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3 May 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 15th May, 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, Dewhurst, 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

AGENDA

PART I

(Open to the Public)

1. Minutes (Pages 1 - 10)

To confirm the minutes of the meeting held on 17 April 2018.

2. Apologies for absence.

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. Enforcement Report

a) DAWLISH - 17/00100/ENF - Smugglers Caravan Park, Teignmouth Road EX7 0JF - Removal of hedgerow, positioning and height of three residential caravans_(Pages 11 - 18)

8. Planning applications for consideration - to consider applications for planning permission as set out below.

a) NEWTON ABBOT - 18/00683/LBC - The Butter Market, Market Street - Erection of a stud partition wall, roller shutter door and a new suspended ceiling in shop 1_(Pages 19 - 22)

b) BOVEY TRACEY - 17/02751/FUL - The Lower Car Park, Station Road - New community hub building_(Pages 23 - 34)

c) CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878, Station Hill - Reserved Matters approval for 218 dwellings and siting of 11 custom build plots (Outline planning permission 13/01062/MAJ)_ (Pages 35 - 68)

d) CHUDLEIGH – 17/02330/MAJ - Land At Station Hill - Variation of condition 4 (amended plans for highway arrangements) on planning permission 13/01062/MAJ_(Pages 69 - 80)

e) BOVEY TRACEY - 17/02118/MAJ - Land north of Indio House, Newton Road - Outline planning application for up to 30 dwellings and associated works (means of access to be determined only) and BOVEY TRACEY - 17/02275/FUL - Widening of existing residential driveway and alterations to access_(Pages 81 - 110)

Any representations or information received after the preparation

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.

9. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 111 - 112)

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).

FURTHER INFORMATION:

Future meetings of the Committee

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

Dates of site inspections

Team 1 – 14 June, 6 September 2018

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

Team 2 -, 26 April, 12 July, 5 October 2018,

Chairman, Vice Chairman and Cllrs: J. Hook, Dennis, Jones, Mayne, Orme, Parker

Team 3 - 24 May, 9 August 2018

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

Public Access Statement

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.

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

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** 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

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

TUESDAY, 17 APRIL 2018

Present:

Councillors Smith (Chairman), Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Dennis, Hayes, J Hook (was Brodie), Keeling, Mayne, Nutley, Parker, Pilkington, Rollason and Winsor

Members Attendance:

Councillors Clemens, Dewhirst, Gribble, Haines and Russell

Apologies:

Councillors Colclough, Fusco, Jones, Orme and Prowse

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Paul Clough, Temporary Legal Advisor
Hannah Milford, Legal Assistant
Rosalyn Eastman, Principal Planning Officer
Claire Boobier, Planning Officer
Kelly Grunnill, Senior Planning Officer
Steve Hobbs, Senior Planning Enforcement Officer
Mark Devin, Democratic Services Officer (Exeter City Council)

402. MINUTES

The minutes of the meeting held on 9 March 2018 were confirmed as a correct record and signed by the Chairman. (15 votes for, 0 against, 2 abstention).

403. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

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

404. DECLARATIONS OF INTEREST.

No declarations of pecuniary interest were made.

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

The committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information reported by the

officers and information detailed in the late representations updates document previously circulated.

- a) CHUDLEIGH - 18/00333/FUL - 169 Palace Meadow - Single storey side extension
The Business Manager – Strategic Place reported that there were no updates to the application.

It was proposed by Councillor Smith and seconded by Councillor Mayne and

Resolved

That permission be granted subject to the following conditions:

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

(18 votes for and 0 against)

406. BOVEY TRACEY - LAND NORTH OF INDIO HOUSE, NEWTON ROAD

Public Speaker, Objector – Objected on behalf of a local resident on the grounds that Bovey Tracey would accommodate 600 new homes rather than the 400 outlined in the local plan; an Environment Impact Assessment would need to be undertaken to assess the impact on the 12 species of bat which inhabited the area, as recommended by the Devon Wildlife Trust; the application did not comply with the policy so there are ecological reasons to refuse the application; there could be substantial harm to the heritage of the location; and the average speed on Newton Road was in excess of 44 mph, differing to the 2003 speed survey. A new survey should be performed and all key highway information provided.

Public Speaker, Objector – Objected on the grounds that the report was inconsistent with the local plans options for site access and that the access points had not been addressed at the correct planning stages. Members needed to note that the chosen options for accessing the site from Newton Road would be impacted by driver speeds, which were above 30 mph. A new road survey needed to be undertaken to assess the Newton Road.

Public Speaker, Supporter –the applicant had worked closely with the Council officers to make the application both acceptable and sustainable. The junction entrance would only be widened. The number of units would be proportionate to the site to deliver affordable homes, public open spaces and ecological enhancements.

The Principal Planning Officer presented the report explaining that the application was for 30 new homes, which was under the Environmental Impact Assessment threshold of 1000 homes and therefore not required. Natural England had confirmed there would be no impact on the local wildlife following a habitat assessment at the location. The proposed entrance widening would improve visibility at the junction onto Newton Road. Devon County Highways would secure increased visibility through a Section 278 Agreement.

Comments from Councillors included: the driveway and entrance would impact the area and heritage; the location was not suitable for 30 new homes; concern about the loss of trees; access for larger vehicles; the detrimental effect that a population increase would have on the area; a speed survey to be undertaken to address the speed limit on Newton Road; issues with multiple access points to the site; the development could lead to a loss of the period archaeology and local wildlife heritage; more information was required from South West Water on drainage and flood impacts.

In response the Principal Planning Officer and Business Manager, Strategic Place stated that ecological and environmental impact assessments had been undertaken and a Tree Preservation Order (TPO) would be in place during the development period. He clarified that the local plan detailed multiple alternatives to access the site and not multiple access points. Devon County Council had withdrawn their objection for drainage, the entrance driveway would be maintained by a management company and a site survey had been already been undertaken to address the site archaeology concerns.

The local plan had approved the site for development, and a condition would be added to ensure more information was provided. However there was not enough evidence for refusal, which could lead to an appeal. If more information was required, the Business Manager, Strategic Place recommended deferring the item.

It was proposed by Councillor Haines and seconded by Councillor Dennis and

Resolved

Permission be refused on highways and heritage grounds but decision deferred to consider an Officer's report on refusal options.
(15 votes for and 2 against)

**407. TEIGNMOUTH - 17/02233/FUL - MARLYN HOUSE, SECOND DRIVE -
CONVERSION AND EXTENSION OF DWELLING INTO EIGHT FLATS**

Public Speaker, Supporter – explained he was the owner of Marlyn House, located in a conservation area had been derelict for 15 years. The proposal was to restore the private dwelling, extending its size to develop eight units for residential use. The applicant has been working with Planning Officers and had consented to include conditions on the application and to remove the north elevation windows. Objectors had requested the property be reverted back to a private dwelling, but the property was appropriate to supply affordable homes.

The Planning Officer advised that updates had been received from both the Conservation Officer and Devon County Council, had been circulated to Members and that Marlyn House had been subject to antisocial behaviour requiring intervention from the police and Council.

Comments from Councillors included: a way forward to restore the property following years of neglect and issues with anti-social behaviour; reconstruction of the stone wall boundary would be acceptable in a conservation area; the

development needed to remain in character to the conservation area; concerns about the size of the application and the offsite contributions; the one year time limit for commencement must be adhered to and all conditions be followed; the priority for the site would be to restore the property back to a suitable dwelling to match the surrounding area.

In response the Planning Officer and Business Manager, Strategic Place explained the written ministerial statement was balanced alongside the local plan policy for affordable housing, moderated by the national planning guidance. The offsite contributions would be appropriate to meet the affordable housing policy, and there would be little difference in the cost between one and two bedroom flats.

It was proposed by Councillor Hook and seconded by Councillor Dewhurst and

Resolved

That subject to applicant signing a Section 106 agreement to secure the provision of an offsite affordable housing contribution of £18,139, that permission be granted subject to the following conditions:

1. Time limit of 1 year for commencement;
2. Development to be carried out in accordance with the approved plans;
3. The exterior refurbishment works to Marlyn House including replacement windows shall be completed prior to the erection of the new extension;
4. Recommendations for watching brief as set out in the ecology report to be followed;
5. Surface water drainage scheme including infiltration testing results shall be submitted for approval and installed prior to occupation of any apartment;
6. On-site parking provision and turning area to be provided prior to first occupation of any apartment and thereafter kept free of obstruction;
7. The cycle store shown on the submitted site layout plan shall be provided prior to first occupation of any apartment and thereafter retained free of obstruction;
8. Low stone boundary walling to be provided prior to first occupation and thereafter retained;
9. Sample of stone for boundary walling to be submitted and agreed in writing by the Local Planning Authority prior to installation and shall thereafter be installed and retained in perpetuity;
10. The refuse and recycling store shown on the site layout plan shall be provided prior to first occupation of any flat and shall thereafter be retained for storage of refuse and recycling;
11. Material samples to be submitted for approval unless matching materials used;
12. Landscaping scheme to be submitted and agreed and planted in first available planting season following first occupation of any of the apartments;
13. The windows in the north elevation of the proposed extension shall be obscure glazed;
14. Construction Management Plan to be submitted for approval;
15. The communal gardens/amenity space shown on site layout plan shall be provided prior to first occupation and shall be retained thereafter;
16. Roof lights shall lie flush with the external plane of the roof and shall not project above it;

Planning Committee (17.4.2018)

17. Prior to installation of replacement or new windows/doors full 1:5 scale cross section details of the proposed windows to include details of glazing bars, glazing and means of fixing, frame, sill and window reveal depth shall be submitted to and approved in writing by the Local Planning Authority;

Additional conditions as set out by the Devon County Council Highways Officer as follows:-

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

REASON: In the interest of local amenity.

Additional conditions as set out by the Teignbridge District Council Conservation Officer as follows:-

1. New render specification to be agreed prior to first use;
2. Sample of slate and tiles to be used shall be agreed and shall be traditionally fixed;
3. Existing decorative barge boards and finials, band courses and corbels to windows shall be retained;

4. Sample of rainwater goods and barge boards to be used shall be submitted and agreed prior to first use;
5. Details of the new piers to the entrances shall be agree prior to first installation;
6. External lighting scheme for lighting within car park to be agreed prior to first installation;
7. Landscaping details to be agreed;
8. Section and details of walls including capping and materials to be agreed;
9. Prior to commencement of works on the car parking area a site section shall be provided and agreed showing levels for this area, and height of cars in relation to boundary walls and any screening proposed to mitigate any impact identified;
10. Notwithstanding details provided details of windows/doors to be installed to be agreed prior to installation including material and profile;
11. Details of fascia and soffits to be submitted and agreed.

(15 votes for, 1 against, 1 abstain and 1 no vote)

408. KINGSKERSWELL - 17/03030/VAR - LAND AT FLUDER HILL - VARIATION OF CONDITION 1 ON PLANNING PERMISSION 16/00022/VAR TO AMEND LANDSCAPING, REVISE TURNING HEAD, SHORTEN ACCESS ROAD, AMENDMENTS TO WINDOWS, PROVISION OF UP TO DATE SURVEY AND ROAD RETAINING WALL

Public Speaker, Supporter – explained he had been appointed by the owner of the site and following a survey to confirm the size and layout of the property, they would be using the original landscape proposal, finalised the building design and removed the need for a drainage pumping station.

The Senior Planning Officer presented the report confirming that additional representations had been received.

Comments from Councillors included: issues with the size of the site; the removal of earth from the site would require council approval; plan details required clarification; timescales of the site work and landscaping details to be added to the plan.

In response the Senior Planning Officer confirmed that the field would be seeded and the existing pathway would be removed, leaving just the access point.

It was proposed by Councillor Haines and seconded by Councillor Clarence and

Resolved

That permission be granted subject to the following conditions:

1. Development to be carried out in accordance with the approved plans;
2. 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);
3. Hard and soft landscaping, retaining structures and boundary treatments to be undertaken prior to first occupation and thereafter maintained in accordance with approved plans and details;

4. Notwithstanding condition 2, details for additional hedge and tree planting to the rear of Plot 2 and 3, along the shared neighbouring boundary, including implementation and management, shall be submitted to and approved in writing and undertaken in accordance with the approved details. Planting mix shall be evergreen and of native species;
5. Remediation works to land edged in blue on submitted drawings to be undertaken in full within two months following completion of the last dwelling. Confirmation shall be submitted to the Council in writing;
6. The garage at plot 3 shall be used ancillary to the enjoyment of the property only and shall not be used as extra living accommodation (incidental to or annexed to Plot 3);
7. External materials for Plot 1, 2 and 3 and associated garaging to accord with those previously approved.

(18 votes for and 0 against)

409. NEWTON ABBOT - 17/03073/FUL - 20 BUCKLAND BRAKE - CHANGE OF USE OF HOUSE IN MULTIPLE OCCUPATION 6 PERSONS (USE CLASS C4) TO HMO FOR UP TO 8 PERSONS (SUI GENERIS)

Public Speaker, Objector – Objected on the grounds that residents considered that the eight person House in Multiple Occupation (HMO) to not be suitable for the area or street scene. 82 objections had been submitted about car parking which they felt the location could not sustain. Inspectors had also raised the issue of noise disturbance and privacy from overlooking in a recent appeal decision elsewhere in Newton Abbot.

Public Speaker, Supporter – Confirmed that applications had been submitted to the planning officers at each stage of the development. Devon County Highways had confirmed they were happy with the application. The property would provide a good standard of accommodation and would be managed by a local estate agents.

Comments from Councillors included: the existing issue of congestion in the area which was an access route to the shopping area; additional cars would create an adverse effect on the existing neighbours with limited parking; the development was considered inappropriate and impact on the surrounding area; parking would take place on roads and would be difficult to control.

The Business Manager – Strategic Place explained that the lawful use of the property as a 6 person HMO must be considered. The applicant had requested to raise the development from a six to an eight person HMO, which the Officers considered would not have any significant additional impacts.

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

Resolved

That permission be refused for the following reasons:

- (1) The adverse effect on residential amenity and character of the area.

(15 votes for, 2 against and 1 no vote)

410. SHALDON - 18/00210/FUL - 22 HORSE LANE - REPLACING FELT ON FLAT ROOFED DORMERS, REPLACEMENT OF HUNG CONCRETE TILES ON DORMERS WITH CLADDING AND INSTALLATION OF CLADDING ON SIDE AND REAR EXTENSIONS

Public Speaker, Supporter –the applicant provided Members with samples of the proposed colour schemes for dormer cladding. They had requested to use a lighter shade, which had been supported by four neighbours. Planning officers had requested the use of a traditional brown colour.

The Business Manager – Strategic Place explained there had been no updates to the application and that the only matter at issue was an agreement of the cladding colour on the dormers.

Comments from Councillors included: the colour scheme would not impact the conservation area, which had existing modern designed homes previously built.

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

Resolved

That permission be granted subject to the following conditions:

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

(17 votes for and 0 against)

411. ENFORCEMENT REPORT - LAND FORMERLY KNOWN AS THE HAUNT, TEIGNMOUTH ROAD, HOLCOMBE, DAWLISH

Comments made by Councillors included: the site licence allowed the developer access to work and impact the area; residents should have a right to vote on the development of the site and clarification was needed on site licences; a site visit by Members would be required.

The Senior Planning Enforcement Officer advised that it was difficult to assess how much ground levels had been raised by. The Business Manager – Strategic Place commented that historic photos could be provided for a site visit, but legislation did not specify the extent of groundworks allowed to comply with a site licence.

It was proposed by Councillor Rollason and seconded by Councillor Mayne that

Resolved

Consideration deferred pending a Member site inspection.

(17 votes for and 0 against)

412. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission as set out in the report circulated with the agenda.

Chairman

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SITE INSPECTION REPORT FOR PLANNING COMMITTEE 15th May 2018

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Councillor Smith
DATE OF SITE INSPECTION:	24 April 2018
APPLICATION:	DAWLISH - 17/00100/ENF - Smugglers Caravan Park, Teignmouth Road EX7 0JF - Removal of hedgerow, positioning and height of three residential caravans
WARD MEMBERS	No Attendees

Also present: No other attendees.

Purpose of Site Inspection: To assess the impact of the works on the neighbouring properties at Fordens Lane.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 17 April 2018 is appended for ease of reference.

The Enforcement officer outlined the works that have been carried out and the ongoing works to install the final residential caravan.

Whilst on site details of what works could be carried out under the planning legislation as 'permitted development' and the requirements of the Site Licence were discussed.

It was pointed out that under Schedule 2, Part 5, Class B (development on caravan site required by conditions) of the Town and Country Planning (General Permitted Development) Order 2015 the legislation allows the following to be carried out without requiring planning permission. The Order states:

Development required by the conditions of a site licence for the time being in force under the 1960 Act.

With regards to the Site Licence the relevant details are set out in the Model Standards 2008 for Caravan Sites in England. For concrete bases that are required by the Site Licence the following applies:

43. *It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:*

"A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006) shall be used.

The finished raft must be generally level with due allowance for surfacdrainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

44. Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

As can be seen from the legislation above there is no reference to limitations to the works that can be carried out. For this reason it would be difficult to justify taking enforcement action under the planning legislation for the works carried out to raise the ground levels to provide a level areas for the concrete bases that have been provided, in particular for plot 3.

In addition to references to the relevant legislation a plan has been submitted that indicates the ground levels before and after the works carried out. This clearly shows the levels have been raised in places and in particular towards the eastern boundary where plot 3 has been provided. However, it is not considered that these works are excessive to provide the three large concrete bases.

Councillor Smith visited the site and walked end to end, noting the change in level from the caravan at the far end of the site to the level of the base for the final caravan.

The officer showed photos of the site before works were started and these were compared to the site now, to assess the change in levels.

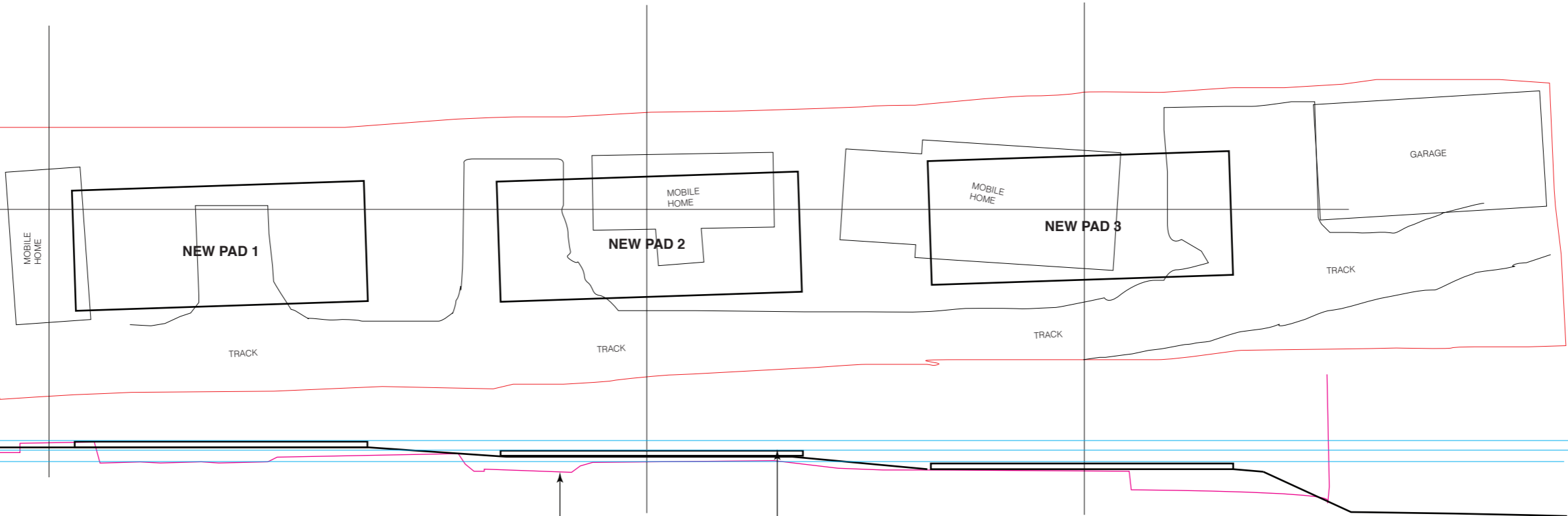
Councillor Smith viewed the site from the rear gardens, overlooking the residential caravans, at 15, 17 and 19 Fordens Lane, to assess the impact on these neighbouring properties.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 17 April 2018 is appended for ease of reference.



