended that pre-application advice is sought from the LPA for any proposals in a Sustenance Zone or the Landscape Connectivity Zone.

If there is any degree of uncertainty regarding how to answer questions in the flow chart (e.g. whether there is loss, damage or disturbance to a potential Foraging route or Commuting route) an ecologist should be consulted.

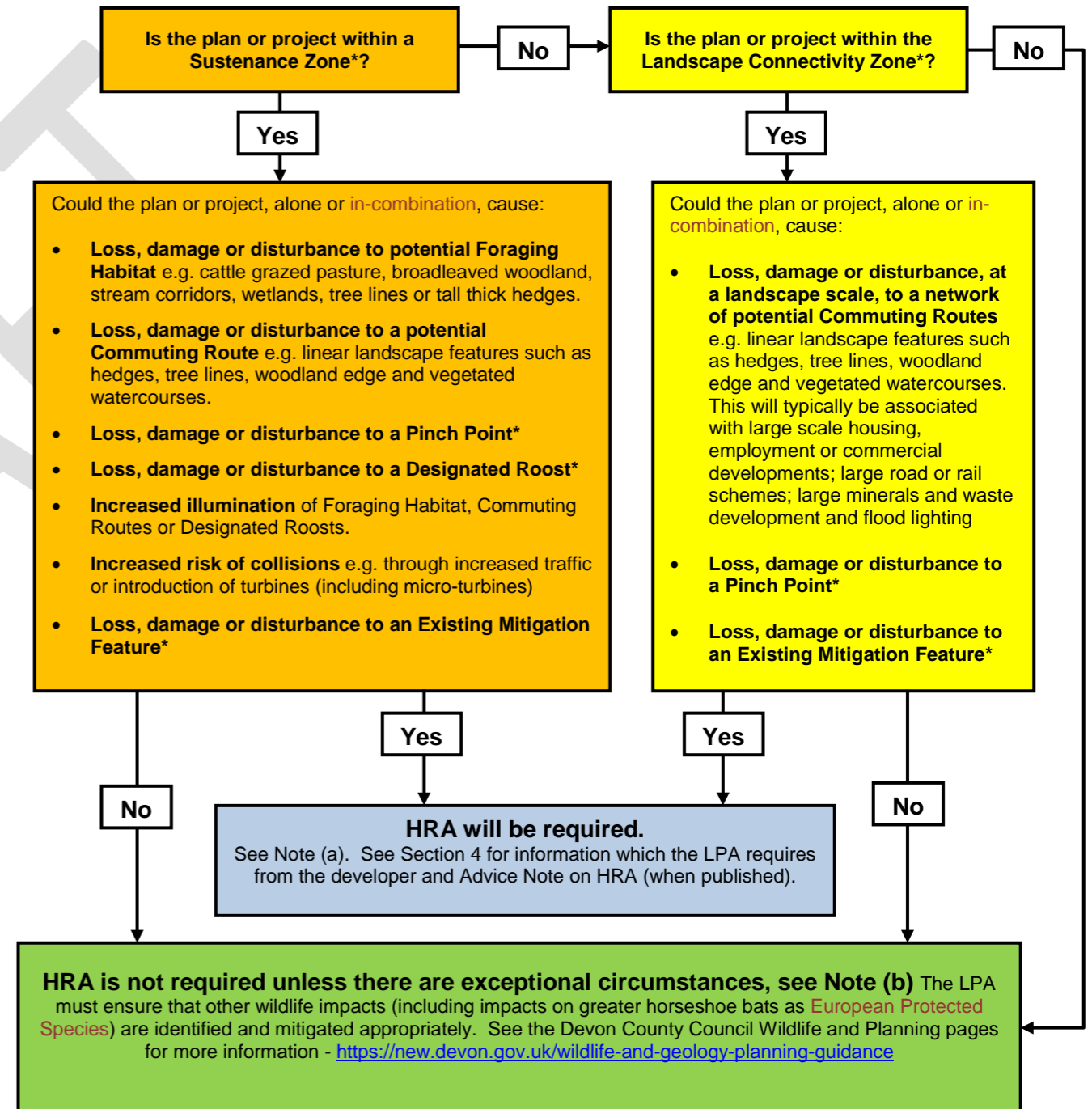
Examples of how a proposal could impact (cause loss, damage or disturbance) habitat include:

- Foraging Habitat
 - Building on pasture, wetland, or converting to improved grassland.
 - Felling woodland.
 - Altering drainage of wetland areas.
 - Indirect impacts that would lead to deterioration of the feature e.g. introducing public access to a foraging habitat.
 - Increased illumination of Foraging Habitat through internal, external and vehicular lighting sources.
- Commuting Routes
 - Removal of a hedgerow / tree line.
 - Increased illumination of sections of hedgerow/tree lines, including from internal, external and vehicular lighting sources.
 - Building in close vicinity to a hedgerow / tree line.
 - Having an indirect impact e.g. a change in management to hedgerows bordering residential gardens.

Notes accompanying flowchart

- (a) It may be possible for the LPA/NE to screen out likely significant effects relatively quickly where it is considered that, due to factors such as location, site characteristics, size/type of the application, numbers of greater horseshoe bats found, or where impacts can be avoided through design/layout (see 4.2.4 and 4.3.2) the proposal is unlikely to affect the SAC.
- (b) HRA may be required in other, exceptional, circumstances if, following survey, the LPA or Natural England consider that the plan or project could have a significant effect on the SAC population of greater horseshoe bats e.g. the discovery of a roost which meets SSSI criteria (over 50 bats) or the in-combination impacts of small projects in the Landscape Connectivity Zone

* Indicates that the feature is mapped on the DCC Environment Viewer at <http://map.devon.gov.uk/DCCViewer>. Note that Foraging Habitats and Commuting Routes are not mapped on the Viewer as specific habitats and routes used by greater horseshoe bats are largely unknown. Any known data on greater horseshoe bat distribution is available from Devon Biodiversity Records Centre. There will be a charge for this information.



4 Information Required for HRA

4.1. Information required from the applicant

Pre-application Stage

- 4.1.1 The developer commissions an ecological consultant to provide the LPA with the following:
- Greater horseshoe bat survey results and analysis (see 4.2 below and para 4.2.5 below for exceptions)
 - Ecological Impact assessment
 - Mitigation and monitoring details (see 4.3 below)
- 4.1.2 This information must be provided by a suitably qualified ecological consultant (employed by the developer) **with experience of greater horseshoe survey and mitigation**. LPAs cannot recommend consultants but can provide a list of ecological consultants known to them. A list can be found on the Devon County Council website at <https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>
- 4.1.3 The information provided should be up to date and follow current national guidance⁸. Material departures from national guidance need to be agreed with the LPA. *Failure to provide adequate information may lead to planning applications being rejected at the validation stage or refused, both of which are costly in terms of time and budget.*
- 4.1.4 It is advised, particularly for large or complex applications, that applicants seek pre-application advice on survey and potential avoidance/mitigation measures from the LPA as well as Natural England's Discretionary Advice Service (see Annex 1 for contacts).
- 4.1.5 Note that for outline applications it is acknowledged that not all design and layout details will be known and it will not be possible to model lighting levels. However, outline applications are subject to HRA (as per Section 3). Appropriate survey must be undertaken and avoidance/mitigation principles established which provide the LPA with the confidence required that there will be no adverse effect on the SAC greater horseshoe bat population (see Advice Note on HRA). These principles must then be followed when developing details for the reserved matters application.

Submission

- 4.1.6 The applicant submits the information required for HRA as part of the planning application. If insufficient information is supplied, the LPA may not be able to validate the application.

⁸ Including guidance from the Chartered Institute for Ecologists and Environmental managers (CIEEM) <https://www.cieem.net/> and the **British Standard for Biodiversity** (BS 42020:2013)

Determination

- 4.1.7 The LPA uses the information provided to undertake an HRA and, when necessary, consults Natural England.
- 4.1.8 If insufficient information has been supplied the LPA may have to request further information leading to a delay in the determination of the application.
- 4.1.9 The LPA will secure any mitigation measures required to ensure no adverse effects on the SAC via conditions and/or legal obligations agreed with the developer.
- 4.1.10 If the LPA considers that the application will have an adverse effect on the SAC the application will be refused, other than in exceptional circumstances (See Advice Note on HRA).