13

SECTION A



SECTION A

58.964 59.474 59.984

Prior

Proposed/Current

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 17 April 2018

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 17/00100/ENF

DESCRIPTION OF DEVELOPMENT

DAWLISH: Land formerly known as the Haunt, Teignmouth Road, Holcombe



OBSERVATIONS

1. In March 2017 the Council received a complaint about the works being carried out to refurbish the Smugglers Caravan Park, Teignmouth Road, Holcombe. The complainant alleged that the works were extensive and should have required planning permission.
2. From an investigation at the time it was noted that as the works were ongoing no planning breach had occurred. As well as the works to refurbish the main site the owner acquired the site to the north of Smugglers Caravan Park known as The Haunt. This site consisted of three caravans and the proposals were to replace these with three new larger caravans.
3. In June 2017 the Council received complaints that as part of the works to replace the three units on The Haunt site works were being carried out to raise the ground levels. In such cases where extensive alterations to the ground levels occur they could constitute engineering operations for which planning permission would be required. However, where works are required to comply with the requirements of a Site Licence they may be carried out as 'permitted development' under Schedule 2, Part 5, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and do not therefore require planning permission.
4. In this instance from an initial investigation it was noted that the ground levels were being altered to provide flat areas for three concrete bases to be laid. At the time only the works to provide the base on the western boundary were being carried out. These works involved laying soil on the land to raise the levels to the east. However, the original ground level on the western boundary was still evident and due to the size of the new concrete base this meant the ground has to be raised to create a level surface.
5. Since then works have been carried out to provide the bases for all three units. These works have involved levelling the ground for each unit. As part of the works each unit has been stepped down slightly with the lowest towards the eastern side of the site. However, due to the original ground levels and the size of the concrete bases to cater for the bigger caravans than were previously sited on the land it has meant the ground has been raised by nearly two metres on the eastern boundary.
6. From the investigation it was initially considered that the works to provide the base for the third unit constituted an engineering operation for which planning permission would be required. As such the owner was advised to reduce the ground levels or submit a planning application to determine whether the works were acceptable. In response the owner submitted information claiming the level of the third base started at the original ground level and to comply with the requirements of the Site Licence, which requires a flat concrete base, it has been necessary to raise the levels accordingly. For this reason the owner of the site considers no planning permission is required.

TEIGNBRIDGE DISTRICT COUNCIL

7. Having consulted with Environmental Health, who deal with the Site Licence, they have no concerns about the works carried out. Although there are no Environmental Health issues the matter has also been discussed with the Council's Solicitor and it was still not possible to establish whether a planning breach has occurred. One of the issues to consider is whether there were any controls over the ground levels set out in the original planning permission. However, there are no planning conditions attached to the original planning permission (reference 89/01397/FUL) for the siting of two mobile homes on the land.
8. From the investigation it is clear that extensive works have been carried out towards the eastern boundary, but it appears that this would have been necessary to ensure the required concrete base is laid out in accordance with the requirements of the Site Licence. It has not been possible to establish definitely whether the works would have required planning permission or whether they constitute 'permitted development'.
9. The new caravan positions may partially affect views from the properties to the north but it is not considered that they have any unacceptable impact on residential amenity within the remit of planning considerations. Furthermore, whilst complaints continue to be received, it is not clear that requiring the lowering of the site through enforcement powers would remove the harm perceived by the complainants.
10. Paragraph: 011 Reference ID: 17b-011-20140306 of the National Planning Practice Guidance (NPPG) states that:

"Nothing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case. In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

 - *there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;*
 - *development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;*
 - *in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed".*
11. Having considered the matter it is agreed that as the new concrete bases are much larger than those previously sited on the land, and they are required by the Site licence which does not stipulate how they should be provided, they would have resulted in alterations to the ground levels. Although it would have been preferable if the land could have been lowered to take into consideration the impact the larger units will have on the nearby residential properties it would be difficult to support the issuing of an Enforcement Notice for unauthorised engineering operations. For the reasons set out above, and

TEIGNBRIDGE DISTRICT COUNCIL

bearing in mind the advice contained in the NPPG, it is recommended that no enforcement action should be taken.

RECOMMENDATION

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

WARD MEMBERS: Cllrs Clemens & Prowse

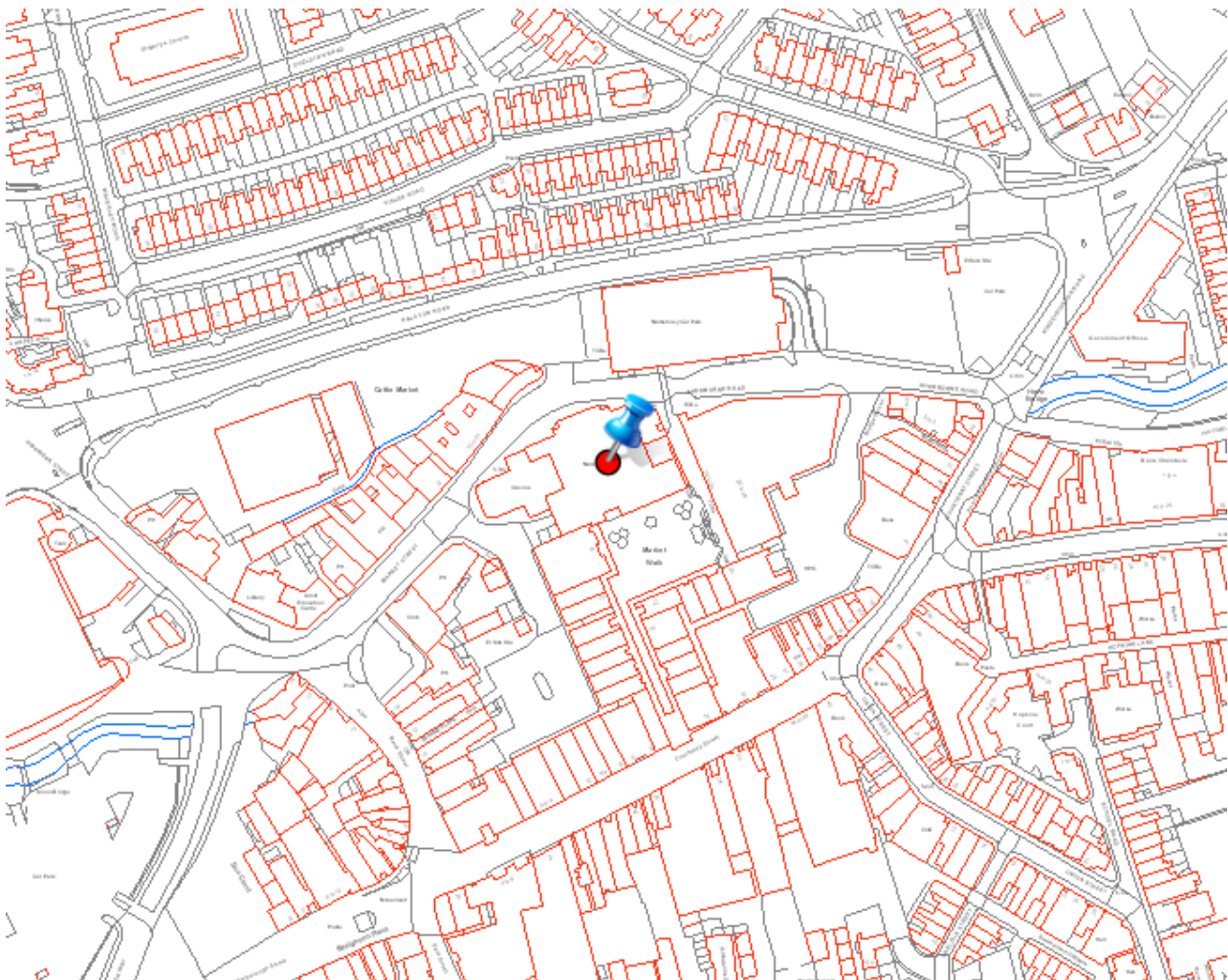
PLANNING COMMITTEE REPORT

15 May 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/00683/LBC - The Butter Market, Market Street - Erection of a stud partition wall, roller shutter door and a new suspended ceiling in shop 1	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00683/LBC&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council

2. RECOMMENDATION

LISTED BUILDING CONSENT 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 details
3. The roller shutter door provided by HVP Security Shutters and illustrated on the roller shutter door detail photograph received on 27 April 2018 is hereby approved. The door shall be installed in accordance with the approved detail.

3. DESCRIPTION

The Site

- 3.1 The building was developed by Wolborough Local Board in 1867 and is Grade II listed.
- 3.2 The application site relates to the Butter Market building that sits in Market Street within the settlement of Newton Abbot.
- 3.3 Market Street is in the centre of Newton Abbot town centre and within the primary shopping area, sandwiched between Halcyon Road and Courtenay Street.
- 3.4 The building is a listed property and sits surrounded by additional protected sites.
- 3.5 The Butter Market is set on split levels with pedestrian access being taken from each elevation, although the predominant footfall entrance is from Market Square on the southern entrance.
- 3.6 A major internal and external refurbishment of the Pannier Market was completed in 2007 and the internal layout of the market consists of market stalls and small trading units, some of which are set within the building. These units are flanked either side of the openings with granite columns. The uses are principally A1 in the Market, but there is also a mix of A2 and A3.

Application

- 3.7 The application seeks listed building consent to erect a stud partition wall and a roller shutter door, a new suspended ceiling and to undertake electrical work at shop 1 within the Butter Market, which is currently vacant, to facilitate its use as a barber's shop.

Impact upon Listed Buildings

- 3.8 In coming to this decision the Council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

- 3.9 Following consultation with the Conservation Officer, it was concluded that there would be no objection to the proposed works to facilitate the re-use of this unit. As the works proposed are minor in nature it is concluded that the works can be undertaken without adversely affecting the character of the building. Thus the impact on the listed property is considered to be acceptable and complies with the criteria of Policy EN5 (Heritage Assets) as set out within the Teignbridge Local Plan 2013-2033. Officers do not consider this application if granted would result in any harm to this listed building.
- 3.10 The proposed roller shutter door for the unit is proposed to match that installed to the Tourist Information Centre in the same row of units. In the interest of visual amenity a condition is recommended to secure a matching roller shutter door.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

EN5 (Heritage Assets)

Newton Abbot Neighbourhood Development Plan 2016 - 2033

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

5. CONSULTEES

Design & Heritage – Listed Building and Conservation - No objections in principle as the alterations are minor and do not affect the character of the building.

6. REPRESENTATIONS

Site notices erected. No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections

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

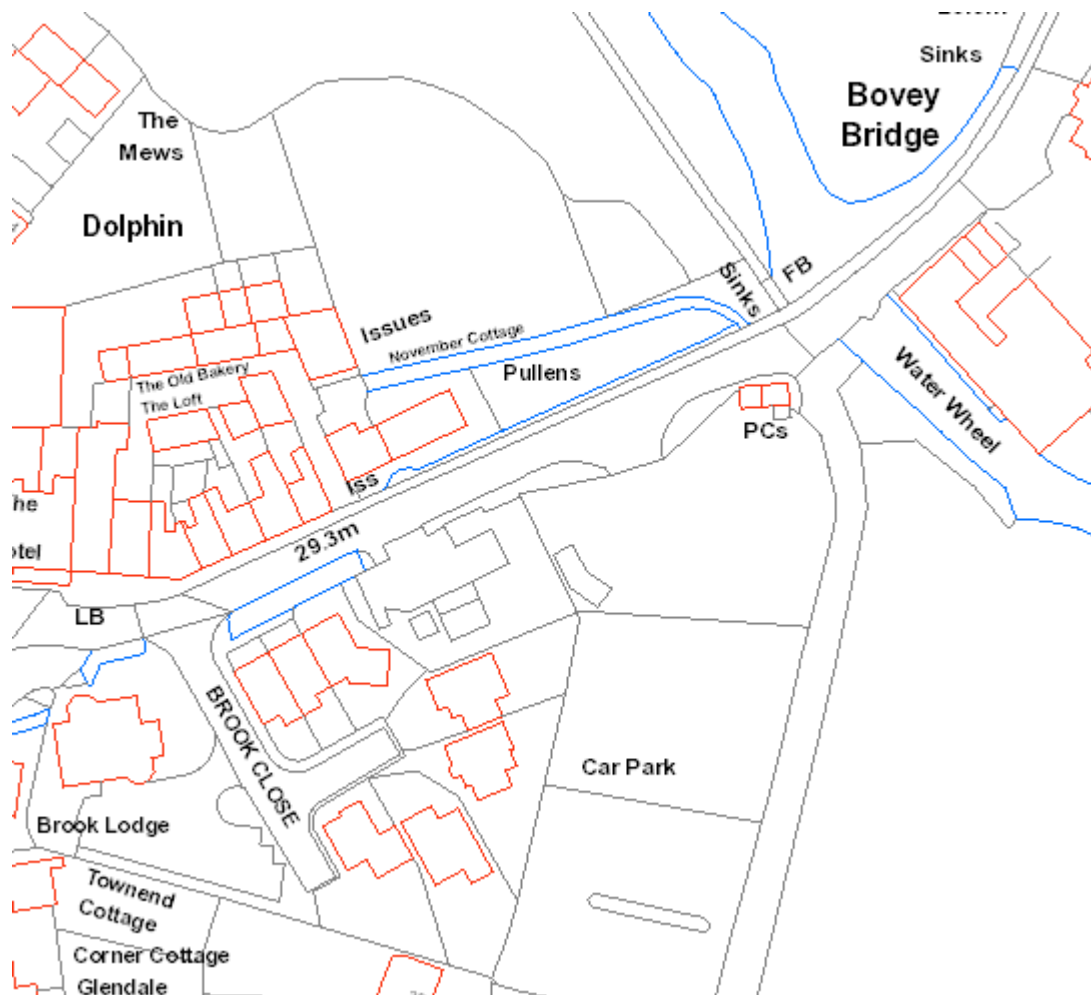
PLANNING COMMITTEE REPORT 15 May 2018

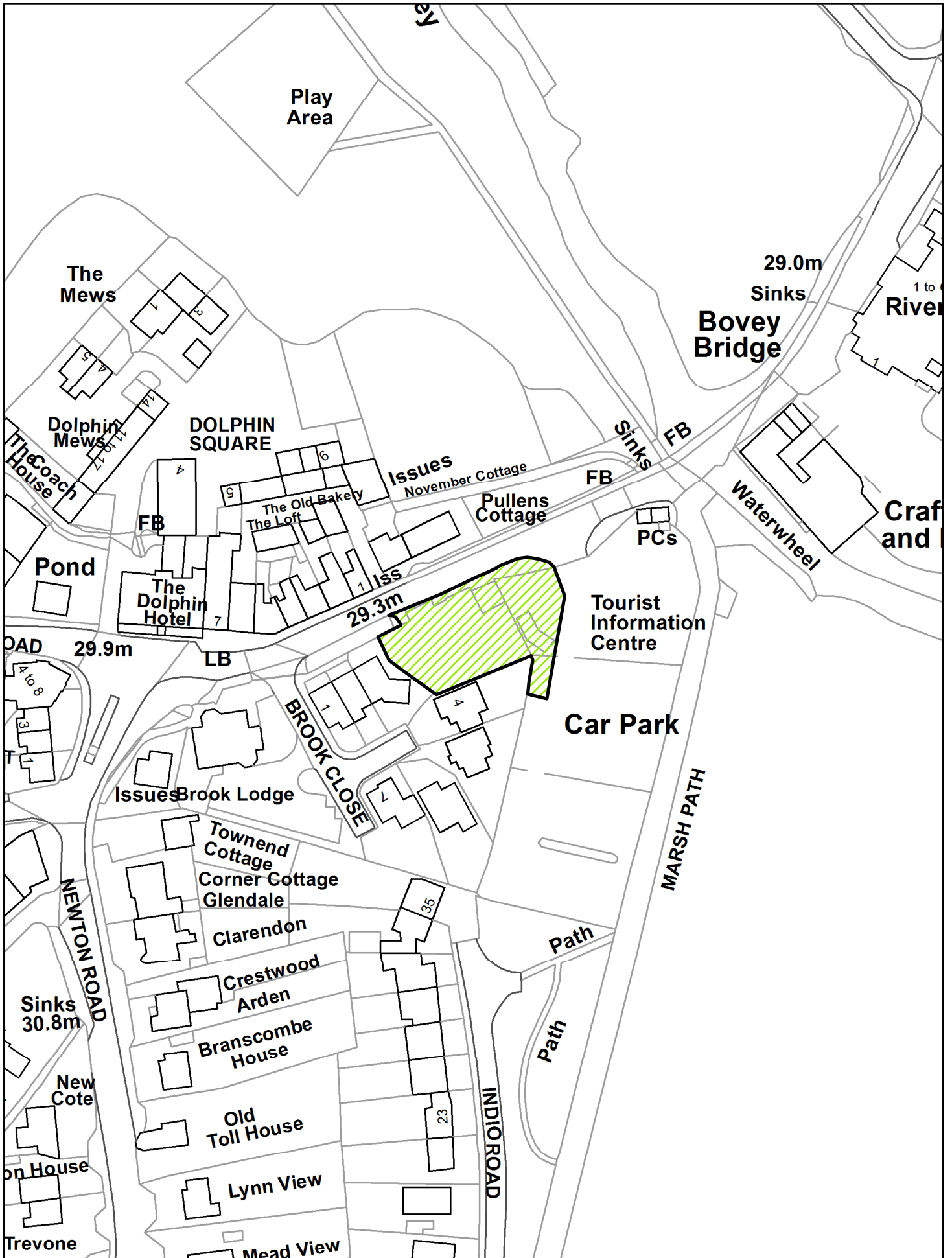
CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 17/02751/FUL - The Lower Car Park, Station Road - New community hub building	
APPLICANT:	Bovey Tracey Town Council	
CASE OFFICER	Angharad Williams	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02751/FUL&MN	

1.





1. REASON FOR REPORT

The application is brought to the Planning Committee given that part of the site is on Teignbridge District Council-owned land.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for implementation;
2. Development shall be carried out in accordance with approved plans/documents;
3. Prior to commencement of development, details of hard and soft landscaping (including boundary treatments) shall be submitted and approved in writing by the Local Planning Authority;
4. Prior to commencement of development, details, material sample and specification of stonework for proposed dwarf walls and stone to be used on main building, including specification for pointing and bonding shall be submitted and approved in writing by Local Planning Authority;
5. Prior to commencement of development, specification details and a sample of the material for the roof, and ridge tiles, including fixing details, shall be submitted to the Local Planning Authority for approval;
6. Prior to works above dpc level, details of window recession, colour of window frames and details and specification of rainwater goods, including fascias shall be submitted to and approved in writing by the Local Planning Authority;
7. Prior to commencement of development, Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
8. Prior to commencement, an implementation of a programme of archaeological work to be undertaken in accordance with a written scheme of investigation, which shall be submitted to and approved by the Local Planning Authority;
9. Prior to commencement, submission of a detailed design of the proposed permanent surface water drainage management system shall be submitted and approved by Local Planning Authority;
10. External Lighting shall be carried out in accordance with the approved External Lighting Assessment as prepared by Smith Consult (dated 8 February 2018). All external lighting to be maintained in accordance with this document;
11. Prior to works above dpc level, details including floorplan, elevations and materials of the proposed maintenance shed located to the south east of the site shall be submitted to and approved in writing by Local Planning Authority;
12. Within three months of the building hereby approved being brought into use, the provision of a minimum of two bird boxes shall be fixed to the building, in accordance with paragraph 5.8 of the approved Ecological Survey.
13. Development to be carried out in accordance with the updated and hereby approved Flood Risk Assessment (Bovey Tracey Community Centre, JRC Consulting Engineers, April 2018), including the requirement for Finished Floor levels to be no lower than 29.2m AOD.
14. Prior to commencement of development, the submission of a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority.
15. Prior to the development hereby approved being brought into use, a Flood Warning and Evacuation Procedure Plan will be submitted to and agreed in writing by the Local Planning Authority.

3. DESCRIPTION

The Application Site

- 3.1 The application site is located to the south of Station Road in Bovey Tracey, and is approximately 0.11 hectares in size.
- 3.2 The site lies toward the centre of Bovey Tracey, close to the Devon Guild Grade II Listed Building and Grade II Bovey Bridge. Accordingly, the site is also situated within the Bovey Tracey Conservation Area. The site occupies a prime position within the town which presents the opportunity for a key building.
- 3.3 The site is referred to as the 'lower car park' site at Bovey Tracey, but the majority of the application site was formerly the site for the Old Thatch Inn, which was destroyed by fire damage some time ago.
- 3.4 The application site also includes the part of the car park that accommodates accessible parking spaces and the tourist information centre.
- 3.5 The site is surrounded by a mixture of uses which are predominately residential and shop frontages. The River Bovey lies along the eastern border, with a number of café/restaurants lying to the west.
- 3.6 In terms of planning policy, the site lies wholly within the settlement boundary, but does fall within flood zone 3b.

The Application

- 3.7 The application constitutes a full planning application for the provision of a new community building. The proposed works would consist of a new build, single storey structure, which would accommodate 4 key town services including:
 - The Town Library
 - The Community and Tourist Information Centre;
 - The Town Council (Offices and Chambers)
 - The Public Toilets.
- 3.8 The application is supported by a number of documents including a Design and Access Statement (Planning Statement, Heritage Statement and Flood Risk Assessment), together with accompanying plans.
- 3.9 It should be noted that the existing outbuildings on site (currently occupying the public conveniences and tourist information centre) would be removed, with the proposed development encompassing them.
- 3.10 Whilst there would be some reduction in the area of the existing car park to allow for it to accommodate the proposed building, 3 accessible spaces would be provided to replace the 2 that would be lost. Overall there would be little change to parking capacity.