4.2. Survey Requirements

- 4.2.1 All surveys should:
- Follow any national guidance. Currently *Bat Surveys for Professional Ecologist, Good Practice Guidelines* (Bat Conservation Trust, 2016) and the **British Standard for Biodiversity (BS42020)**. Exact survey requirements will need to reflect the sensitivity of the site and the nature and scale of the proposals. Early dialogue with the relevant LPA and Natural England is therefore encouraged.
 - Follow any Devon greater horseshoe survey guidance, when available. This is being developed to clarify survey adjustments required for greater horseshoes (as suggested on page 58 of the 2016 Bat Conservation Trust guidance) as well as analysis / presentation requirements. Results must be presented so as to be readily understandable by planners.
 - Be up-to-date. Survey that is more than 2/3 years old will generally be considered out of date and unreliable
- 4.2.2 Surveys and assessment of the results should be informed by greater horseshoe bat data from Devon Biodiversity Records Centre and from projects within the vicinity of the proposal.
- 4.2.3 Some foraging will occur during hibernation but at reduced rates to other times of year. However, there is no national guidance available to inform winter bat activity surveys in the Sustenance Zones around hibernation roosts. The ecological consultant should discuss and agree any winter survey requirements (based on risk) with the LPA and Natural England.
- 4.2.4 Bat data should be shared with the Devon Biodiversity Records Centre in a format set out in the Survey Advice Note.
- 4.2.5 In exceptional circumstances it may be possible to agree impacts and mitigation requirements without the need for a survey / full survey. If this approach is taken it must be agreed in writing with the LPA. Circumstances may include:

- A minor development proposal where there is certainty (as evidenced by a competent ecological consultant) that impacts on greater horseshoe habitat can be avoided or are negligible.
- A situation in which survey (or further survey) would not contribute further to the identification of impacts and mitigation requirements.
- A situation in which the LPA and Natural England agree that there is sufficient existing survey information for the site (see BS 42020:2013 for more information).

4.3. Mitigation and Monitoring Requirements

4.3.1 Headline mitigation and monitoring principles are set out below. Further information will be set out in an Advice Note.

4.3.2 The scheme should be designed to avoid impacts through:

- Making every effort to avoid loss, damage or disturbance to Foraging Habitats and Commuting Routes and maintaining connectivity to offsite habitats.
- Where appropriate, creating sufficiently wide and dark buffers along or around habitats to protect them from impacts.
- Designing any lighting schemes to prevent impacts on greater horseshoe bat habitat (see Advice Note on lighting).

4.3.3 Where it is not possible to avoid all impacts the LPA *may* agree to measures which reduce impacts and ensure no adverse effect on the SAC. Required measures may include:

- Creating or enhancing new dark corridors through the development site to maintain a connected network of Commuting Routes for bats.
- Creating or enhancing new Foraging Habitat in suitable locations within the same Sustenance Zone.
- Maintaining Commuting Routes across road and transport routes by creating safe bat crossings, e.g. culverts, underpasses and bridges.
- Imposing controls or restrictions on relevant operations, e.g. cutting turbine speeds.
- Creating or enhancing a roost.
- Contributing to any South Hams SAC strategic greater horseshoe bat fund which combines funding to deliver permanent high quality greater horseshoe bat habitat and roosts in priority locations. An Advice Note will be produced to provide further details.

- 4.3.4 There must be sufficient certainty that mitigation measures will be effective in ensuring no adverse effect on the SAC and can be delivered e.g.
- Measures must be in place and functioning before impacts occur.
 - All financial and legal details relating to the delivery of mitigation requirements must be clear.
 - Measures should be secured and implemented to reflect the duration of the impacts. Where impacts are permanent and irreversible mitigation measures will need to be secured 'in-perpetuity'. No time constraint should be attached to the in-perpetuity definition (see Rocklands mixed use development S106, Chudleigh, Judicial Review, June 2015).
- 4.3.5 All mitigation should follow current best practice (See Mitigation Advice Note when published).
- 4.3.6 Mitigation measures must be considered in the context of the wider countryside e.g. commuting routes through a development site must connect to routes outside the site.
- 4.3.7 Monitoring (which ensures that mitigation has been carried out as agreed and is effective) and appropriate follow up measures must be agreed with the LPA and implemented by the developer.
- 4.3.8 All mitigation and monitoring details (relating to purpose, timing, creation, long term management etc) must be provided to the LPA in appropriate detail, at the agreed stage in the planning process, and in an agreed format. Generally, information required for the LPA to assess the planning application will be included in an **Ecological Impact Assessment** or Environmental Statement. Further detailed information will be requested through conditions imposed on any planning permission and in documents such as a Construction Environmental Management Plan (CEMP), and Landscape and Ecological Management Plan (LEMP).