Background

- 3.11 The project was initiated by the need for the Town Council to find a new home within Bovey Tracey. The existing Town Hall had been identified as requiring substantial repair if it were continued to be used. The Town Council therefore decided to sell the building. This has brought about the need for a replacement building, with the proposed site considered to be most suitable.
- 3.12 Given the constraints of the site in terms of the Conservation Area, Listed Buildings, Flood Zone and town centre location, the design of the proposed building has clearly been highly contemplated. Meetings have been undertaken with the Council's Conservation Officer and Case Officer in order to ensure that design and materials relate to the historic context of Bovey Tracey, whilst also introducing a modern addition to the town which is legible and accessible.
- 3.13 It is understood that a public consultation was carried out over two weeks with presentation boards displayed in the town library. Feedback from the consultation was taken on board including alterations to the materials, provision of more glazing and the use of slate as a roof material.
- 3.14 Following further engagement with the Conservation Officer and Case Officer, the resulting design and materials selection is considered to be of a high quality and suitable for this development.

Planning History

- 3.15 There is no planning history on this site, other than the knowledge that the site was previously occupied by the Old Thatched Inn which was destroyed by fire in 2008.
- 3.16 As noted above, part of the site is currently in use as a car park, with the tourist information centre and public conveniences located on the site.

Key Considerations

- 3.17 The application seeks full planning permission for the development of a new community building.
- 3.18 The key issues in the consideration of the application are therefore:
- The principle of the development/sustainability;
 - Impact of the development upon the character and visual amenity of the area;
 - The impact of the development on the Conservation Area and nearby listed buildings;
 - Impact of the development on the residential amenity of the occupiers of the surrounding properties;
 - Impact of the development on biodiversity;
 - Flood and drainage impact of the development;
 - Highways impact of the development

The principle of the development/sustainability

- 3.19 The site falls within the settlement limits of Bovey Tracey and within the Conservation Area. The site is also centrally situated within the Bovey Tracey town centre.
- 3.20 Policy S21A of the Teignbridge Local Plan (TLP) stipulates that development proposals within the settlement limit will be permitted where they are consistent with the provisions and policies of the Local Plan.
- 3.21 Policy EC9 deals with development proposals within town centres and outlines that development proposals will capitalise on heritage assets to support regeneration, encourage visitors and improve the environment, vitality and interest of each centre. Developments will be required to (where feasible) include a mix of uses, including maximising use of floors above ground level; enhance the immediate environment, including taking advantage of heritage assets to promote an improved shopper and visitor experience, support the vitality and viability of the town centre, and take opportunities to improve the character and quality of shop fronts.
- 3.22 The proposed development is considered to meet the objectives of this policy on all merits. The provision of a high quality designed community building will enhance the appearance of the town centre, as well as encouraging activity within the town, providing a better home for the public conveniences and tourist information centre.
- 3.23 The building will be open to the public, and includes a number of uses, as well as providing office space for the Town Council. The applicant's agent has also worked closely with the Council's Conservation Officer and Case Officer to ensure that the overall design and material palette enrich the local context of Bovey Tracey, and work sensitively with the historic assets in the immediate area. With regard to the character and quality of shop fronts, whilst the proposed development is not for a retail use, the architectural quality of the building is considered to be of merit and is considered to enhance the street scene. Accordingly, the proposed development is therefore also considered to comply with Policy EN5.
- 3.24 Lastly, Policy S19 relates to Bovey Tracey and highlights, under criterion (d), that support for a multi-use community building and public open space will be given on land at Le Molay-Littry Way. Whilst this is a different site, the policy states that there will be support for the provision of this facility. It is explained under the heading drainage below why the identified site was not considered the most appropriate in this circumstance.
- 3.25 The principle of sustainability of the proposed development is therefore considered to be acceptable.

Impact of the development upon the character and visual amenity of the area

- 3.26 Policy S2 of the TLP relates to the quality of development and outlines that new development should be of a high quality design in order to support the creation of attractive, vibrant places. This includes the need to make the most effective use of the site, and (amongst other matters), respecting the distinctive character of the local landscape.
- 3.27 The proposed building is single storey and proposes a variety of uses that will benefit the community. The design has evolved following a context analysis by the architect who looked at the local heritage assets, taking into account the potteries

and craft that centred around the Devon Guild. The design initially looked at referencing the pottery kilns but moved away from this idea as more industrial influences came to light which leant itself to inspiring a faceted roof design.

- 3.28 The revisions to the design have provided for a building which will be locally distinctive, legible and permeable. The building initially proposed a much longer arm on the western elevation, but following meetings with the applicant, this part of the building was set back, in order to give views across to the Devon Guild. Furthermore, the access to the centre was widened and is considered more appropriate in inviting users into the building.
- 3.29 The proposed development will also help consolidate the small number of buildings that currently occupy the site into one building, which in itself will have a positive impact on the immediate area.
- 3.30 Materials originally proposed brick for the main building but this was revised to stonework which was considered more appropriate.
- 3.31 The Conservation Officer is satisfied that the proposals are acceptable and does not consider that the development has any adverse impacts on the Conservation Area or the Listed Buildings.
- 3.32 With regard to Policy EN2A, the proposed development is considered to conserve and enhance the area's qualities, character and distinctiveness, and with appropriate conditions will protect wildlife and historic features. A condition has been recommended dealing with hard and soft landscaping to ensure that space around the building creates a soft and comfortable environment which enhances the public realm.
- 3.33 The proposed development is therefore considered to comply with policies S2 and EN2A and is not considered to have any negative impact on the character and visual amenity of the area.

The impact of the development on the Conservation Area and nearby listed buildings

- 3.34 The application is situated within the Bovey Tracey Conservation Area. The nearest Listed buildings include:
- Devon Guild of Craftsmen (Grade II Listed building approximately 40 metres to the east of the site)
 - Bovey Bridge (Grade II Listed building approximately 27 metres to the north east of the site)
 - Dolphin Hotel (Grade II Listed building approximately 92 metres to the east of the site)
- 3.35 As outlined above the development is considered to be of a high quality design. The design has evolved before and after the application was submitted and has had significant consultation with Officers of the Council.
- 3.36 The design is considered to enhance upon the local context, and provides improved vistas from either side of the Bovey Bridge.

- 3.37 Policy EN5 of the TLP relates specifically to Heritage Assets and notes that development proposals should respect and draw inspiration from the local historic environment. As outlined above, it is considered that this has been achieved, and the development is considered to be acceptable.

Planning applications affecting the settings of Listed Buildings

- 3.38 In coming to this decision the Council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

Planning applications affecting Conservation Areas

- 3.39 In coming to this decision the council must be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.40 Part 12 of the NPPF (Conserving and enhancing the historic environment) requires (in summary) for any “harm” to a listed building or a conservation area to be considered by the Council, and paragraph 134 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

Officers consider that this proposal if granted would not lead to any harm to the Bovey Tracey Conservation Area, or the listed buildings within the vicinity of the application site.

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

- 3.41 The application site is surrounded by a number of uses, including residential. It is therefore important that the amenity of the existing residents is considered. A site visit noted that the nearest residential properties to the site include dwellings situated at Brook Close, lying to the west. It was noted that one of these properties has windows at first floor level on the rear elevation, which do to some extent overlook the site. However, given that the proposed building is only single storey with an existing boundary wall between the development site and the residential property, there is not considered to be a significant impact on the occupier’s amenity.
- 3.42 Looking further afield, there are a small number of properties to the north west of the site, but these dwellings are considered to be at a sufficient distance from the site that the proposed development would not have an impact on the amenity currently enjoyed by the occupiers. It should be noted that no letters of objection have been received.

3.43 The proposed development is therefore considered to be acceptable in terms of its potential impact on the residential amenity of occupiers of the surrounding properties.

Impact of the development on biodiversity

3.44 The application site falls within the following Council-designated areas:

- Great Crested Newt Consultation Zone
- Bat Buffer Zone
- Bat Corridor

3.45 The application site is supported by an Ecological Assessment Report. The recommendation of the report advises that the application should be referred to Natural England given that the site is situated within the buffer zone of the Special Area of Conservation (SAC).

3.46 Natural England have been consulted on the application and advised that they have no comments to make. The standing advice issued by Natural England has been considered.

3.47 A condition is recommended which requires the provision of bird boxes to be fixed on the building as a biodiversity enhancement.

3.48 Following concerns about the external lighting of the building, an External Lighting Assessment was undertaken by Smith Consult and sought to demonstrate what impact an external lighting scheme may have and what mitigation measures could be adopted to limit light spill and disruption to the surrounding environment.

3.49 The Council's Biodiversity Officer has reviewed the report and advises that provided the development conforms to the lighting proposals in the report, there is a conclusion of No Likely Significant Effect on the Greater Horseshoe Bat flyway pinch point on the river, and therefore no need to complete an Appropriate Assessment.

3.50 Subject to the recommended conditions, the proposed development is considered to be acceptable on biodiversity grounds.

Flood and drainage impact of the development

3.51 The application site falls within Flood Zone 3 and 3b as stipulated by the Environment Agency's (EA) flood maps. Such areas are assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea in any year.

3.52 Policy EN4 of the TLP states that there will be a sequential approach to new developments which guides development to areas at lower risk of river and coastal flooding. The policy also outlines that where the regeneration or other sustainability benefits of a proposal can only be met on a site within flood zones 2 or 3 this will be taken into account in the sequential test.

3.53 Accordingly, a sequential test has been undertaken, and a Flood Risk Assessment provided.

- 3.54 The site is under the control of Bovey Tracey Council, and is one of two options that the Council had in looking for a development opportunity, the proposed site, and another site to the east of the B3344 (Le Molay-Littry Way). The alternative site, whilst located within an area of lower flood risk, is not considered to be the most appropriate location given that the proposal seeks to provide a new community centre. The proposed location is closer to the main street of Bovey Tracey and is already used for tourist information and public conveniences. The site also constitutes brownfield development, whereas the alternative would result in the development of greenfield land.
- 3.55 Accordingly, the EA has been consulted on the application and have provided a number of consultation responses given that initially there was an objection to the development on flood risk grounds. However, the latest response received from the EA confirms that following amendments to the revised FRA the EA withdraw their objection subject to the inclusion of conditions and the development's compliance with the submitted FRA.
- 3.56 The proposed development includes the following design features to address the identified flood risk:
- Raised floor level to 29.20 metres AOD
 - Use of materials that are resilient in flood risk;
 - Raised terrace fronting Station Road
- 3.57 In terms of surface water drainage, the Council's Drainage and Coastal Manager has advised that the surface water strategy is considered acceptable but recommends that a condition be associated with any grant of planning permission which enables a detailed design of the proposed permanent surface water drainage management system to be submitted to and approved in writing by the Local Planning Authority.

Highways impact of the development

- 3.58 The site will be accessed off Station Road. In accordance with comments received from Devon County Council the road has good visibility for all road users, the proposal is not considered to have a severe impact on the highway network and subsequently there are no objections to the proposal from a highway perspective subject to the recommended condition of a Construction Management Plan.

Conclusion

- 3.59 The proposed development seeks full planning permission for the construction of a community building, which will include provision of a library, meeting rooms and a tourist information centre.
- 3.60 The proposed development is considered to have been designed in manner that achieves good quality place-making, and reflects the local historic context. The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S6 (Resilience)

S12 (Tourism)

S13 (Town Centres)

STRATEGY PLACES

S19 (Bovey Tracey)

S22 (Countryside)

PROSPEROUS ECONOMY

EC9 (Development in Town Centres)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN11 (Legally Protected and Priority Species)

5. CONSULTEES

Teignbridge Biodiversity Officer - No objections to the proposed development, and concludes that there is no Likely Significant Effect provided a condition is associated with any grant of planning permission which ensures that the development is carried out in accordance with the approved lighting plan.

Teignbridge Conservation Officer - No objections to the proposed development and does not consider that the development will adversely affect the setting of the listed buildings in the area. The Officer also considers that it will preserve the significance of the conservation area. Whilst in principle support for the application has always been given by the Officer, there was concern over the choice of materials for the main building. Following discussion with the applicant's agent this has now been resolved and stonework as requested has been proposed. Subject to recommended conditions, the Officer supports the application.

Teignbridge Drainage - Initially advised that insufficient information had been provided with the application about surface water. However, a second response received advised that subject to a condition regarding details of the proposed permanent surface water drainage, the development was considered acceptable.

Teignbridge Waste - No comments or observations to make.

Teignbridge Contaminated Land - No comments or objections to the application.

Devon County Council (Archaeology) - No objections to the proposed development subject to a condition which requires a programme of archaeological work to be carried out in accordance with a written scheme of investigation, prior to

commencement. Suggested that the community get involved with this work given that the proposal is for a community building.

Devon County Council (Highways) - No objections to the proposed development. Comments advise the safety of the B3344 and suggests that the existing access has good visibility. It is considered that the proposal will not have a severe impact on the highway network. Recommend condition for a Construction Management Plan.

Devon County Council (Lead Local Flood Authority) - Considers that more information should be submitted about disposal of surface water.

Environment Agency - Latest response confirms that initial objection to the development on flood risk grounds has been withdrawn.

The EA note that a finished floor level of 29.2 metres AOD is proposed, and provided that the development is constructed in accordance with this, along with a number of other conditions, including the need for a Flood Emergency and Evacuation Plan prior to the first use of the building, then the proposed development is considered acceptable. Conditions have also been recommended to address the EA's concerns regards surface water management.

Natural England - No comments to make on the application.

6. REPRESENTATIONS

Two letters of support have been received and one comment on the application.

The comments of support emphasise how much the provision of the building will be an asset to Bovey Tracey, suggesting that it will act as a focal point and enhance community cohesion and integration.

The comment received relates to flood risk and questions how the development will mitigate flood risk elsewhere, in addition to raising questions about free car parking given that the current library offers a small provision of free car parking.

7. TOWN COUNCIL'S COMMENTS

The Town Council note the application.

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

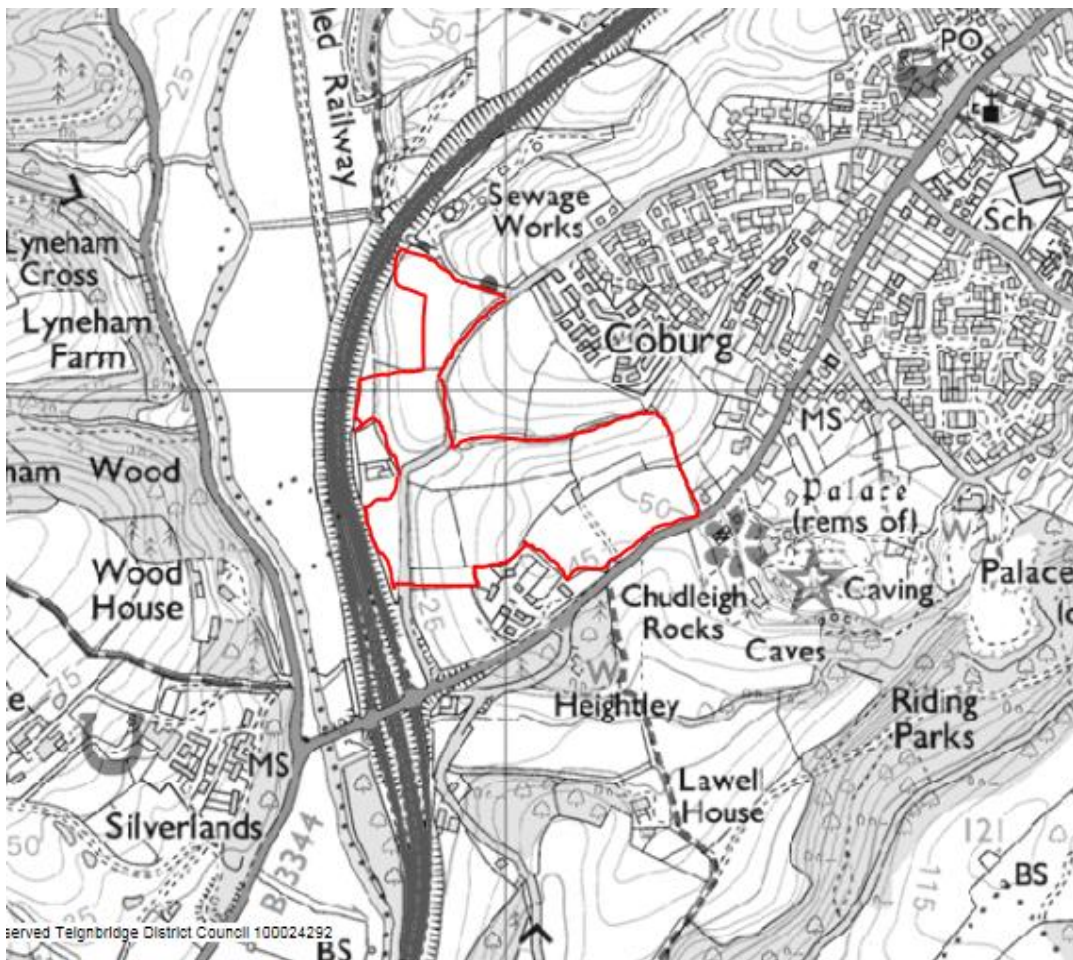
PLANNING COMMITTEE REPORT

15 May 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878, Station Hill - Reserved Matters approval for 218 dwellings and siting of 11 custom build plots (Outline planning permission 13/01062/MAJ)	
APPLICANT:	Linden Homes SW Ltd	
CASE OFFICER	Donna Crabtree	
WARD MEMBERS:	Councillor Keeling Councillor Evans	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/01099/MAJ	





1. REASON FOR REPORT

This application is presented to Planning Committee at the request of Councillor Keeling for the following reasons:

- Access along Station Hill to town and school unsuitable for family - reference policy S1 a) and c);
- Access along Station Hill to town and shops unsafe for resident with disabilities – reference policy S2 d) i);
- Overdevelopment with Local Plan stating CH1 is to be up to 175 homes and 30% affordable homes.

2. RECOMMENDATION

SUBJECT TO:

1. Agreement that the updated Outline LEMP document (in consultation with Natural England) satisfactorily addresses required mitigating measures to off-set any identified adverse impact upon biodiversity as set out in the original and supplementary Section 106 forming part of the outline permission reference 13/01062/MAJ; and;
2. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions in addition to those set out below; and,
3. The agreement that the revised drainage information satisfactorily addresses the requirements of the Devon County Council (DCC) Lead Flood Risk Authority and any additional conditions recommended by DCC are imposed in addition to those set out below,

DELEGATED AUTHORITY BE GRANTED FOR RESERVED MATTERS PERMISSION TO BE GRANTED subject to the following conditions (unless additional information is submitted prior to the decision which addresses the requirements of the conditions/and in addition, any other conditions which may be considered necessary under 1, 2 and 3 above):

1. Development to be carried out in accordance with the approved plans (with the exception of employment building detail/layout);
2. Details of boundary treatments and gates (materials, design) to be submitted and agreed in writing;
3. Details of the gabion baskets (rock type, specification) to be submitted and agreed in writing;
4. Plots numbered 82/83/175/176/177/178/186/187 shall be constructed in accordance with Part M4(2) standard of the Building Regulations;
5. Details of equipment and future maintenance of the play areas required;
6. Notwithstanding the submitted details a phasing plan must be agreed;
7. Road Restraints Risk Assessment Process (RRRAP) to be undertaken and submitted for written approval;
8. Details of how an acceptable noise environment will be achieved in respect of the properties sited closest to the A38;

9. All trees to be planted in accordance with British Standard and to be inspected by Teignbridge District Council Arboricultural Officer prior to planting;
10. Details/samples of materials to be used to construct the dwellings shall be submitted to and approved by the Local Planning Authority;
11. Architectural detailing of dwellings to be submitted to and approved by the Local Planning Authority;
12. Details of all underground services to demonstrate that there will not be a conflict between services and proposed tree planting to be submitted to and approved by the Local Planning Authority;
13. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority; and,
14. Details of future management and maintenance arrangements for the SUDS required.

3. DESCRIPTION

Site Description

- 3.1. The application site is approximately 12 hectares in area, and located on the western edge of Chudleigh.
- 3.2. It comprises two areas of land; split into two by Oldway with the main part of the site (hereafter known as Zone 1) bounded to the east by a boundary hedge over which is the residential curtilage of a pair of properties (Gordon Lodge and Aeolian Court); along the southern boundary lies the B3393 (also known as Station Hill at this point); to the west is Oldway whilst to the north lies agricultural land which is also used as bat mitigation for the recently-developed David Wilson Homes site. This part of the site is quite level where it meets Station Hill but drops steeply to the northern boundary and gently north westwards to Oldway. Boundaries around this part of the site are largely well-established hedgerows.
- 3.3. The area of land on the other side of Oldway (hereafter known as Zone 2) is bounded to the west by the A38 Devon Expressway; the lane to the sewage works that leads under the A38 to the north and Oldway to the south and east. The site here is, again, largely level but with a steep slope down to the A38. Again, the boundaries are largely made up of mature hedgerow.
- 3.4. The Teign Valley Area of Great Landscape Value lies to the north-west, beyond the A38, being approximately 50 metres from the site at its closest. A gas pipeline crosses the site.
- 3.5. The site shares boundaries with the residential properties of 4–9 Rocklands, Gordon Lodge and Aeolian Court and 1 and 2 Rocklands View.
- 3.6. The town centre is located approximately 900 metres from the eastern edge of the site along the B3393 and a similar distance along Oldway from the easternmost part of the site adjacent to that road.
- 3.7. The Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI) lie 150 metres to the south east.

The site is within a sustenance zone and strategic bat flyway, within 5 km of a Great Crested Newt record and most of the site lies within a Cirl Bunting Wintering Zone.

- 3.8. With regard to heritage assets, the nearest Grade I Listed building is the Church of St Mary and St Martin, approximately 650 metres north east of the site. The closest Grade II* Listed Buildings are the Remains of the Bishops' Palace, approximately 300 metres south east of the site and the Bishop Lacy Public House, approximately 650 metres north east of the site. There are Grade II Listed Buildings at: Stella House, approximately 350 metres to the west of the site, beyond the A38; Chudleigh Bridge, approximately 300 metres south west of the site; Palace Farmhouse, approximately 300 metres south east of the site; The Cottage and Coburg Cottage approximately 250 metres north east of the site; and Coburg, approximately 250 metres north east of the site.
- 3.9. The Chudleigh Conservation Area lies approximately 350 metres east of the site at its closest. The Grade II Registered Park and Garden Ugbrooke House lies, at its closest, 230 metres south of the site, however, Grade I Ugbrooke House is 1,600 metres to the south east. Scheduled Ancient Monuments of Bishops' Palace, Cow's Cave, Pixies' Hole and Tramp's Shelter lie between 230 metres and 450 metres to the east and south east of the site.

Planning History

- 3.10. The site was included within the Preferred Options and Proposed Submission versions of the Teignbridge Local Plan 2013-2033, which was adopted on 6 May 2014.
- 3.11. Outline planning permission for the development of the site (including access) was granted on 10 October 2014. The determination was prior to the adoption of the Community Infrastructure Levy (CIL) requirements and the planning permission is subject to a Section 106 agreement, as well as rigorous planning conditions.
- 3.12. The outline planning permission allows for the development of up to 230 dwellings, 2,500 square metres of employment land, open space, wildlife enhancements, new footpath links, new access from B3344, highway improvements and closure of Oldway to through vehicular traffic. Whilst the majority of matters were reserved for future approval, the outline permission included means of access to the site. The approved details consist of the following:
- Widening of the B3344 (Station Road), creation of a splayed vehicular entrance and pedestrian footway across site frontage of Zone 1 onto the road and, the creation of a right hand turn lane for traffic travelling south westwards along the road;
 - Widening of Oldway between its junction with the B3344 and the "Entrance Area", to ensure width of 5.5 metres;
 - The creation of a "Entrance Area" through a "Give Way" across a section of restricted width lane (3.5 metres) at the southern extent of the site (approximately 120 metres north of the junction between Oldway and the B3344);

- Re-alignment of the severe bends along Oldway, to the east of 1 and 2 Rocklands View, widening of road to 6 metres at bends and formation of new grass verges to create safe pedestrian crossing point between Zones 1 and 2;
- The creation of splayed vehicular entrance into Zone 2;
- The widening of Oldway to 5.5 metres between the “Entrance Area” and the improved vehicular access into Zone 2; and
- The erection of a bollard to prevent through traffic along Oldway (two options were allowed within the decision – the bollard could be placed either to the north or south of the new vehicular entrance into Zone 2).

3.13. The outline planning application was subject to an Assessment of Likely Significant Effects and a consequent Appropriate Assessment under the Habitat Regulations, as the development had the potential to have a significant impact on a European Site (the South Hams Special Area of Conservation, of which Chudleigh Caves and Woodland are a component). The Assessment required additional mitigation measures to be included within the outline Landscape and Ecological Management Plan (LEMP) in relation to mitigation for Greater Horseshoe Bats and, that this should be agreed by the Local Planning Authority prior to the submission of any Reserved Matters applications. The requirement for mitigation was included within both the planning conditions and the Section 106 legal agreement.

3.14. As described above, in addition to the rigorous planning conditions, the outline planning permission is also subject to a Section 106 agreement. The Principal Agreement, of 10 October 2014, secures the following:

Affordable Housing:	20% affordable housing at tenure split of 70% affordable rented and 30% affordable buy to be transferred to a Registered Provider.
Open Space:	Minimum 17.18 square metres open space per dwelling; Minimum 3.44 square metres children’s play per dwelling; Minimum 2.29 square metres outdoor play for older children or financial contribution of £70 per square metres per dwelling for off site provision; £605 per dwelling towards outdoor leisure provision; £720 per dwelling towards indoor leisure provision.
Transport and Travel:	£600 per dwelling towards bus service improvement; £250 per dwelling travel voucher contribution; £50 per dwelling cycle/voucher contribution; Provision of Sustainable Travel Pack for each dwelling.
Education:	Primary education contribution of £2,500 per dwelling (with 2 bedrooms or more).

Employment: Provision of fully serviced employment site of 2,500 square metres of gross floorspace, including marketing strategy.

Custom Build: Provision of 5% custom build plots, to be fully serviced

3.15. A Supplementary Agreement, dated 26 May 2015, secures further measures in the interests of the European Site, as follows (in summary):

- Submission and agreement (by Local Planning Authority and Natural England), prior to the submission of the Reserved Matters application, of an updated Outline Landscape and Ecological Management Plan (LEMP);
- Phasing Plan to be agreed by Local Planning Authority and Natural England;
- Lighting Plan to be submitted with Reserved Matters application;
- Buffers installed prior to development within each phase and restriction of uses within buffer areas;
- Restriction of use of bat corridor CR1;
- Phasing Plan for installation of commuting corridors CR1 and CR2;
- Prevention of overnight parking within the employment land between 1 April and 31 October every year and prevention of the erection of wind turbines;
- Submission of a Construction and Environmental Management Plan, which shall conform with the bat mitigation measures;
- Monitoring of light levels, inspection of Mitigation Areas/Mitigation Measures and Management of Mitigation Areas.

Proposed Development

- 3.16. The original plans submitted as part of this Reserved Matters application showed 230 dwellings, including 12 custom build properties. Revised plans have been submitted showing a total of 229 dwellings, including 11 custom build plots and 46 affordable dwellings.
- 3.17. The layout of dwellings are proposed to the less steeply sloping parts of the site, avoiding the areas of land adjacent to the small brook (to the north of Zone 1) and immediately east of the A38 on the northern parcel of land (Zone 2).
- 3.18. The proposed dwellings are a mix of 2, 2½ and 3 storey terraced, semi-detached and detached dwellings including some split level properties and flats.
- 3.19. The dwellings would be finished externally in render or brick. Windows and fascias would be uPVC and the proposed roofing materials comprise a mix of natural slate, and a fibre cement roofing tile.
- 3.20. The properties would be arranged around the new road network, with dwellings in Zone 1 fronting Oldway to the south-east and fronting areas of green infrastructure, formal play and the internal roads within the site.



3.21. The development within Zone 2 would be arranged with property frontages to Oldway and the internal roads within the site.



- 3.22. The development includes a variety of means of enclosure, consisting of traditional Devon planted banks, hedgerows, rendered screen walls, timber fencing and estate railings.

Provision of open space and play space;

- 3.23. The Section 106 agreement, attached to the outline planning permission, required open space to be provided on the basis of a minimum of 17.18 square metres per dwelling and children's play on the basis of a minimum of 3.44 square metres per dwelling. Based on the proposed quantum of 229 dwellings, this would require 3,934 square metres of open space and 788 square metres of children's play.
- 3.24. The applicant has submitted a Green Infrastructure Strategy Plan in support of this application which sets out the quantum of different types of Green Infrastructure. The strategy includes approximately 4,945 square metres of formal and informal green space and an approximate area of 891 square metres of children's play (comprising a LEAP with 791 square metres of equipped play and a LAP (unequipped) which would provide approximately 100 square metres).
- 3.25. In addition to the above, financial contributions towards off site provision for outdoor play for older children, indoor leisure facilities and outdoor leisure facilities are secured via the Section 106 agreement attached to the outline planning permission.

Highways:

- 3.26. Highway works, as described above, were approved under the outline planning permission. The current Reserved Matters application accords with the approved access arrangements and includes details of the internal road network. The alignment of the internal road has been influenced by the contours of the land and roads are shown as primary routes, edge routes and mews.
- 3.27. There has been significant local objection to the closure of Oldway to through traffic by way of a collapsible bollard which was approved at outline stage.
- 3.28. As a result, an alternative to the access approved at Outline stage has been submitted to the Council under application reference number 17/02330/MAJ, and runs concurrently to this Reserved Matters application. This application proposes to vary the already-approved access arrangement to Zone 2. The proposal involves creating a section of one-way restriction to the north-east of the entrance to the site (Zone 2) off Oldway.
- 3.29. This would enable traffic to travel southwards along Oldway, but would prevent traffic travelling northwards. This application was submitted in response to concerns that all the traffic created by existing development off Oldway would be forced to use the junction with Station Hill. As set out above, this matter does not form part of this Reserved Matters application, but is being dealt with under a separate application (to vary the planning conditions attached to the outline permission that set out the bollarded system).

Ecology:

- 3.30. As set out above, the supplementary Section 106 completed as part of the outline permission for the site, required submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP) prior to the submission of the Reserved Matters application.
- 3.31. This application for Reserved Matters was submitted prior to submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP), although it is accompanied by an Updated Landscape and Ecological Management Plan (LEMP).
- 3.32. The timing of submission of the Reserved Matters prior to the agreement of the LEMP was discussed with the Teignbridge District Council's Solicitor, and it was agreed that the updated LEMP could be considered at the same time as the details submitted as part of the Reserved Matters application.
- 3.33. The Council will not be in a position to determine this Reserved Matters application before the updated Outline Landscape and Ecological Management Plan (LEMP) has been agreed and a Habitat Regulations Assessment (HRA) subsequently completed, to the satisfaction of Teignbridge's Biodiversity Officer and Natural England.
- 3.34. The LEMP has been revised following discussions with the Council's Biodiversity Officer, Natural England and Devon Wildlife Trust. For information, the updated LEMP (submitted on 27 March 2018) includes the following (summarised) mitigation:
- On Site:
- 0.8 hectares of SuDS ponds, Greater Horseshoe Bat grazing livestock habitat on fields adjacent to the A38;
 - 0.63 hectares of permanent grazed grassland, maintenance of grass species on steep slopes adjacent to the A38, maintenance of mature hedgerow, creation of landscape buffer vegetation adjacent to development and prevention of lightspill to areas in the south and west of Zone 2;
 - Maintenance of woodland with buffer along western edge of Zone 1 and prevention of detrimental lightspill (no public access);
 - Creation of Greater Horseshoe Bat grazing livestock habitat, with landscape buffer and lightspill preventing hedgerows and erection of information board about Greater Horseshoe Bats in the north western part of Zone 1;
 - Greater Horseshoe Bat grazing livestock habitat, creation of landscape buffer, maintenance of hedgerow and ditch, enhancement of boundary hedges, management of public access and prevention of detrimental lightspill on land in the northern part of Zone 1;
 - Provision of Greater Horseshoe Bat woodland habitat for foraging and commuting and biodiversity and the prevention of light overspill from adjacent development and, creation of a 4 metres wide buffer along southern edge of woodland to provide shelter against winds for foraging bats.

Off Site:

- Approximately 7 hectares of Greater Horseshoe Bat grazing livestock habitat, including woodland (with woodland “ride”) and scrub habitat and the creation of two new hedgerows on land immediately north west of the A38.

- 3.35. The original Updated Outline LEMP has been revised following discussions with the Council’s Biodiversity Officer, Natural England and Devon Wildlife Trust. Devon Wildlife Trust are likely to manage the areas of grazing, alongside their existing land, which is managed for the purposes of Greater Horseshoe Bat foraging and which lies off-site.
- 3.36. Forty six bird and bat boxes are proposed to be installed within the development and areas of scrub have been retained in the interests of small mammal biodiversity.

Drainage:

- 3.37. The foul drainage created by the development can be accommodated by the existing waste water treatment works in Chudleigh, however, a pumping station is required and is proposed at the southern end of Zone 2. Surface water drainage would run into two attenuation ponds, to the western edge of Zone 1 and 2, adjacent to the A38.

Provision of 2,500 square metres of serviced employment land:

- 3.38. This Reserved Matters application seeks approval of the reserved details in respect of the whole site forming the outline consent, with the exception of the employment land and buildings.
- 3.39. The employment development is secured by the Section 106 attached to the outline planning permission and requires the following:
- Not to commence development until the owners have submitted to and the Council has approved an Employment Development Land Marketing Strategy; and,
 - The Employment Land to be fully serviced prior to the occupation of 80% of the open market dwellings and the owners shall not permit occupation of more than 80% of the open market dwellings until the Employment Land has been fully serviced.
- 3.40. Therefore, a separate application setting out the details for the employment part of the site must be submitted to the Council for formal consideration, within timescales which allow the applicant to accord with the requirements set out in the Section 106 for the outline consent.
- 3.41. However, this Reserved Matters application does show the location of the employment land and buildings to the western edge of Zone 2 and accessed via internal access roads. As the Reserved Matters application does not relate to the employment land and buildings, the layout of the employment buildings as shown within this area is indicative only.

Other Supporting Documents

- 3.42. A Carbon Reduction Strategy has been submitted, which has been prepared by AES Sustainability consultants and is dated April 2017. Archaeological investigations have been undertaken in accordance with the Project Design for Archaeological Investigation and Mitigation.

Amended Plans

- 3.43. Revised sets of plans have been submitted on a number of occasions during the consideration of the application, in order to address Officers' concerns and the concerns of technical consultees. The revised plans include the following amendments from the original submission:
- Amended site layout following urban design concerns;
 - Amendment to house types with a greater variety of sizes;
 - Materials details revised including boundary treatments in publically accessible areas and parking courts;
 - Increased quantum of children's play and formal and informal green space;
 - Affordable housing mix amended and provision of 8 affordable housing plots with Part M4(2) Building Regulations specification (more accessible);
 - Orchard provision included.

Analysis

Sustainability/Principle of the Proposed Development

- 3.44. The principle of the development has been established through the grant of outline planning permission (13/01062/MAJ) and through the site's allocation within the adopted Local Plan under Policy CH1. This reflects the site's position on the edge of the town of Chudleigh, with access to services, facilities and public transport. As set out above, the outline consent was approved on 10 October 2014 for *mixed residential development (up to 230 dwellings) and 2,500 square metres employment (Use Class B1 (a)) development with open space, wildlife enhancements, new footpath links, new access from B3344 and highway improvements, and closure of Oldway to through vehicular traffic*, with the approval including means of access to the site.
- 3.45. The principle of the development and the detailed means of access is established within the parameters of the outline planning permission, including the planning conditions attached to the permission and the Principal and Supplementary Section 106 legal agreements relating to the permission. Some of these required details to be submitted with the Reserved Matters application, some conditions will need to be discharged following any Reserved Matters Approval (including some prior to development), and some conditions are prescriptive.
- 3.46. As the principle of the development and detailed means of access have been established within these parameters, these are not matters to be reconsidered as part of this current application which relates to the following Reserved Matters, which are appearance, landscaping, layout and scale.

3.47. The Reserved Matters application proposes 229 homes, which is in accordance with the outline consent which sets a maximum limit of 230 homes.

3.48. The site allocation policy is for 175 homes. In consideration of the quantum of development at outline stage, the Committee Report for the outline (at para 3.28) states:

It is acknowledged that this is beyond the 175 homes set out in the Local Plan but this limit was set due to uncertainty over the foul water capacity of South West Water, space within the local school and the ability to provide Green Infrastructure. The applicant has funded a Sewage Capacity Study which has acknowledged that there is sufficient capacity for this submitted number of dwellings to be served by their system and therefore no further action is necessary.

3.49. Whilst the proposed number of dwellings is more than that set out within the site allocation policy as set out in the Teignbridge Local Plan, as addressed by the outline application, this limit was set due to uncertainty over the foul water capacity. As part of the outline consent it was established that sufficient capacity exists for a larger number of dwellings and 230 was judged to be an acceptable number.

3.50. The plans submitted as part of this Reserved Matters application demonstrate that the site can accommodate 229 dwellings, with densities appropriate to a mixed use development whilst providing a quantum of green infrastructure in accordance with the requirements of the Section 106 agreement completed with the outline consent.

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

3.51. As detailed within the "Site Description" section of this report, there are Listed Buildings, Scheduled Ancient Monuments and a Registered Park and Garden within several hundred metres of the site.

3.52. With regards to the impacts on the setting of the Grade I and II* Listed Buildings, due to the distance of separation (650 metres to the Grade I building and 300 metres to the nearest Grade II*), topography and intervening development or vegetation, the proposed development would not give rise to any impact upon their settings. This is also the case for the relationship of the proposed development with Grade II Listed Buildings, with the exception of Chudleigh Bridge and the rears of The Cottage, Cobourg Cottage and Cobourg, where there would be some very marginal intervisibility. It may be possible to gain views of parts of the site from Chudleigh Bridge, however, its setting would remain to be within a largely rural landscape, with the exception of the impact of the adjacent A38 and slip roads and the site would lie some metres distant. The extent of the settings of the cottages is limited to their residential curtilages and surrounding land and they would be largely unaffected by the proposed development, which would lie 250 metres away at its closest.

3.53. The planning application was not advertised as affecting the setting of a Listed Building at either outline application stage or current Reserved Matters stage and it

is not considered that any details submitted within the original or revised plans would have any impact upon Listed Building setting.

- 3.54. The above considerations also relate to the setting of the Chudleigh Conservation Area, which would be unaffected by the proposed development, lying some 300 metres away within the central area of the town.
- 3.55. In reaching the above judgements, the officer has been mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 3.56. For the above reasons the proposed development is considered to accord with the objectives of National Planning Guidance and Local Plan Policy EN5 (Heritage Assets).

Affordable Housing

- 3.57. The quantum of affordable housing accords with the 20% requirement which is set out in the Section 106 accompanying the outline planning permission.
- 3.58. The Teignbridge District Council Housing Enabling Officer has been consulted and objected to the original set of plans due to a limited affordable housing mix and distribution of affordable dwellings throughout the site.
- 3.59. Following the objection to the original set of plans, the applicant has worked with the Teignbridge District Council Housing Enabling Officer and significant improvements to the affordable housing mix and distribution of affordable dwellings have been made.
- 3.60. The revised plans also propose 8 of the affordable houses as 'more accessible' units in compliance with the Part M4(2) standard as set out in the Building Regulations. Dwellings which reach this standard make reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
- 3.61. The Teignbridge District Council Housing Enabling Officer supports the application as per the revised plan and recommends a condition which secures the compliance with Part M4(2) for the 8 plots identified. It is considered reasonable to attach such a condition.
- 3.62. For the reasons set out above, the proposed development is considered to accord with Local Plan policy WE4 (Inclusive Design and Layout).

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

- 3.63. The development will have inevitable impacts upon the landscape, through the change from an unbuilt landscape to one accommodating development. The site is open to view from parts of the local lane network, from the A38 on passing and from the Teign Valley Road, the B3193. The elevated position of the site in relation to these roads means that any development will be clearly seen on passing.
- 3.64. A high quality standard of development, that reflects the locally distinctive character of the landscape, including townscape and an appropriate landscaping scheme, are needed to assimilate the development within the landscape in the most sensitive and appropriate way.
- 3.65. The Teignbridge District Council Landscape Officer has been consulted and has not raised any objections to the scale, layout or quantum of the proposed development in landscape terms, although he has provided comments on appropriate use of boundary treatments, gate details, landscaping and type of stone which should be used for gabion retaining structures within the site.
- 3.66. It is considered that conditions may be attached to any approval requiring details of these elements for approval of the Local Planning Authority.
- 3.67. The applicants have been in discussion with the Teignbridge District Council Urban Design Officer in respect of the scheme, and the housing layout and type as per the revised plans are considered to represent quality development, with houses positioned to provide a positive frontage to the internal roads and areas of green infrastructure, with a suitable variety of house types and scales used to provide distinct 'character areas' within the site.
- 3.68. There are certain requirements for landscape in terms of ecology, where, for example, the potential for the planting of woodland buffers to soften the edge of the development is restricted due to the requirement for grazing land that will be used by bats as foraging land, however areas of woodland are proposed to the western edge and north-eastern edge of Zone 1 which will serve to soften the visual impact of the development as it establishes. In addition, tree planting to areas of green infrastructure and to the internal streets which will also soften visual impacts.