Net gain: Whilst not required for HRA both the developer and LPA should seek enhancements for greater horseshoe bats. This is in line with the National Planning Policy Framework (para 9), the Government's 25 Year Environment Plan and Articles 3 and 10 of the Habitats Directive which require Member States to seek improvements in the 'ecological coherence' of European Sites through measures which enhance features of the landscape which are of major importance for wild fauna and flora. The LPA will expect proposals for enhancement to be prepared in accordance with any best practice e.g. currently the principles set out in CIEEM's *Biodiversity Net Gain Principles and Guidance*⁹.

⁹<https://www.cieem.net/biodiversity-net-gain-principles-and-guidance-for-uk-construction-and-developments>

5 Glossary

Adverse effect upon integrity	Where the competent authority is unable to confirm that the plan or project will, with mitigation, not have a likely significant effect on the SAC then the authority will ask for further information in order to try and ensure that the plan or project will not have an adverse effect on the integrity of the site. The integrity of a European site can be defined as, <i>'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.'</i> In practical terms this means the habitats necessary to maintain a healthy and viable population of greater horseshoe bats. See Advice Note on HRA for more information.
British Standard for Biodiversity	BS42020 – The first British Standard on Biodiversity Management. In line with the European Biodiversity Strategy and UN Aichi targets, the British Standard offers a coherent methodology for biodiversity management.
Commuting Routes	Linear features used as flight lines by greater horseshoe bats e.g. hedgerows, tree lines, woodland edge and vegetated watercourses.
Competent Authority	For the purpose of the Regulations, a competent authority includes any Minister of the Crown, government department, statutory undertaker, public body of any description or person holding a public office. See Advice Note on HRA for more information.
Designated Roosts	The six greater horseshoe bat maternity and/or hibernation roosts designated as SSSI. These are thought to support an important proportion of the total greater horseshoe bat population across South Devon. Five of the roosts are within the South Hams Special Area of Conservation. See Figure 1.
Development plans	Development plans comprise of adopted local plans, made neighbourhood plans and any “saved” policies from previous plans. This includes Devon County Council’s Minerals and Waste Plans. Planning Law requires planning decisions to be taken in accordance with the development plan unless material considerations indicate otherwise.
Echolocation	The sonar-like system used by bats to detect and locate objects by emitting usually high-pitched sounds that reflect off the object and return to the animal’s ears or other sensory receptors.
European sites (sites protected under European legislation)	Sites within the European Union (EU) network of classified Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under Article 4 of the EU Habitats Directive (EEC/92/43). Also referred to as Natura 2000 sites. In Torbay, there are two such sites – the South Hams SAC.
European Protected Species	Species of plants and animals (other than birds) protected by law through the European Union and listed in Annexes II and IV of the European Habitats Directive.
Existing Mitigation Features	Roosts, Commuting or Foraging Habitat created, enhanced or protected to meet Habitats Regulations Requirements for approved projects.

South Hams Special Area of Conservation:
Greater Horseshoe Bats Supplementary Planning Document