Trees

- 3.69. The Council's Tree Officer was consulted on both the original submitted plans and the revised plans. His original concerns in relation to the relationship between trees and the dwellings on plots 82, 83 and 84 have been overcome through the changed spatial arrangement, as shown on the revised plans.
- 3.70. He had also requested revised plans to show all trees above 6-8cm girth to be container grown and details of the planting pit details together with confirmation that trees will not be planted until written approval is provided by the Council's Arboricultural Officer that he/she is satisfied by the condition of the trees.
- 3.71. Revised plans confirm that the trees will be suitable containerised grown stock and tree pit details have been submitted to the satisfaction of the Teignbridge District

Council's Arboricultural Officer. It is considered that a suitably-worded condition requiring the developer to liaise with the Teignbridge District Council's Arboricultural Officer in respect of the condition of the trees could be attached to any Reserved Matters approval, as well as details of all underground services to demonstrate that there will not be a conflict between services and proposed tree planting.

Impact on residential amenity of the occupiers of surrounding properties

- 3.72. Nearby residential properties are located to the south of Zone 1 (numbers 4-8 Rocklands and The Bungalow); to the east of Zone 1 (Gordon Lodge and Aeolian Court) and to the south-west of Zone 2 (Rocklands View).
- 3.73. The proposed dwellings to the south of Zone 1 would share rear boundaries with the existing dwellings at Rocklands. The dwellings at Rocklands are detached two storey dwellings with the exception of The Bungalow which is a detached single storey dwelling with the closest (The Bungalow) having a back to back distance of 25 metres. The plans show a proposed boundary treatment to the south of the site adjacent to the existing properties at Rocklands as 1800mm high timber close boarded fencing and the proposed properties would be sited on lower ground levels than those on Rocklands.
- 3.74. To the east, Gordon Lodge and Aeolian Court, which are both large detached dwellings would be sited some 45 metres from the nearest proposed residential dwelling. The area alongside the eastern boundary of Zone 1 is proposed as a Greater Horseshoe Bat commuting route therefore a buffer of approximately 25 metres is proposed between new dwellings and the edge of the application site. This buffer would include the creation of a Devon Hedgebank with a planting of native scrub and additional tree planting together with a pedestrian footpath, and would also provide a landscaped buffer between the existing dwellings and the new development.
- 3.75. The properties at Rocklands View, comprising a pair of semi-detached two storey dwellings, are sited more than 40 metres away from the custom build area to the southern edge of Zone 2.
- 3.76. Letters of representation have been received which raise concerns about neighbouring amenity by way of loss of privacy and overlooking and lack of screening between development and existing residential properties. Concern about the impact of the new footway in close proximity to the eastern edge of the site has been raised as potential to result in harm, however, this will be routed through the landscaped area where there is proposed a Devon Hedgebank to enclose the site boundary and, therefore, is not considered to result in any adverse impacts on neighbouring amenity.
- 3.77. Taking into account the relative site levels, separation distances between the existing residential dwellings adjacent to the site and the proposed development as set out above, and the scale and height of proposed dwellings, it is not considered that any unacceptable impacts on neighbouring amenity would result. The relationships are considered to be acceptable and are consistent with that which would generally be expected in a medium density residential development.

Impact on ecology/biodiversity

- 3.78. The site lies in close proximity to Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI).
- 3.79. As set out above, the supplementary Section 106 completed as part of the outline permission for the site, required submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP) prior to the submission of the Reserved Matters application
- 3.80. The updated Outline Landscape and Ecological Management Plan (LEMP) has been submitted to the Local Planning Authority and is being reviewed alongside the consideration of this Reserved Matters application. It incorporates both on-site and off-site mitigation measures and in respect of off-site measures it is likely that the Devon Wildlife Trust would be likely to manage the areas of grazing, alongside their existing land, which is managed for the purposes of Greater Horseshoe Bat foraging.
- 3.81. In addition to the LEMP, forty six bird and bat boxes are proposed to be installed within the development and areas of scrub have been retained in the interests of small mammal biodiversity.
- 3.82. At the time of drafting this Committee Report, the updated Outline LEMP has been reviewed by Natural England who have advised that further information will be required to determine the significance of the impacts on Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC). The applicant is in the process of collating the necessary information for submission. On receipt Natural England will be re-consulted.
- 3.83. Once the updated Outline LEMP has been agreed as acceptable an Appropriate Assessment under the Habitat Regulations must be undertaken in respect of the current Reserved Matters application.
- 3.84. Where an Appropriate Assessment for the South Hams SAC cannot arrive at a conclusion of No Likely Significant Effects, under the Habitat Regulations it will be unlawful to grant consent to the proposals.
- 3.85. Therefore, in the absence of an agreement of the updated Outline LEMP or the completion of an Appropriate Assessment under the Habitat Regulations in respect of the Reserved Matters application, it is not possible to conclude that the proposed development would not result in adverse impacts on Greater Horseshoe Bats or the integrity of the Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI), and as such the proposed development would not comply with Policies EN8 (Biodiversity Protection and Enhancement), E9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) of the Teignbridge District Council Local Plan and the Habitat Regulations.

Green Infrastructure/Sustainable Movement

- 3.86. As set out above, the Section 106 agreement, attached to the outline planning permission, required open space to be provided on the basis of a minimum of 17.18 square metres per dwelling and children's play on the basis of a minimum of 3.44 square metres per dwelling. Based on the proposed quantum of 229 dwellings, this would require 3,934 square metres of open space and 788 square metres of children's play.
- 3.87. The applicant has submitted a Green Infrastructure Strategy Plan which demonstrates that the required quantum is met. The strategy includes approximately 4,945 square metres of formal and informal green space and an approximate area of 891 square metres of children's play (comprising a LEAP with 791 square metres of equipped play and a LAP (unequipped) which would provide approximately 100 square metres).
- 3.88. It is proposed that the LAP would be located to the west of the entrance to Zone 1; it would be unequipped with seating areas. The LEAP would be sited towards the northern edge of Zone 1, where the land starts to become steeper. It is proposed to create a linear plateau for play at this part of the site which would vary in width between 5 and 15 metres.
- 3.89. Pedestrian and cycle links would be provided through the sites connecting Station Road and Oldway. A pedestrian/cycle route would be provided through the LEAP towards the northern edge of Zone 1 and would weave through the sloping ground to the north-western corner of the site and across Oldway linking with Zone 2.
- 3.90. The Teignbridge District Council Green Spaces and Active Leisure Team objects to the proposed development. They have concerns that both the proposed play areas are within Zone 1, leaving Zone 2 without a children's play area. They recommend a 100 square metre toddlers' provision in Zone 2. They also have concerns about the location of the proposed LAP and LEAP in Zone 1, advising that the LAP falls within root protection areas and there being limited surveillance of the LEAP.
- 3.91. The LEAP would be provided to the northern edge of Zone 1, adjacent to a footway and internal access road. Proposed dwellings to the south would be orientated to front the highway and the LEAP beyond, and would be sited at a distance from the edge of the LEAP of approximately 13 to 17 metres. A plan has been submitted which shows the LAP outside of root protection areas adjacent to a footpath.
- 3.92. Whilst it is acknowledged that the location and distribution of areas of children's play could be better located within the site, in consideration of the site constraints including the steeply sloping nature of part of the site, it is considered on balance that the layout of the areas of formal play can be supported.

Land drainage/flood risk

- 3.93. The development would be connected to the South West Water Waste Water Treatment Works via a new pumping station, proposed to be constructed at the southern end of Zone 2. The pumping station would take waste water to the

existing Waste Water Treatment Works, which was demonstrated to have capacity for the development during the consideration of the outline planning permission. South West Water has been consulted and have no objections to the details submitted as part of this Reserved Matters application.

- 3.94. The surface water drainage for the development would consist of two large attenuation ponds, situated between the development and the A38. Supporting land drainage details and plans identifying the drainage strategy and overland flood route of water have accompanied the application and additional information submitted following Devon County Council's request.
- 3.95. Highways England objected to the original plans submitted as part of this Reserved Matters application, as there was insufficient information to provide Highways England with assurance about the adequacy of the proposed drainage arrangements and the potential for impact on the highways drainage and geotechnical asset.
- 3.96. However, amended plans were submitted in response and Highways England confirmed that they have no objections to the proposed development and associated drainage scheme, subject to a Road Restraints Risk Assessment Process (RRAP) being undertaken and submitted for written approval. Therefore a condition would be attached to any Reserved Matters approval requiring this risk assessment.
- 3.97. At the time of drafting this report, there was an outstanding objection from Devon County Council Lead Flood Risk Authority in respect of the drainage strategy. They have requested additional information to confirm that the siting of the attenuation basins will not reduce any surface water flood plain storage and to show acceptable exceedance routing (and overflow arrangements) for strategic drainage features.
- 3.98. The applicant has submitted additional information for consideration, however the response of the Devon County Council Lead Flood Risk Authority is currently awaited. Therefore, in the absence of agreement from Devon County Council Lead Flood Risk Authority that the drainage strategy is acceptable and would not result in increased flood risk elsewhere or result in harm to residential properties, there is an objection to the proposed development.
- 3.99. Should Devon County Council Lead Flood Risk Authority confirm that the submitted details are acceptable, further conditions requiring details of the future management and maintenance of the SUDs would need to be attached to any consent.

Highway Safety

- 3.100. The means of access was a matter considered at outline planning application stage and was included within the approved plans. In summary, these include the widening of Station Hill to accommodate a right hand turn lane and splay entrance; widening of parts of Oldway to a minimum of 5.5 metres in width with a narrow "entrance gateway" and realignment of sharp bends; creation of pedestrian crossing point across Oldway; creation of splayed entrance into site from Oldway and the erection of a bollard to prevent through traffic along Oldway.

- 3.101. Although there has been strong local objection to the closure of Oldway to through traffic, this is part of the outline planning permission and cannot be revoked through this Reserved Matters application.
- 3.102. The current Reserved Matters application accords with the approved access arrangements and includes details of the internal road network.
- 3.103. The Highway Authority has no objection to the development and has been in discussion with the Transport Consultants of the developers during the life of the application. No further conditions have been recommended as needing to be attached to the Reserved Matters permission.
- 3.104. Conditions attached to the outline planning permission require both a Travel Plan and a Construction Management Plan to be submitted to and agreed in writing prior to the commencement of development and the site access and visibility splays to be constructed prior to any occupation. These conditions have not been discharged and any Reserved Matters approval will remain to be subject to the conditions on the outline planning permission
- 3.105. Any Reserved Matters approval would also be subject to the requirements contained within the Section 106 agreement (i.e. the financial contributions towards bus service improvements, travel voucher and cycle voucher contributions and provision of a Sustainable Travel Pack each dwelling).

Custom Build Plots

- 3.106. The Section 106 agreement attached to the outline planning permission secured the provision of 5% custom build plots. With a development of 229 dwellings, this equates to 11 plots.
- 3.107. The Section 106 requires the plots to be fully serviced prior to occupation of 50% of the open market housing within the relevant phase and the plots to be marketed for a period of 12 months. Any plots remaining unsold after this period are required to be first offered to the Registered Provider of the affordable housing within the development before included as open market dwellings or sold on.
- 3.108. The 11 Custom and Self Build plots are situated in the southern part of Zone 2 and are easily accessed from the internal road. The plots have not been accompanied by any details of design and it will be necessary to secure a design code for this aspect of the development by way of a planning condition. The code must be submitted to and agreed by the Council prior to the development of any of the plots.
- 3.109. In terms of the three criteria set out in Policy WE7 of the Local Plan, the quantum of custom build provided is in accordance with the policy.

Carbon Reduction

- 3.110. With regard to Policy S7 (Carbon Emission Targets) and EN3 (Carbon Reduction Plans of the Local Plan), the application has been accompanied by a Carbon

Reduction Strategy. This sets out how the development will follow a “fabric first” approach to constructing energy efficient buildings where insulation standards, thermal bridging and air leakage will be improved beyond minimum compliance levels within the Building Regulations.

Archaeology

- 3.111. Initial archaeological investigations demonstrated the presence of a previously-unrecorded Bronze Age enclosure within the development and that further archaeological works were required to fully excavate and investigate this heritage asset. Archaeological fieldwork has taken place at the site in accordance with a Written Scheme of Investigation (required by condition 21 of the outline consent). The Devon County Council Archaeologist is satisfied that funding and resources are in place to complete the post-excavation tasks required, such as specialist analysis and dating techniques, synthesis and analysis of the results of the fieldwork, publication and archive creation and deposition, and has requested no further archaeological field work.

Conclusions

- 3.112. The reasons for this Reserved Matters application being presented to Planning Committee relate solely to issues of highways safety, access, and the quantum of development proposed (229 dwellings).
- 3.113. As set out in this Committee Report, these matters have been judged to be acceptable under the outline planning application and consent granted. This application for Reserved Matters is in accordance with the access details and quantum of development approved at outline stage. The Reserved Matters application does not allow the matters already approved under the outline to be re-addressed.
- 3.114. As set out in the report, the proposed development as per the revised plans submitted as part of this Reserved Matters application, in respect of landscape impacts, design, trees, green infrastructure and connectivity, listed buildings and conservation areas, affordable and custom build housing, archaeology and neighbouring amenity, are considered acceptable.
- 3.115. There are other matters set out in this report, including matters of surface water drainage and particularly impacts on protected species and European Designated sites, which, at the time of drafting this report, have not been satisfactorily addressed.
- 3.116. In respect of the drainage matters, the applicant has submitted additional information and the Council is currently awaiting the revised consultation response of the Devon County Council Lead Flood Risk Authority.
- 3.117. In relation to the impacts on protected species and European Designated sites, discussions between the applicant, Natural England and the Teignbridge District Council Biodiversity Officer are ongoing.

- 3.118. Therefore, is considered that, subject to agreement being reached between the applicant, Natural England and the Teignbridge District Council Biodiversity Officer, and providing a Habitat Regulations Assessment is completed by the Local Planning Authority, and providing that the revised drainage information satisfactorily addresses the requirements of the Devon County Council Lead Flood Risk Authority, Officers would be in a position to make a positive recommendation for approval of the Reserved Matters.
- 3.119. With the reasons for this application being brought to Planning Committee addressed, it is requested that Planning Committee provide delegated authority to the Business Manager to determine the application, subject to matters of impacts on protected species and European Designated sites, in addition to drainage, being addressed to the satisfaction of the relevant technical consultees.

4. POLICY DOCUMENTS

Teignbridge Local Plan

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S7 (Carbon Emission Targets)

S9 (Sustainable Transport)

S1 (Transport Networks)

S21 (Villages)

S21A (Settlement Limits)

WE4 (Inclusive Design and Layout)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN2A (Landscape protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

CH1 (Rocklands, Chudleigh)

CH9 (Green Infrastructure (Chudleigh))

Custom and Self Build Housing Supplementary Planning Document

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon Wildlife Trust – 15 June 2017 - Object to the application on the basis that insufficient information has been received to give confidence that the extensive measures required by the outline planning permission conditions and the Section 106 agreement can be achieved. Without this information, adverse impact on the Greater Horseshoe Bat population and the integrity of the South Hams SAC is likely.

[Following receipt of the above comments, amended plans have been received and these have been considered by Natural England and a response received by them (dated 24 April 2018 and set out below) confirming that further details are still required. Once the further details have been received, Teignbridge's Biodiversity Officer and Natural England will be re-consulted].

Teignbridge District Council Cleansing Services – 7 June 2017 - No objections and swept path analysis shows that the road is of an adequate size to allow refuse collection vehicles. Consideration should be given to the construction of the road surface to ensure that they are sufficiently robust for use by refuse collection vehicles.

Teignbridge District Council Biodiversity Officer – 12 June 2017 and 10 October 2017 - Objection due to lack of information and/or inconsistency with previously-identified mitigation measures set out at outline stage. Further information and amendments are required. Also, uncertainty whether the proposed SUDs features would be compatible with cattle grazing. The mitigation measures put in place at outline stage and necessary to ensure no likely significant effects on the South Hams SAC do not appear to have been carried over in their entirety to the Reserved Matters application. The mitigation measures as set out in the Section 106 and appended LEMP will be required for development to be acceptable.

[Following receipt of the above comments, amended plans have been received and these have been considered by Natural England and a response received by them (dated 24 April 2018 and set out below) confirming that further details are still required. Once the further details have been received, Teignbridge's Biodiversity Officer and Natural England will be reconsulted].

Devon County Council Lead Flood Risk Authority – 26 January 2018 - Objection. Applicant has demonstrated the performance of the proposed surface water management system in accordance with the previously approved FRA. However Highways England in their consultation response dated November 2017 note that the proposed surface water management system discharges to highway drainage assets and until such a time as an agreement with Highways England has been established the proposed drainage system does not have a confirmed outfall. The applicant will be required to demonstrate that sufficient capacity exists within the Highways England's culvert to accept a formalised discharge. It must also be confirmed that the siting of the attenuation basin will not reduce any surface water flood plain storage which may exist.

The applicant has submitted exceedance routing for the proposed development. It is noted that in some location the exceedance routes are directed towards properties (such as plots 42, 73, 80, 127, 175, 18 and 210). Exceedance routing (and overflow arrangements) should be shown for strategic drainage features.

[Following receipt of the above comments, amended plans have been received and these have been considered by Highways England to be acceptable (consultation response dated 9 April 2018 and set out below). Devon County Council have been re-consulted and at the time of drafting this report, a consultation response based on the most recently submitted plans is awaited].

South West Water – 2 February 2018 - No comments

Devon County Council Archaeologist - 8 February 2018 - Archaeological fieldwork has taken place at the site in accordance with a Written Scheme of Investigation (required by condition 21 of the outline consent). No further archaeological field work is required. Previous response on 20 June 2017 acknowledged that initial archaeological investigations demonstrated the presence of a previously-unrecorded Bronze Age enclosure within the development and that further archaeological works were required to fully excavate and investigate this heritage asset.

Teignbridge District Council Arboricultural Officer – 20 February 2018 - Objection as the plans fail to respond to previous comments of 30 October 2017 and 8 June 2017, which requested an improved spatial relationship between plots 82, 83 and 84, and for revised plans to show all trees above 6-8cm girth to be container grown. Requires that trees will not be planted until written approval is provided by the Council's Arboricultural Officer that he/she is satisfied by the condition of the trees. Planting pit details requested in addition to details of all underground services to demonstrate that there will not be a conflict between services and trees.

[Following receipt of the above comments, amended plans have been received (dated 23 April 2018) which confirm that the trees will be suitable containerised stock and providing a suitable planting pit detail].

Teignbridge District Council Environmental Health Officer – 12 March 2018 - Request a Construction and Environmental Management Plan regarding the prevention of disturbance/nuisance caused by noise, vibration and dust to sensitive properties during the construction of the proposed development. Concerns in respect of the noise impacts from the A38 on properties closest to the road. Consideration should be given to how the noise levels in the external amenity spaces of these dwellings would be at an acceptable level. New permanent sound and light sources within the site should be considered.

Teignbridge District Council Green Spaces and Active Leisure – 16 March 2018 - Concerns including the quantum of play and the distribution as no formal play provision has been provided within Zone 2; LAP within root protection areas; limited surveillance for the proposed LEAP in Zone 1; narrow footway to B3344 and the widening of Oldway unlikely to provide for cycle contraflow; lack of allotments; noise impacts of the A38 and siting of substations.

[Following receipt of the above comments, amended plans have been received which amend the ground levels of the proposed LEAP in line with the adjacent footway].

Teignbridge District Council Spatial Planning – 5 April 2018 - Only addition to existing comments relate to the quantum of different types of Green Infrastructure. There is a slight under provision of equipped playspace, but a good amount of general open space, accessible to the public, including formal and informal open space and natural/semi natural green space.

Previous consultation response dated 12 February 2018 and 30 October 2017, raised concern over the number of Custom Build plots not being compliant with the Section 106 agreed at outline and a broader range of plots sizes required. The Custom Build quantum and range of house has been addressed by submission of revised plans.

[Following receipt of the above comments, amended plans have been received which confirm that the development is providing a sufficient amount of equipped play space and general public open space].

Highways England – 9 April 2018 - The minor change to one of the drainage ponds does not cause any concern and their formal response dated 7 March 2018 remains appropriate. This response recommended that conditions should be attached to any permission that may be granted requiring a Road Restraints Risk Assessment Process (RRAP) to be undertaken and submitted for written approval, and subject to relevant Highways England Informative.

Concerns as set out in their previous consultation response dated 15 November 2017, being insufficient information to provide Highways England with assurance about the adequacy of the proposed drainage arrangements and the potential for impact on the highways drainage and geotechnical asset, have now been addressed.

Teignbridge District Council Custom Build Officer – 14 March 2018 and 10 April 2018 - Concerns that the extent of hard surfacing does not provide satisfactory access to custom build plots 3 and 4 and concerns with the number of Custom Build plots.

Previous consultation response from the Custom Build Officer dated 18 August 2017 raised concern that the Custom Build plots pre-determined house types in conflict with the Custom Build SPD. These concerns have been addressed and in the current drawings no house type is specified for the Custom Build plots.

[Following receipt of the above comments, amended plans have been received and the extent of hard surfacing has been increased to access the entire width of plot 4, and to access plot 3, to accord with the Council's requirement that the plots are suitably accessed, and therefore the Custom Build Officer has no further concerns.]

Teignbridge District Council Housing Enabling Officer – 18 April 2018 - Significant improvements to the affordable housing mix to be delivered on site have been made since the original set of plans were submitted as part of this Reserved Matters Application. The revised plans confirm the capacity of compliance of 8 plots with Part M4(2) standard as set out in the Building Regulations. Some minor amendments required to the plans to achieve full compliance and it is recommended that a condition is added to ensure that the Part M4(2) specification for the 8 plots as identified is achieved.

Previous consultation responses of the Housing Enabling Officer dated 15 March 2018 and 26 October 2017 raised concerns about the affordable housing mix and clustering of affordable housing which have been addressed.

[Following receipt of the above comments, amended plans have been received which address the minor amendments requested, in order that the proposed 'accessible units' reach full compliance with Part M4(2)].

Teignbridge District Council Landscape Officer – 19 April 2018 -

- Livestock fencing should be metal bar fencing (or alternative, high quality fencing with rural character)
- Tree guards should be installed where trees are to be planted in areas to be grazed with livestock
- Gates within grazed areas should be metal bar to match estate fencing
- Gates into properties should reflect local examples
- Details of gate ironmongery are required
- Gabion stone needs to be limestone that matches the exposed rock found locally
- Lighting information still lacking
- Amend the layout of the open space/play area in the vicinity of the path connecting Zones 1 and 2.

Natural England – 24 April 2018 - The Council will be required to carry out a Habitats Regulations Assessment (HRA) and this will need to be based upon a sufficient level of certainty and detail regarding potential impacts. Potential mitigation measures will need to be sufficiently detailed and underpinned by robust delivery mechanisms that reflect the duration of impacts. Based on the information provided, Natural England advises that further information is required before a HRA can be completed.

As submitted, the application could have potential significant effects on Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An updated Habitats Regulations Assessment
- In preparation of an updated Habitats Regulations Assessment, submission by applicant of all information identified in the outline application Habitats Regulations Assessment
- Further clarity regarding the phasing of Greater Horseshoe Bat habitat works
- A detailed assessment of light spillage impacts upon Greater Horseshoe Bat

habitats

Previous consultation responses from Natural England dated 1 March 2018 and 6 October 2017 objected to approval of the application.

Devon County Council Highway Authority – 27 April 2018 - The Highway Authority raises no objections to the Reserved Matters application. Any matters raised during the processing of the application have been addressed in the submission of revised plans.

Previous concerns raised in responses dated 9 April 2018, 22 March 2018 and 12 February 2018 have now been addressed.

6. REPRESENTATIONS

92 public representations have been received in respect of this Reserved Matters application at the date of drafting this Committee Report. A summary of the matters raised are as follows:

1. Impact on local infrastructure and facilities (school, GP surgeries, dentists, utilities, shops, buses, etc.) the proposed development should be accompanied by provision for a convenience store;
2. Neighbouring amenity (development close to rear of the Bungalow, 6, 7, 8 and 9 Rocklands, could a screen/buffer zone be included in the scheme, privacy of Aeolian Court); loss of view, privacy and overlooking; surface water run-off towards neighbouring properties;
3. Highway safety/increased traffic/congestion;
4. Closure of Oldway will result in cul-de-sac and congestion/increase traffic in the town centre, on the Parade and along Oldway joining the B3344, and should be opened to one-way or two-way traffic, South West Water lorries having to turn sharp left, harder for emergency vehicles to access Twindlebeer, concerns that there would be no emergency route via Oldway if there is an accident on Station Hill or the A38, or for temporary community events, no traffic calming proposed on Station Hill and 30 m.p.h. limit is not observed, top part of Oldway and the Parade will be too dangerous for pedestrians as there will be an increase in traffic with no crossing, and lots of blind corners between Lower Trindle and the Parade, inadequate access onto B3344, would also create increased carbon emissions from longer routes from the development;
5. Increased air and noise pollution resulting from increased traffic and increased light pollution;
6. No sound barrier along the A38, noise impacts of future residents;
7. Lack of safe pedestrian footway on Station Hill, and must be widened, lack of connectivity from the proposed development to the town;
8. Reserved Matters application does not include employment land;
9. Landscape impact – development would be visually intrusive from the Teign Valley and from the approaches from roads to the south-west (A38/B3344), additional landscaping required;
10. Loss of countryside, impact on hedgerows and trees;
11. Impact on bats and proximity to Chudleigh Rocks, mitigation area is too small and narrowing of the bat corridor would result; also impact on other wildlife such as owls and woodpeckers, slow worms, etc.
12. Lack of lighting results in accidents;

13. Scale of development out of proportion with the size of the town and larger than the number as set out in the Local Plan Policy CH1, density of the development too high;
14. Not enough affordable housing;
15. Design of houses and scale of houses (three storey too large); more chimneys required;
16. Disruption during the construction period, including Saturday working, cars would obstruct and clutter surrounding roads; mud on road, litter and dust; routing of construction traffic should not come through Chudleigh;
17. Objection to Custom Build plots which have a different appearance to the rest of the development;
18. Impacts of surface water from the site;
19. Pressure on the sewerage system;
20. Orientation of properties not designed to incorporate solar photovoltaic panels on roofs;
21. Smaller houses required to meet the needs of local people.

Objection from the CPRE for reasons of adverse impact on Greater Horseshoe Bats, insufficient infrastructure, Custom Build housing being incompatible with local guidance and surface water drainage and increased risks of local flooding.

7. TOWN COUNCIL'S COMMENTS

The Town Council considered this application at a meeting of the planning committee on 20 March.

Councillors wish to lodge a strong objection to the application for the following reasons:-

1) The major concern that councillors have is the lack of connectivity for pedestrians and cyclists from the proposed development to the town. A development of 230 dwellings will generate significant numbers of children who will need to access the primary school. Given the relatively short distance between the development and the school there would be a desire that most will walk. This is particularly the case given the well-known parking issues around the school at dropping off and picking up times. The preferred pedestrian and cycling route to the school and town would be via Station Hill. However, it is acknowledged that the pavements on Station Hill are simply not wide enough to provide a safe pedestrian route. It is impossible for pedestrians to pass one another without one of them walking on the road. This is even more of a problem for anyone with a pram or wheelchair. The safety concerns are exacerbated by the vehicle speeds in that area which have been measured at an average of close to 40 mph. The alternative pedestrian route via Oldway is also dangerous given the volume of traffic generated by the existing 300 homes in Oldway; this applies irrespective of whether Oldway is made one-way or closed. It is the Town Council's contention that, as things stand, this proposed development is not sustainable.

2) You are aware that the outline application for this development (13/01062/MAJ) proposed the closure of Oldway to through traffic despite widespread opposition from both the Town Council and local residents. Last year the applicant submitted

an application to vary the condition 4 that stipulated the closure of Oldway (17/02330/MAJ) replacing it with a one way system. This application was informed and encouraged following meetings involving the Town Council, TDC planning officers and DCC Highways Officers, all of whom were in agreement that this was a better solution than the closure originally proposed. You will be aware, also, that the proposed closure engendered considerable opposition from residents who were concerned that a closure would create a situation whereby there was only one route in and out of town. It is disturbing, therefore, to read that the Green Spaces and Active Leisure team appear to favour the closure of Oldway as the only way of providing a safe pedestrian and cycling route. This is not a solution that is acceptable to the community. Where we are in agreement with the Green Spaces team is regarding their observations about the state of Oldway. They note that the road surface is in a poor state of repair and that it needs to be repaired and maintained if it is to provide safe cycling facilities.

3) It is very clear that if this development is to achieve connectivity and sustainability then there will need to be improvements made to the Oldway and Station Hill routes to the town. The pavements need to be increased in width to provide safe pedestrian access and cyclists will need to be facilitated.

4) You will be aware that the development area is of considerable importance for the Greater Horseshoe Bat. Councillors noted that Natural England require an updated Habitat Regulations Assessment (HRA) from the applicant. They also require details of all information identified in the HRA that was submitted with the outline application in 2013. No consent for this development should be granted until such time as the applicant has submitted the required information and Natural England have indicated that they are content.

5) The objection raised by the Biodiversity Officer, Stephen Carroll earlier in the application process is of particular concern to councillors. The development site is in close proximity to a roost used by Greater Horseshoe Bats and the site forms part of their foraging range. It is, therefore, of great concern that the mitigation measures contained in the outline application, 13/01062/MAJ, are not mirrored in their entirety in this application. This is unacceptable. We fully support the requirements that Stephen Carroll set out in his objection submission.

6) We note that County Highways have indicated that they are not prepared to adopt some of the shared surface roads because, at 6 metres wide, their width is excessive in an area where a 20mph speed limit is the aspiration. The Council is uncomfortable with a situation where significant parts of the road system on the development are not adopted. This will leave the maintenance of these roads under the control of a management company who may or may not be receptive to the needs of residents. The recent experience of a similar issue on the Rivendell development leaves the Council believing that it is desirable to avoid such situations. The developer should be encouraged to reduce road widths so that Highways are able to adopt them.

7) Councillors noted and supported the concerns raised by the Green Spaces team regarding green space and play provision. The lack of any play provision in zone 2 of the development is not acceptable. If the applicant now decides to provide one

then we would expect that it is not sited on the site boundary with the A38. We note that the applicant intends to site the unequipped local area for play within zone 1 in a root protection area. This, too, is not acceptable. It does seem that the applicant considers play and leisure facilities as an inconvenient afterthought. This is exemplified by the proposed play provision in zone 1 which is of poor quality and with limited access. Once again, this is unacceptable. It also seems that the applicant has paid no attention to the requirements to provide park and amenity space. If consent is to be granted then all these issues must be addressed. Frankly, the applicant's attitude towards the provision of play and recreational space ask a raft of questions about what quality of development we should expect. We also note the lack of allotment provision. Given that the existing allotment facilities within the town are fully occupied we would expect the applicant to provide the provision required.

8) The applicant appears to be having great difficulty fitting in the required play and recreational facilities within the site area. It does beggar the question as to whether 230 dwellings is excessive on a site of this size.

9) Councillors noted that the Tree Officer is seeking guarantees that the trees planted on site will be of the required BS standard and size. Such reassurance does not appear to have been provided. We would also expect the applicant to guarantee to replace any of these trees that die or fail to thrive within five years of being planted.

10) We note the queries raised by the Housing Officer regarding whether there are 11 or 12 custom build plots provided. He also queries whether two of the plots lack direct vehicular access. This needs to be addressed before consent is granted.

11) We note that Natural England require "robust delivery mechanisms" for the environmental mitigation that the applicant will need to put in place. Key to this will be the provision of suitable bat corridors and we would expect these to be in place before construction commences. These delivery mechanisms do not just apply to the work that needs to be done before and during the construction process. There needs to be a very robust land management plan post development. Given that the applicant appears to regard the provision of environmental mitigation and recreational space as an inconvenience that gets in the way of housebuilding and profit, we have absolutely no faith in them paying much attention to post development provision. This will need to be tightly controlled by conditions as it is essential to ensure that whoever handles the land management after development has the necessary expertise in environmental issues.

12) Councillors understand that part of the site has been identified as a bronze-age ritual site. If that is the case it would be sensible to have sight of the archaeological report before construction is allowed to commence.

13) We note that the Environmental Services team have requested on site working hours be limited to 8am-6pm on weekdays and 9am-1pm on Saturdays, with no Sunday or Bank Holiday working. We consider it imperative that the applicant abides by this. However, the team also requires a Construction Environmental Management Plan. It seems to us that the applicant has paid scant attention to the

need to introduce remedial measures to minimise noise nuisance during construction and also to mitigate the noise pollution from the A38. We would want to see a plan to address these issues before any consent is granted.

14) Since the earlier application there have been a number of design changes to the proposed dwellings. However, the applicant does not appear to have submitted an updated materials plan.

15) If consent is given it will be imperative, given the narrow roads through the town, that strict conditions be applied to where construction traffic accesses the site. All construction traffic should enter and leave the area via the Devon Expressway rather than through the town.

8. COMMUNITY INFRASTRUCTURE LEVY

The outline planning permission to which this Reserved Matters application relates was granted prior to the Council's adoption of the Community Infrastructure Levy. The development is subject to a range of financial contributions by way of a Section 106 legal agreement.

9. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion proforma.

Business Manager - Strategic Place

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SITE INSPECTION REPORT FOR PLANNING COMMITTEE 15th May 2018

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Chairman Cllr Smith
DATE OF SITE INSPECTION:	24 April 2018
APPLICATION:	CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878 Station Hill, Station Hill, TQ13 0EA - Reserved matters approval for 218 dwellings and siting of 12 custom build plots (outline planning permission 13/01062/MAJ)
WARD MEMBERS	Councillor Keeling

Also present: Two representatives of the Town Council and Brian Hensley from DCC Highways

Apologies: Councillors Parker and Jones

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, this application was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the applications without having first considered the detailed reports of the Business Manager.

The Planning Officers reported on the reserved matters proposal for approval of appearance, landscape and scale of 13/01062MAJ. The officer showed the members detailed drawings of the proposal and the site was viewed from several viewpoints.

The site was viewed from the position of the proposed access on Oldway (north west) and orientated by the position of trees on the site. Officers advised that the site outlined for employment on 13/01062/MAJ is excluded from this application and will come forward as a separate application. The officer also identified the location of the proposed custom build plots and addressed the location of the bat flyway.

Members then walked further down Oldway and viewed the site from close to the position of the pedestrian access from Oldway into Zone 1. The officers talked about the proposed location of proposed equipped play area and non-equipped open space at the entrance to the site. Members walked up the slope and observed the site from this perspective. Members walked to the existing barn and beyond and the officers talked about the location of the existing properties to the north. Members were shown on the detailed drawings that the buffer between new and existing housing is between 20 and 25 metres.

From the barn the members walked across to view the access to the west of the site (B3344). Here there was discussion about the width of the pavements walking back into the Town centre and if this could be addressed through the reserved matters application. Members walked the pedestrian route towards the centre of Chudleigh and back to the original meeting point at Oldway near Lower Trindle Close.

Town Council: Would like the road to remain two way to discourage the flow of traffic through the town.

PLANNING COMMITTEE REPORT

15 May 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH – 17/02330/MAJ - Land At Station Hill - Variation of condition 4 (amended plans for highway arrangements) on planning permission 13/01062/MAJ	
APPLICANT:	Linden Homes SW Ltd	
CASE OFFICER	Donna Crabtree	
WARD MEMBERS:	Councillor Keeling Councillor Evans	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02330/MAJ	



1. REASON FOR REPORT

This application does not require Planning Committee consideration on its own, though it is related to the previous item on this agenda, being the Reserved Matters application reference 17/01099/MAJ and the connected outline approval reference 13/01062/MAJ. Therefore for completeness it is brought to Committee for consideration by Members.

2. RECOMMENDATION

Subject to:

1. The Reserved Matters application reference 17/01099/MAJ being granted consent;
2. A Deed of Variation to the Section 106 principal and supplementary agreements completed as part of outline consent reference 13/01062/MAJ; and,
3. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions,

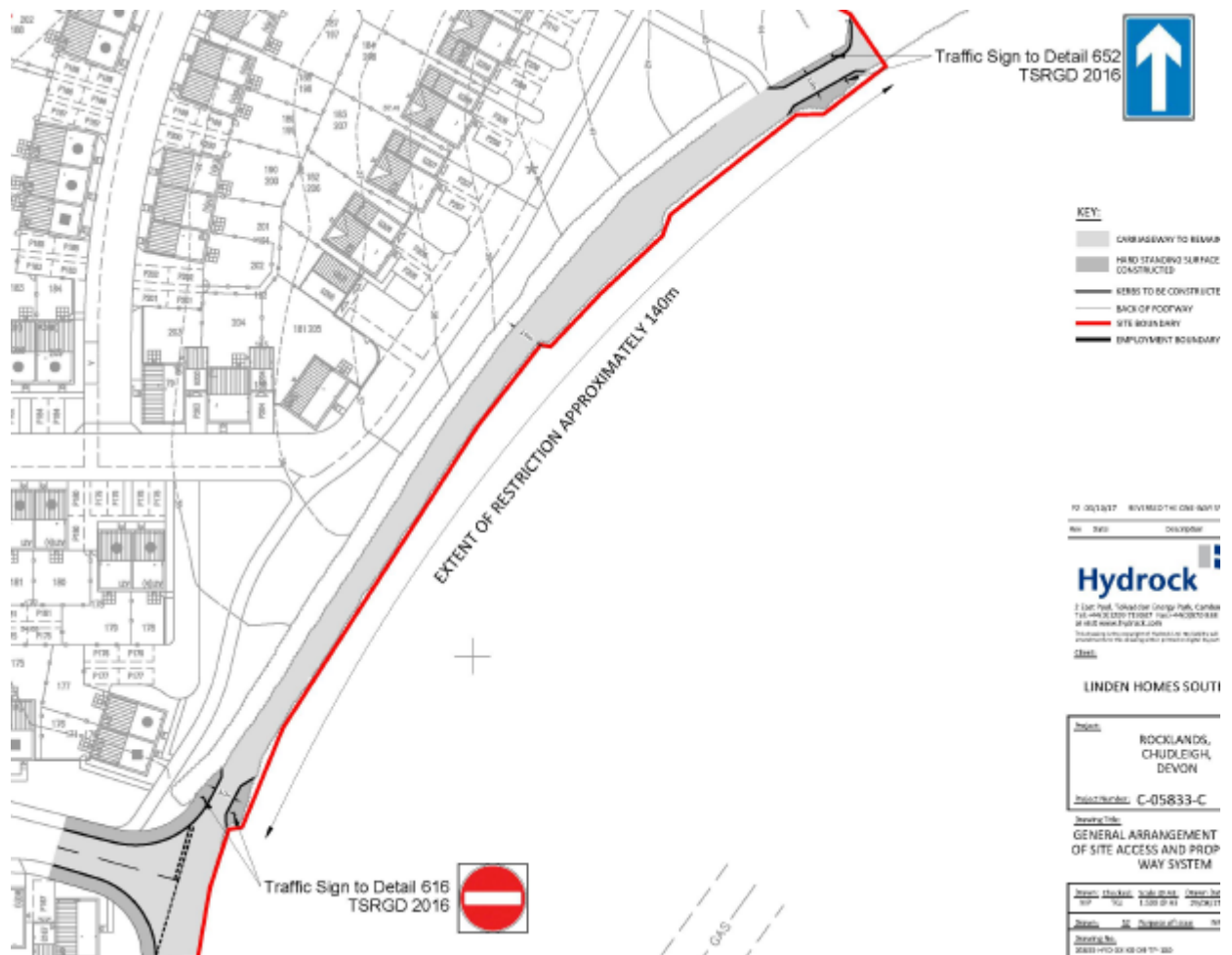
DELEGATED AUTHORITY BE GRANTED FOR SECTION 73 PERMISSION TO BE GRANTED subject to all conditions attached to the outline consent (condition 4 and 5 amended as per this application) and all conditions attached to the Reserved Matters approval as relevant to the application.