Foraging Habitat	Feeding areas for greater horseshoe bats, primarily cattle grazed pasture, semi-natural woodland, unimproved pastures, meadows and watercourses.
Habitats Regulations Assessment (HRA)	The assessment, carried out by the competent authority, of the impacts of land use plans or proposals on European protected sites, required by the Habitats Directive. Stage 1 includes screening for likely significant effects. If needed Stage 2 (Appropriate Assessment) assesses whether it is possible to avoid adverse effect on site integrity. See the Advice Note on HRA for more information.
Hibernation roost	Roosts (greater horseshoe bats often use caves) where bats move in the winter to hibernate (it should be noted that bats also need to forage during this time).
In-combination effects	Effects that occur from a plan or project, in combination with other plans or projects including those: <ul style="list-style-type: none"> • adopted as part of Local Plans • approved but uncompleted • for which an application has been made and which are currently under consideration See the Advice Note on HRA for more information.
In-perpetuity	Of endless duration, not subject to termination.
Landscape Connectivity Zone	The area that includes a complex network of Commuting Routes used by the SAC population of greater horseshoe bats.
Likely significant effects	Effects, considered in HRA screening, which would undermine the SAC's Conservation Objectives. If, on the basis of information provided, a likely significant effect cannot be ruled out then Stage 2 of the HRA must be undertaken by the competent authority. See Advice Note on HRA for more information, including the Conservation Objectives for the South Hams SAC.
LPA – Local Planning Authority	The Local Planning Authority is the Council responsible for carrying out forward planning and development management functions.
Material consideration	A material consideration is a matter that should be taken into account in deciding a planning application or in an appeal against a planning decision.
Maternity roost	The place where, during summer, female bats gather to have and raise their babies.
Mitigation	Mitigation describes actions taken to reduce or offset known impacts to a natural resource in order to minimise the impact of the development on the environment (see Advice Note on mitigation).
Net gain	To achieve an overall gain in biodiversity as a result of the development rather than an overall loss.
Permitted development	Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impact and to protect local amenity.

South Hams Special Area of Conservation:
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Pinch Point	Known or potential greater horseshoe bat commuting routes which are significantly restricted e.g. due to urban encroachment. or proximity to the sea / estuaries. Further restriction would significantly impact on the movement of greater horseshoes and potentially have a likely significant effect on the SAC.
Planning applications	As well as planning applications this term is used to include prior approval notices and non-material amendments. For information on permitted development please see the Advice Note.
Prior Approval Notice	A process whereby details of a proposed development are notified to the local planning authority prior to the development taking place. This applies to some developments involving telecommunications, demolition, agriculture or forestry. The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion on what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.
SPD – Supplementary Planning Document	Established by the Planning and Compulsory Purchase Act 2004, an SPD can be used to provide guidance on a range of local planning matters and provide greater detail about policies contained within development plan documents. SPDs cannot make policy or allocate land, but can provide guidance on implementation.
SAC - South Hams Special Area of Conservation	South Hams Special Area of Conservation. Designated for its internationally important greater horseshoe bat population and habitats including dry heaths, semi-natural dry grasslands, scrub, woodland, cliffs and caves.
SSSI - Site of Special Scientific Interest	An area or site that is designated under the Wildlife and Countryside Act by Natural England for its nationally important biodiversity.
Sustenance Zone	The area within 4kms of designated roosts which includes critical foraging and commuting habitat
Validation	The process undertaken by the Local Planning Authority upon receipt of a planning application to determine whether the required national and local requirements of the application are included within the application and therefore whether the application can be considered valid.

Annex 1 – Contact Details and Links to Development Plans

<p>Dartmoor National Park Authority Parke Bovey Tracey Newton Abbot Devon TQ13 9JQ forwardplanning@dartmoor.gov.uk [telephone number]</p>	<p>Devon County Council AB2 Lucombe House County Hall Exeter EX2 4QD planning@devon.gov.uk 01392 381222</p>
<p>South Hams District Council Follaton House Plymouth Road Totnes Devon TQ9 5NE [email address] [telephone number]</p>	<p>Teignbridge District Council Forde House Brunel Road Newton Abbot Devon TQ12 4XX forwardplanning@teignbridge.gov.uk 01626 215735</p>
<p>Torbay Council Town Hall Castle Circus Torquay TQ1 3DR future.planning@torbay.gov.uk 01803 208804</p>	<p>Natural England consultations@naturalengland.org.uk Discretionary Advice Service Form: https://www.gov.uk/government/publications/charged-environmental-advice-service-request-form 0300 060 3900</p>

Links to Development Plans

Dartmoor National Park	http://www.dartmoor.gov.uk/living-and-working/planning/planning-policy/local-plan
Devon County Council	https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy
South Hams District Council	
Teignbridge District Council	https://www.teignbridge.gov.uk/planning/local-plans-and-policy/teignbridge-local-plan-2033/
Torbay Council	http://www.torbay.gov.uk/council/policies/planning-policies/local-plan/new-local-plan/

Annex 3 – Overview of updates to the 2010 Guidance

This SPD updates and replaces the *South Hams SAC Greater Horseshoe Bat Consultation Zone Planning Guidance* published by Natural England in 2010.