3. DESCRIPTION

Site, background and proposal

- 3.1. The application site is approximately 12 hectares in area, located on the western edge of Chudleigh and comprises the site allocation CH1 (Land at Rocklands) as set out in the Teignbridge Local Plan 2013-2033.
- 3.2. As set out in the previous agenda item relating to the same site, outline planning permission for the proposed development of up to 230 dwellings, 2,500 square metres of employment land, open space, wildlife enhancements, new footpath links, new access from B3344, highway improvements and closure of Oldway to through vehicular traffic was approved on 10 October 2014.
- 3.3. Whilst the majority of matters were reserved for future approval, the outline permission included means of access to the site. The approved details consist of the following:
 - Widening of the B3344 (Station Road), creation of a splayed vehicular entrance and pedestrian footway across site frontage of Zone 1 onto the road and, the creation of a right hand turn lane for traffic travelling south westwards along the road;
 - Widening of Oldway between its junction with the B3344 and the “Entrance Area”, to ensure width of 5.5 metres;
 - The creation of a “Entrance Area” through a “Give Way” across a section of restricted width lane (3.5 metres) at the southern extent of the site (approximately 120 metres north of the junction between Oldway and the B3344);

- Re-alignment of the severe bends along Oldway, to the east of 1 and 2 Rocklands View, widening of road to 6 metres at bends and formation of new grass verges to create safe pedestrian crossing point between Zones 1 and 2;
 - The creation of splayed vehicular entrance into Zone 2;
 - The widening of Oldway to 5.5 metres between the “Entrance Area” and the improved vehicular access into Zone 2; and,
 - The erection of a bollard to prevent through traffic along Oldway (two options were allowed within the decision – the bollard could be placed either to the north or south of the new vehicular entrance into Zone 2).
- 3.4. Subsequently an application relating to the Reserved Matters of appearance, landscaping, layout and scale, was submitted to the Local Planning Authority for approval (reference number 17/01099/MAJ). The details of the Reserved Matters application are set out under the previous Committee item. The Reserved Matters application accords with the already-approved highways access as set out above.
- 3.5. During the consideration of the Reserved Matters application, there has been significant local objection to the closure of Oldway to through traffic by way of a collapsible bollard which was approved at outline stage.
- 3.6. The Reserved Matters application does not allow the matters of access to be revisited. Therefore, an alternative to the access approved at outline stage has been submitted to the Council. This Section 73 application, which has been running concurrently with the Reserved Matters application, proposes to vary the already-approved access arrangement to Zone 2.
- 3.7. The covering letter submitted as part of this application sets out the reason for the application as follows:
- A reserved matters application is currently being considered by the Council. During the course of this application, there has been a number of local objections raised to the closure of Oldway to traffic, which was proposed as part of the outline planning permission.*
- An alternative arrangement is now proposed which would allow Oldway to remain open, albeit promoting a new one-way system for a section of the road.*
- This application is made to vary conditions 4 and 5 of the outline permission, to delete reference to, and plans showing access restrictions along Oldway.*
- 3.8. A (revised) Technical Addendum Note dated 5 October 2017 and prepared by Hydrock Consultants, has been submitted in support of this application.
- 3.9. The proposal involves creating a 140 metres section of one-way restriction to the north-east of the entrance to the site (Zone 2) off Oldway.
- 3.10. Paragraph 3.1.1 of the (revised) Technical Addendum Note states that *the proposed one-way system comprises of two narrowing points, where the total carriageway width is reduced to 3 metres. These narrowing points are located approximately 12 metres and 143 metres north of the proposed site access as set out on the drawing below (Appendix A to the Technical Addendum Note supporting document).*



- 3.11. Highway 'No-Entry' signage and a one way arrow are proposed to direct road users.
- 3.12. This amendment to the previously-approved access arrangements for the site would enable traffic to travel southwards along Oldway towards the A38 junction at Chudleigh Bridge, but would prevent traffic travelling north-eastwards along Oldway between the entrance to Zone 2 and the existing development.
- 3.13. To the south of the access to Zone 2, where Oldway would be open to two-way traffic, the existing road would be improved and widened in accordance with details already approved under the outline planning permission reference 13/01062/MAJ, as set out above.

Process

- 3.14. When planning permission is granted, development must take place in accordance with the permission and conditions attached to it. New issues may arise after planning permission has been granted which require modification of the approved proposals. Where less than substantial changes to an existing planning permission are proposed an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary conditions associated with an existing planning permission.

3.15. Condition number 4 of outline planning permission reference number 13/01062/MAJ requires that the development shall be permitted in accordance with the application form and the approved plans. The approved plans as set out under condition number 4 currently includes an approved scheme closing off a section of Oldway to through vehicular traffic.

3.16. Condition number 5 of outline planning permission reference number 13/01062/MAJ states;

Development shall not commence on site until a plan detailing the phasing of the development has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The phasing plan shall include the timing of all highway works, including road widening; works to restrict through vehicular traffic along Oldway; and provision of a right turn lane to the B3344.

3.17. This Section 73 application seeks to vary condition number 4 and 5 of the outline consent, to allow amended plans (in relation to highways arrangements) to be approved and form part of the planning permission.

3.18. Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission (in this case the outline and Reserved Matters Permissions) which remains intact and unamended.

3.19. In this case, where the application under Section 73 seeks to amend the outline consent, and where the Reserved Matters has also been approved, the Section 73 would issue a new permission which would incorporate the conditions attached to both the outline and the Reserved Matters consent, and would be bound by the legal obligations of the Section 106 completed as part of the outline application (subject to a Deed of Variation).

3.20. Therefore, this Section 73 application must be determined after the potential approval of Reserved Matters details. Otherwise the effect of approving this Section 73 application first would mean that the Reserved Matters application would relate to the wrong outline permission.

Analysis

3.21. With regards to the proposed development, the principle of the development and means of access is established within the parameters of the outline planning permission. In consideration of the outline and Reserved Matters applications, the relevant material planning considerations including quantum of development, access, landscape impacts, design, trees, green infrastructure and connectivity, impacts on listed buildings and conservation areas, affordable and custom build housing, archaeology and neighbouring amenity, have been taken into account in the determination of those applications.

3.22. This Section 73 application seeks only to amend the outline permission in respect of the proposed access, and proposes the creation a section of one-way restriction to the north-east of the entrance to the site (Zone 2) off Oldway, as described above.

- 3.23. This would enable traffic to travel southwards along Oldway, but would prevent traffic travelling north-eastwards. This application was submitted in response to concerns in representations over the closure of Oldway approved under the outline planning permission.
- 3.24. Therefore the main planning consideration in this instance is whether the proposed amendments are acceptable in terms of highway safety.
- 3.25. The rationale for the closure of Oldway as approved under outline consent reference 13/01062/MAJ is set out as paragraphs 3.34 and 3.36 of the Committee Report for that application as follows;

Initially the Highway Authority had some concerns about the links from the development (beyond Zone 2) to the town centre. Where the applicant's ownership ends, it was not possible to have dedicated provision for pedestrians towards the town in the form of a footway due to the highway not being wide enough to allow the provision of a footpath and there is no land on either side within the applicant's control. The existing footway that runs alongside the B3344 is acceptable for persons walking in single file but it is too narrow in places to allow for a parent with child or a pushchair/wheelchair to use without moving onto the road. It is this lack of an alternative that led to the need to provide a safer route to town.

The solution to this issue was to suggest the closure of Oldway to through traffic through the introduction of a collapsible bollard, effectively all traffic up to the David Wilson site would turn right and head up to the B3344 rather than using the narrow Oldway lane which some currently use. This would allow pedestrians and cyclists to use this section of carriage and join the existing footway at the entrance to the David Wilson site.

- 3.26. The Technical Addendum note submitted in support of this application provides evidence to demonstrate that providing a one-way system along a section of Oldway, could be implemented without resulting in a severe impact on the capacity or congestion of the local highway network and would provide safe and suitable access for existing and future highway users.
- 3.27. Devon County Council Highways Authority has been in discussion with the Town Council and the Local Planning Authority and agree that the proposed amendment to allow a short section of one-way traffic along Oldway would be an acceptable proposal in terms of highway safety and access, and have no objections to the proposed development.
- 3.28. It is considered that the provision of a short stretch of one-way traffic would still allow a pedestrian and cycle route to the town centre which is acceptable in terms of safety, and therefore, having regards for the rationale which led to the approval of a road closure at Oldway, it is considered that Oldway, subject to the proposals set out in this Committee Report, would still provide a suitable alternative route into town.

Summary and Conclusion

- 3.29. The proposed one-way system is considered to provide a safe access for pedestrians and cyclists from the development to the town, whilst providing for movement of vehicular traffic travelling southwards from existing development on

Oldway, and therefore the proposed alternative access arrangements are considered to be acceptable.

- 3.30. As set out above, where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. Therefore should this Section 73 application be approved, it would need to include all the conditions attached to the outline consent (including condition 4 and 5 as may be amended as per this application) and all conditions attached to the Reserved Matters approval as relevant to the application. It would also require a Deed of Variation to the principal and supplementary Section 106 agreements completed as part of the outline consent to ensure that the new permission is bound by the same legal requirements.
- 3.31. As approval of this Section 73 application would result in the issue of a new planning permission, and as the site lies in close proximity to European sites (The Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI) lie 150 metres to the south east), an assessment of the impacts of the proposed development on protected species and European Designated sites under the Habitat Regulations must be carried out. If an Appropriate Assessment for the South Hams SAC cannot arrive at a conclusion of No Likely Significant Effects, under the Habitat Regulations it will be unlawful to grant consent to the proposals.

4. POLICY DOCUMENTS

Teignbridge Local Plan

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S7 (Carbon Emission Targets)

S9 (Sustainable Transport)

S10 (Transport Networks)

S21 (Villages)

S21A (Settlement Limits)

WE4 (Inclusive Design and Layout)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN2A (Landscape protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

CH1 (Rocklands, Chudleigh)

CH9 (Green Infrastructure (Chudleigh))

Custom and Self Build Housing Supplementary Planning Document

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council Highways Authority – 10 October 2017 - The Highway Authority has been in discussion with the Town Council and the Planning Authority and it was agreed this would be an acceptable proposal for Oldway. Therefore the County Highways Authority would have no objections to this proposal

Natural England - 20 October 2017 - No comments.

6. REPRESENTATIONS

One representation has been received in respect of this Section 73 application in objection to this application and the basis for the objection is summarised below (however a number of objections have been made in respect of the closure/part closure of Oldway and these have been against the Reserved Matters application reference 17/01099/MAJ):

- Residents living off Oldway (e.g. Lower Trindle Close, Twindlebeer, Beechwood Road, etc.) would have to travel up Station Hill, the Parade and then into Oldway to return home thus adding unnecessary extra mileage to their journeys and causing more pollution;
- Existing issues with people parking at the Parade and creating narrowings in the road with road users having to reverse long distances;
- Additional traffic would be detrimental to pedestrian and cycle safety;
- Oldway must remain open to two-way traffic so that diversions can be in place when Station Hill is closed due to accidents.

7. TOWN COUNCIL'S COMMENTS

Chudleigh Town Council (20 October 2017)

Councillors have asked me to advise you that they have no objections to the application and would like to thank Linden Homes for their co-operation in maintaining Oldway Lane for through traffic.

On a related matter, you will be aware that the Town Council has considerable concerns about the adequacy of the pavement on Station Hill. One of the significant pinch-points, where the pavement is at its most narrow, is by Gordon Lodge. We are aware that the owner is prepared to surrender a strip of land to enable the pavement width to be increased but this would require the movement and rebuilding of the stone wall that forms the boundary to Gordon Lodge. Is this an option that can be considered?

Can we also ask that should the Linden Homes application for the development of Rocklands receive consent that particular attention be paid to the robustness of the construction management plan. In particular, we are concerned that no construction traffic should enter the site from Oldway.

Chudleigh Town Council (23 October 2018)

When we submitted comments on the recent application to submit a variation that allowed Oldway Lane to remain open to through traffic we also commented on the need to ensure that construction traffic did not access the site via Oldway.

I felt that I should clarify the concerns of councillors. They are anxious to ensure that construction traffic should not use the junction of Oldway and Parade. You will be aware that the junction lies in the middle of a chicane and really is not suitable for large vehicles.

8. COMMUNITY INFRASTRUCTURE LEVY

The outline planning permission to which this Section 73 application relates was granted prior to the Council's adoption of the Community Infrastructure Levy. The development is subject to a range of financial contributions by way of a Section 106 legal agreement.

9. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion proforma.

Business Manager – Strategic Place

SITE INSPECTION REPORT FOR PLANNING COMMITTEE 15th May 2018

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Chairman Cllr Smith
DATE OF SITE INSPECTION:	24 April 2018
APPLICATION:	CHUDLEIGH - 17/02330/MAJ Land At Station Hill, TQ13 0EA - Variation of condition 4 on planning permission 13/01062/MAJ
WARD MEMBERS	Councillor Keeling

Also present: Two representatives of the Town Council and Brian Hensley from DCC Highways

Apologies: Councillors Parker and Jones

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, this application was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the applications without having first considered the detailed reports of the Business Manager.

The Planning Officers reported on the proposed variation of condition to allow the traffic flow to be altered to allow one way traffic only from Lower Trindle Close down Oldway, and two way traffic to and from the proposed access to 17/01099/MAJ.

The road was viewed from Lower Trindle Close and members walked down Oldway noting where the traffic flow is proposed to change at the entrance to the proposed development.

Town Council: Would like the road to remain two way to discourage the flow of traffic through the town.

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PLANNING COMMITTEE REPORT

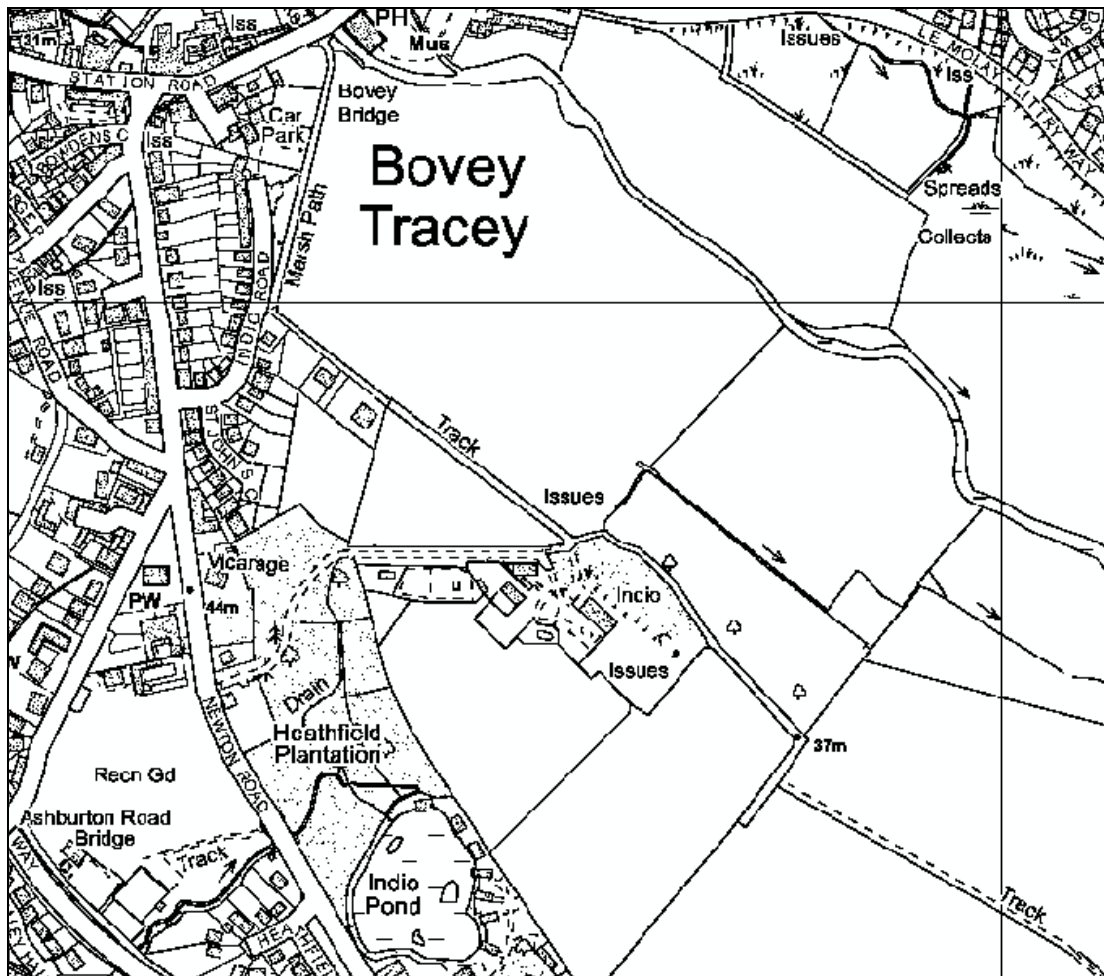
15 May 2018

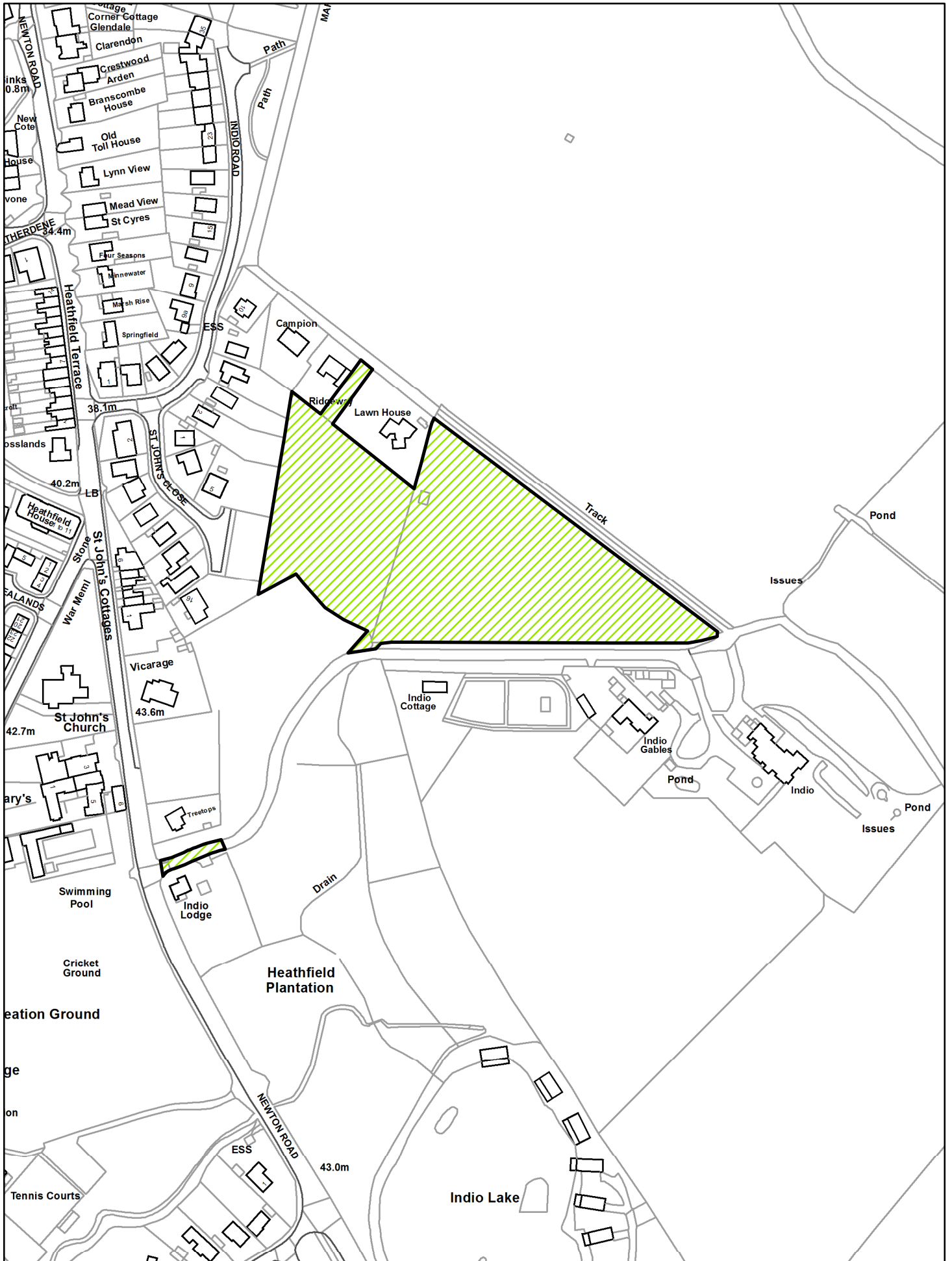
CHAIRMAN: Cllr Dennis Smith



Teignbridge
DISTRICT COUNCIL
South Devon

APPLICATIONS FOR CONSIDERATION:	BOVEY TRACEY - 17/02118/MAJ - Land north of Indio House, Newton Road - Outline planning application for up to 30 dwellings and associated works (means of access to be determined only) and BOVEY TRACEY - 17/02275/FUL - Widening of existing residential driveway and alterations to access	
APPLICANT:	Kach Developments	
CASE OFFICER	Rosalyn Eastman	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02118/MAJ&MN	





1. REASON FOR REPORT

At Planning Committee on 17 April 2018, Members resolved that:

“Permission be refused on highways and heritage grounds but decision deferred to consider an Officer’s report on refusal options.”