1. An updated evidence base for greater horseshoe bats has resulted in the Strategic Flyways being replaced with a Landscape Connectivity Zone.

During 2015/16 the existing evidence base for greater horseshoes in the SAC area was updated by the LPAs. This process included adding records from planning applications and from local bat consultants / workers (through discussion and a 2017 workshop) to the existing evidence base held by the Devon Biodiversity Records Centre. The methodology for this work is available from Devon County Council.

The new evidence base shows that greater horseshoe roosts and activity occurs throughout the South Devon landscape.

There are two main reasons that the Flyways have been replaced with a Landscape Connectivity Zone:

- (a) The new evidence base shows that outside Sustenance Zones greater horseshoe bats are dispersed widely and in low numbers using a complex network of commuting routes, rather than a few key Strategic Flyways
- (b) The 2010 strategic flyways were based, in part, on joining up all known greater horseshoe bat roosts. If all known roosts were now joined by flyways the existing and new flyways would cover the majority of the South Devon landscape.

The new Landscape Connectivity Zone surrounds the Sustenance Zones and the landscape between them. The boundary is based on landscape features around the Sustenance Zones and the relevant LPAs and Natural England have signed off the boundary mapping process. Given that greater horseshoe bats in the Landscape Connectivity Zone are found in low numbers it is considered that there is not sufficient evidence to reasonably assume that impacts on roosts and habitat beyond this boundary can have a significant effect on the SAC's greater horseshoe bat population.

2. Amended boundaries to the Sustenance Zones

Note that all the boundaries of the 2010 Sustenance Zones have been amended. The boundaries are now 4km from the centre of the roosts rather than 4km from the edge of the mapped SSSI.

3. In 2016 the Bat Conservation Trust published new survey guidance which has replaced the survey specification in the 2010 South Hams SAC guidance.

The new national guidance largely requires the same or a greater level of survey effort than the 2010 specification. The LPAs and NE have therefore agreed that the 2016 guidance should be applied. However, the LPAs and Natural England are producing greater horseshoe bat survey guidance to help clarify the adjustments which the 2016 guidance (page 58) states is required for certain species of bats. When this is published it should be used to complement the national 2016 survey guidance.

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 07 March 2018

REPORT OF: Business Manager – Strategic Place

SUBJECT: Appeal Decisions

- 1 17/00065/REF** **KINGSKERSWELL** - Land At Moles Lane, Whilborough
Appeal against the refusal of planning application
17/01767/FUL - Siting of lodge for holiday letting
purposes
APPELLANT: Mr G Tribble

APPEAL DISMISSED – DELEGATED DECISION
- 2 17/00066/REF** **KINGSTEIGNTON** - Buckleigh Farm, Humber Lane
Appeal against refusal of planning application 16/03371
- Construction of a timber holiday chalet
APPELLANT: Mr D Whorton

APPEAL ALLOWED - DELEGATED DECISION
- 3 17/00064/REF** **STOKEINTEIGNHEAD** - Bramblewood Cottage
Appeal against refusal of planning application
16/02558/FUL - Alterations to existing access, track and
stable/storage building
APPELLANT: Mr S Anderson

APPEAL DISMISSED – DELEGATED DECISION
- 4 17/00069/REF** **TEIGNMOUTH** - 4B George Street
Appeal against the refusal of planning permission
17/01543/FUL - Replace two existing timber sash
windows with UPVC windows
APPELLANT: Mr L Gillam

APPEAL DISMISSED – DELEGATED DECISION

TEIGNBRIDGE DISTRICT COUNCIL

- 5 17/00062/REF BISHOPSTEIGNTON - Fair Isle, 39 Teign View Road**
Appeal against the refusal of planning application
17/01494/FUL - Erection of a single storey dwelling
APPELLANT: Mr G Moore

APPEAL DISMISSED – COMMITTEE REFUSAL
(OFFICER RECOMMENDATION APPROVAL)

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