2. RECOMMENDATION

As previously, Members are recommended to grant permission for both applications

In relation to application 17/02118/MAJ

Subject to the completion of a Section 106 Agreement to secure:

1. 30% affordable Housing, 70% Affordable: 30% Intermediate, accessible and adaptable provisions to be discussed, and,
2. 5% Custom or Self-Build Housing,

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of details to be obtained (Phased)
2. Reserved Matters to be submitted within 3 years (Phased)
3. Commencement within 2 years of Reserved Matters Approval (Phased)
4. Development to proceed in accordance with approved plans
5. Archaeological fieldwork/investigations to be undertaken prior to commencement of development and findings to be lodged with Devon County Council
6. Exterior lighting restrictions – including street lighting
7. No works to be undertaken to private drive. No service runs to be located under drive. A scheme for maintenance and management of the drive should be in place prior to first occupation
8. No development to commence until scheme for junction with Newton Road agreed, no occupation until scheme is in place
9. Construction Management Plan – to ensure safe access and no damage to protected trees or listed buildings/structures and incorporating an arboricultural watching brief
10. Tree Protection during construction
11. Open space and landscaping provision and management
12. Approval of a foul and surface water drainage scheme including tree protection
13. Landscaping scheme to support biodiversity
14. Provision of bat/bird boxes
15. No tree to be removed without confirmation of bat roost presence and subsequent necessary mitigation being addressed
16. Buffers to northern boundary to be incorporated into scheme layout – including landscape reinforcement and appropriate boundary treatments
17. Provision of Waste Audit Statement

In relation to application 17/02275/FUL

PERMISSION BE GRANTED subject to the following conditions:

1. 5 year time limit for implementation
2. Development to be carried out in accordance with approved plans

3. Surface material details and sections including detailed works specification demonstrating no harm to trees other than those authorised for removal
4. Construction Management Plan – to ensure safe access and no damage to protected trees or listed buildings/structures and incorporating an arboricultural watching brief
5. No tree to be removed without confirmation of bat roost presence and subsequent necessary mitigation being addressed
6. Tree protection during works

3. DESCRIPTION

- 3.1 This Report addresses only the “implications” of a resolution to refuse planning permission for the subject proposals on highways or heritage grounds. For all other matters relating to the application, please see the appended Main Report from 17 April 2018 Planning Committee.
- 3.2 The application site is allocated for Development in the Teignbridge Local Plan and the text supporting the allocation indicates “multiple access options”.
- 3.3 As noted in the main report, the allocation of the site for development means that the impact of the proposal on drainage, biodiversity and heritage matters was considered acceptable in principle. There are no drainage or biodiversity objections to the proposals and no supportable reasons for refusal on these grounds – as correctly identified by Members at the last Committee.
- 3.4 The question at issue is whether the proposal that is before us is one that meets the requirements of the Policy and the Plan read overall, or whether there is some aspect of the proposal that indicates that, whilst the principle is acceptable, the specific applications before the Committee should be refused. Officers would strongly advise members that seeking to refuse the applications on “in principle” grounds is likely to be considered unreasonable by a Planning Inspector – leaving the Local Planning Authority at risk of having a Costs Award made against it.
- 3.5 The options available to Member are therefore:
 1. To refuse the applications on highway safety grounds; AND/OR
 2. To refuse the applications on heritage grounds; OR
 3. To approve the applications as set out or as amended by Members.
- 3.6 These are considered in turn below.

Option 1: A highway safety based refusal
- 3.7 Following Committee, an initial speed survey has been undertaken by the Applicant team. In line with the relevant guidance, this suggests that visibility splays of 40 metres to the left and 46 metres to the right should be achieved for the site. The Applicant has submitted a plan outlining how this can be achieved.
- 3.8 In addition, in response to the concerns raised about the physical works that may be required to deliver the necessary visibility splays, an updated indicative plan has been submitted.
- 3.9 The Applicant team submit that:

- A speed survey has been undertaken in accordance with current guidance TA 22/81 Vehicle Speed Measurements on All Purpose Roads. The survey recorded speeds on Newton Road at the access to Indio House between 9.05 – 10.05am. The 85th percentile (with wet weather speed correction factor) results were 31.5 m.p.h. heading into Bovey Tracey and 33.85 m.p.h. travelling out.
- The current speed limit along Newton Road is 30 m.p.h., which would require visibility splays of 43 metres in each direction in accordance with Manual for Streets (MfS). The speed survey results would mean a reduction in the required visibility at the junction with Newton Road (in accordance with MfS) to the left from the access to 40 metres and an increase to 46 metres to the right. This could easily be achieved at the site, through a reduction in the carriageway width of Newton Road. Research (TRL Report 661) has shown that there is a correlation between reduced road widths and speeds.

Potential off-site works to the junction with Newton Road

- Any works to improve the junction with Newton Road would be subject to agreement with Devon County Council, and addressed through a Section 278 agreement to carry out works in the existing highway.
- An indicative plan showing potential off-site works to Newton Road was prepared by the Applicants and included within the TA submitted as part of the application. Attached is an amended plan which has taken on board comments from Members relating to carriageway treatments. This shows no white lining or radii kerbing, the use of conservation/countryside kerbing, with delineation kerb of 12mm upstand to define the edge of the carriageway, the introduction of a verge instead of paved area and the provision of a pedestrian drop crossing.

3.10 These proposals have been put to Devon County Council who confirm that they would not support refusal of the application. Devon County Council has also confirmed that the access drive does not need to be adopted, but does need to be of an acceptable standard. It is Devon County Council's view that the access drive could in its current state be considered acceptable to serve the development.

3.11 In relation to pedestrian and cycle access, the plans as submitted show a crossing point on Newton Road to reach the pavement to enable residents to walk into the Town Centre or elsewhere in safety. The developer's team has also confirmed that they would be interested in exploring the possibility of a link onto Marsh Path towards the town centre, but ownership issues are a barrier to this at present.

3.12 With the conditions detailed in the recommendation above in place, it is not considered that there are any highway safety reasons for refusal of the development. Should Members decide otherwise, the Highway Authority would not support the Council at a subsequent appeal.

Option 2 – A Heritage Based Refusal

3.13 As outlined above, it is not considered appropriate to refuse the applications on the basis that development of the allocated site would have an unacceptable impact on the listed Indio House itself. The principle of development of the site has already been agreed through its allocation in the Local Plan.

3.14 The Design and Heritage Team Leader's Consultation response confirms the Local Planning Authority's view that the entrance gate piers are curtilage listed structures.

- 3.15 The response outlines that the principle of development of the sort described in the application is likely to be acceptable (“the entrance arrangement is well designed...” “low key density towards the southern side is to be welcomed...”)
- 3.16 In addition to these points, the response also raises concerns relating to works that do not form part of this application but over which the Local Planning Authority does still have control as the scheme develops – in particular through the removal of some Permitted Development Rights as included in the recommendation above and through the TPO approvals process should additional tree works be required.
- 3.17 Following Committee, the Applicant team has reiterated:
- The existing drive is a minimum of 3.8 metres - 4.2 metres in carriageway width which is sufficient to serve the proposed number of units and is of good construction (tarmac over granular sub-base material).
 - With the exception of the minor widening of a short section of the driveway (proposed through application ref. 17/02275/FUL), no works are proposed to the existing driveway as part of the applications.
 - The driveway could be provided to an adoptable standard. If the driveway is not adopted by Devon County Council, then a management company would be set up for the up-keep of the roads, as well as for SUDs areas and for landscape and tree management. This management company would be handed over to an experienced managing agent on completion of the last residential sale. As part of the sale contract of every property on site, the purchasers would be contracted to make contributions to the management company to cover all costs including for the roads and the managing agent costs. Part of their contribution would be used as a fund that would build up and be used to enable other works that may arise.
- 3.18 Taking these facts together there are two potential remaining heritage concerns:
1. The potential for physical damage to the curtilage listed gate piers, and,
 2. The impact of the use of the driveway on the designated heritage asset (and the rural character of the site)
- 3.19 Taking these in turn:
- 3.20 Whilst Officers accept that with more use of the entrance there is a greater likelihood that accidents could occur, it has been demonstrated that a fixed wheelbase refuse track can adequately pass through the gateway and this possibility does not represent a robust reason for refusal of the applications. The Construction Management Plan required by recommended Condition 9 could provide a physical means of temporarily safeguarding the piers.
- 3.21 With no physical works proposed to the driveway – other than those specified in the applications – it is hard to understand from a planning perspective what the “development” is that is causing harm to the designated heritage asset. The use of the drive as a residential driveway will continue as presently and no works to the driveway are proposed. Devon County Council have confirmed that the access drive is acceptable in its current form as a private drive to serve the development. There can be no reason why additional works would be required at this time.
- 3.22 It is therefore not considered that just the use of the driveway to serve a greater number of residential units is a supportable reason for refusal. This is particularly

the case when the principle of development at this site has been found to be acceptable in heritage terms through the Local Plan.

- 3.23 The plans have been discussed with the Design and Heritage Team Leader again following receipt of the various clarifications from the Applicant team.
- 3.24 Whilst it would be that Officer's preference for an access to be taken from St John's Close, with the confirmation that no works would be required to the access drive to allow the site to be accessed – meaning that the formal drive / avenue would be intact – the concerns detailed in the formal application response have been allayed. The removal of a small number of protected trees away from the avenue is considered regrettable but understandable. Whilst concerns remain regarding the “experience” of the drive, in the absence of any development on the drive (either operationally or as a material change of use), there are no reasons for refusal of the application on this basis.
- 3.25 Following on from these discussions, it is recommended that the conditions requiring a scheme for the safe access to the site to be agreed should also be agreed by the Local Planning Authority to allow consideration of the potential of these works to impact on the curtilage listed boundary structures to be fully considered. This should include materials, levels etc. and this is incorporated into the recommendation above (Condition 8).
- 3.26 In view of the additional information submitted by the Applicants, and the further advice of the Design and Heritage Team Leader, Officers do not consider that any defensible reasons for refusal of the proposals on heritage grounds exist.
- 3.27 In making this recommendation, Officers are mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

Summary and Conclusions

- 3.27 Members deferred formally making their decision on the subject applications at Committee on 17 April 2018 in order to allow consideration of an “options” report in relation to possible reasons for refusal on highways and heritage grounds.
- 3.28 As outlined above, Officers do not consider that there are any reasonable reasons for refusal relating to either heritage or access and highway safety grounds. Officers are not therefore in a position to recommend reasons for refusal.
- 3.29 The site is allocated in the Development Plan and therefore the principle of development taking place at the site is considered acceptable. Additional information has been submitted in the light of Committee's suggested issues for refusal (highways and heritage). This has resulted in the Highway Authority clarifying that it would not support refusal of the application and the Design and Heritage Team Leader's concerns being allayed. It is our strong advice therefore that in order to avoid exposing the Council to an award of costs at appeal, the proposals should be approved as set out above.

Statutory/common law duty for the planning committee to give reasons for decisions

- 3.30 The duty of a Planning Committee to give reasons where they disagree with the recommendations from officers has been considered by the higher courts in several decisions in recent years, and in particular by the Supreme Court in the December 2017 decision of *Dover DC v Campaign to Protect Rural England (Kent)*, which concerned the grant of planning permission against the recommendation of officers. In the Dover decision the Supreme Court noted (in part) that:

“Public authorities are under no general common law duty to give reasons for their decisions; but it is well-established that fairness may in some circumstances require it, even in a statutory context in which no express duty is imposed”.

“Members are of course entitled to depart from their officers' recommendation for good reasons, but their reasons for doing so need to be capable of articulation, and open to public scrutiny. There is nothing novel or unduly burdensome about this”.

- 3.31 As a consequence of the decision of the Supreme Court decision summarised above, it is recommended that in all cases where the planning committee disagrees with the recommendation of officers and decides to refuse or grant planning permission, detailed reasons for the refusal or grant should be recorded in the Minutes, and the reasons should refer to applicable and relevant national and local planning policies.

4. CONSULTEES & REPRESENTATIONS

2 additional letters of representation have been received raising no new substantive issues.

Devon County Council (Highways) - With the information now received from PCL Planning with the speed survey results, the Highway Authority would not be able to recommend refusal on highway grounds. Although there is little doubt that an alternative access would be better.

With regards the internal access drive, this does not require to be adopted but it does require to be to an acceptable standard in order to satisfy the Advance Payment Code.

For other responses and representations – See Appended Report and Planning Online <https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02118/MAJ>

5. TOWN COUNCIL'S COMMENTS

No additional comments received – See appended Report

Business Manager – Strategic Place

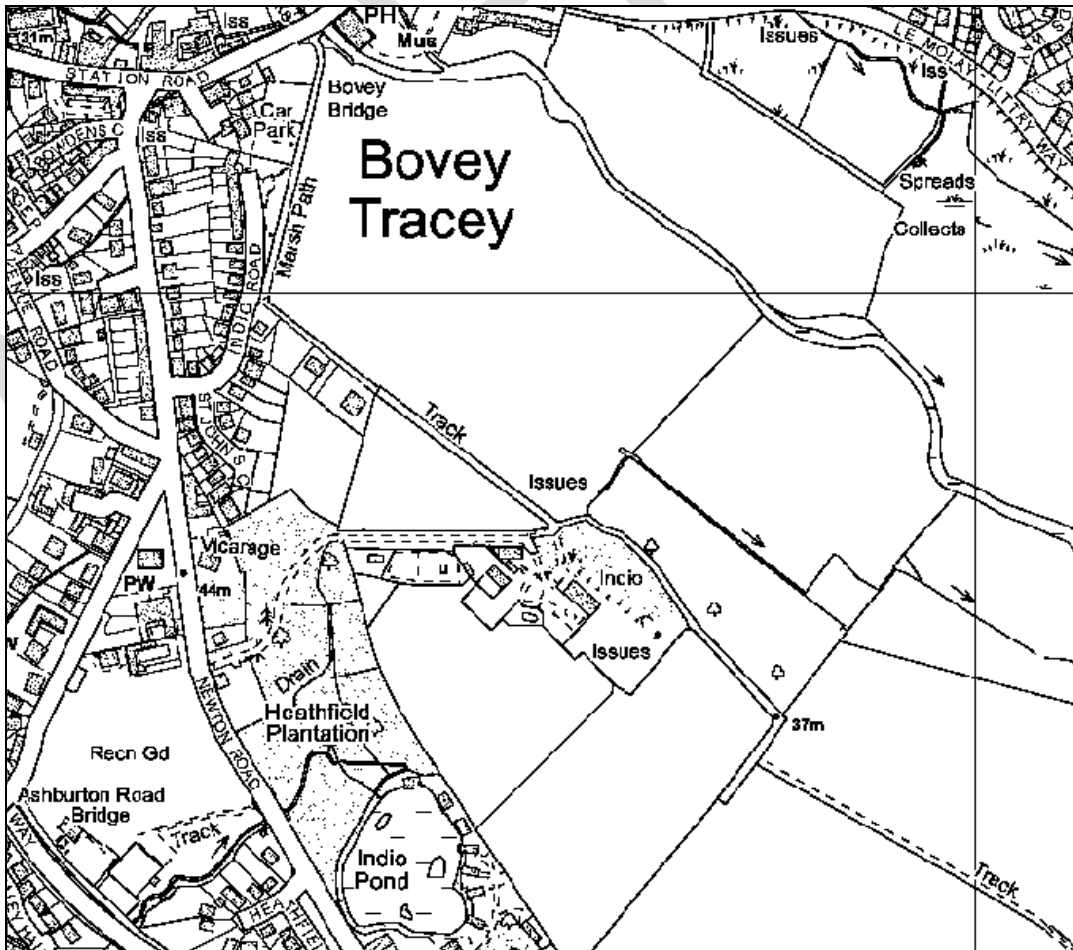
PLANNING COMMITTEE REPORT

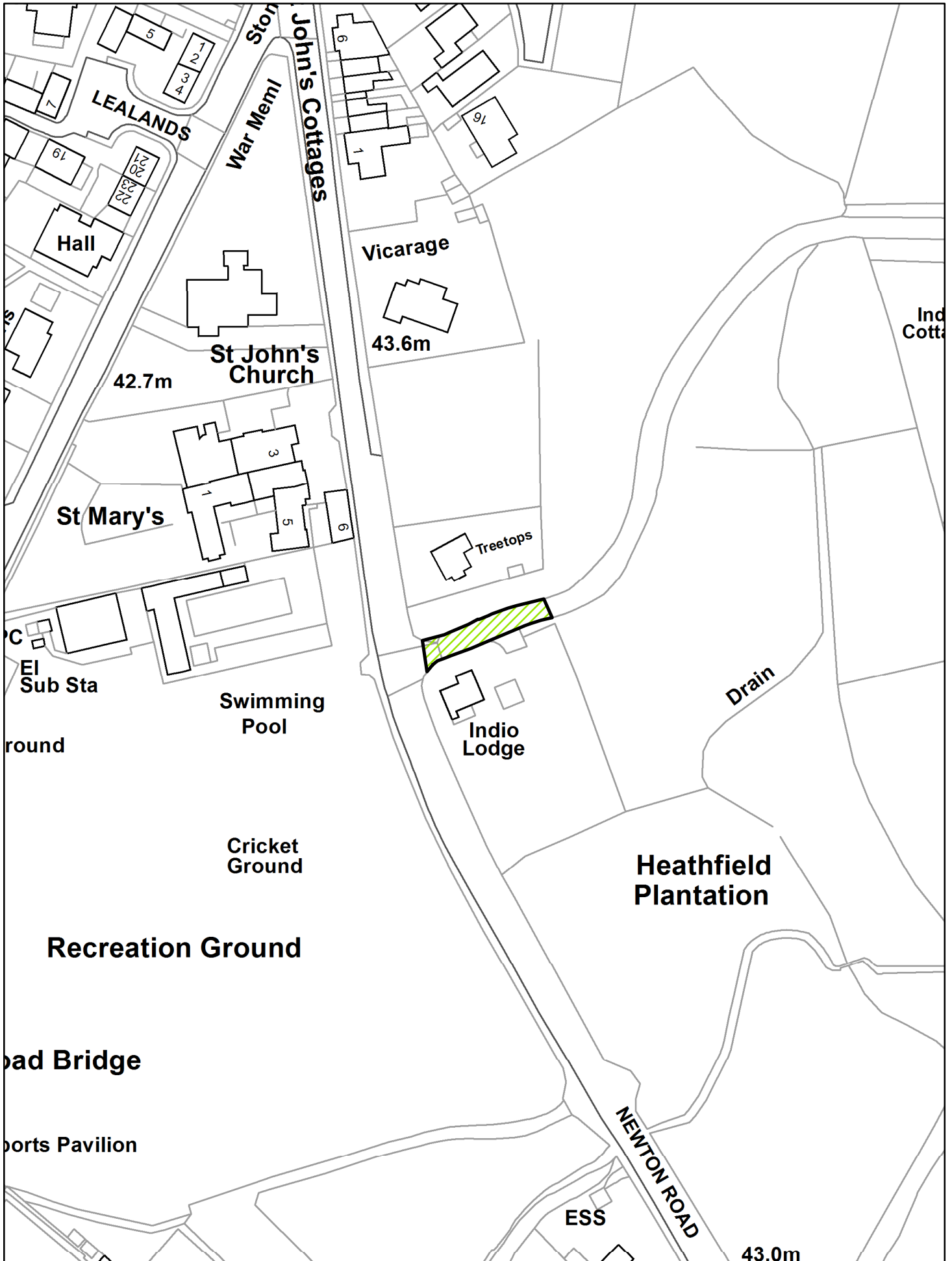
17 April 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATIONS FOR CONSIDERATION:	<p>BOVEY TRACEY - 17/02118/MAJ - Land North Of Indio House, Newton Road - Outline planning application for up to 30 dwellings and associated works (means of access to be determined only); and</p> <p>BOVEY TRACEY - 17/02275/FUL - Widening of existing residential driveway and alterations to access</p>	
APPLICANT:	Kach Developments	
CASE OFFICER	Rosalyn Eastman	
WARD MEMBERS:	<p>Councillor Gribble Councillor Kerswell Councillor Morgan</p>	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02118/MAJ&MN	





1. REASON FOR REPORT

Councillor Morgan has requested Committee consideration if the recommendation is one of approval due to planning concerns relating to:

- i) Loss of important wildlife/habitat/vegetation
- ii) Effects on the setting of a listed building
- iii) Effects on traffic

2. RECOMMENDATION

In relation to application 17/02118/MAJ

Subject to the completion of a Section 106 Agreement to secure:

1. 30% affordable Housing, 70% Affordable: 30% Intermediate, accessible and adaptable provisions to be discussed, and,
2. 5% Custom or Self-Build Housing,

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of details to be obtained (Phased)
2. Reserved Matters to be submitted within 3 years (Phased)
3. Commencement within 2 years of Reserved Matters Approval (Phased)
4. Development to proceed in accordance with approved Plans
5. Archaeological fieldwork/investigations to be undertaken prior to commencement of development and findings to be lodged with Devon County Council
6. Exterior lighting restrictions – including street lighting
7. No works to be undertaken to private drive. No service runs to be located under drive. A scheme for maintenance and management of the drive should be in place prior to first occupation
8. No development to commence until scheme for junction with Newton Road agreed, no occupation until scheme is in place
9. Construction Management Plan – to ensure safe access and no damage to protected trees or listed buildings/structures and incorporating an arboricultural watching brief
10. Tree Protection during construction
11. Open Space and landscaping provision and management
12. Approval of a Foul and Surface water drainage scheme including tree protection
13. Landscaping scheme to support biodiversity
14. Provision of bat/bird boxes
15. No tree to be removed without confirmation of bat roost presence and subsequent necessary mitigation being addressed
16. Buffers to northern boundary to be incorporated into scheme layout – including landscape reinforcement and appropriate boundary treatments
17. Provision of Waste Audit Statement

In relation to application 17/02275/FUL

PERMISSION BE GRANTED subject to the following conditions:

1. 5 year time limit for implementation
2. Development to be carried out in accordance with approved plans
3. Surface material details and sections including detailed works specification demonstrating no harm to trees other than those authorised for removal

4. Construction Management Plan – to ensure safe access and no damage to protected trees or listed buildings/structures and incorporating an arboricultural watching brief

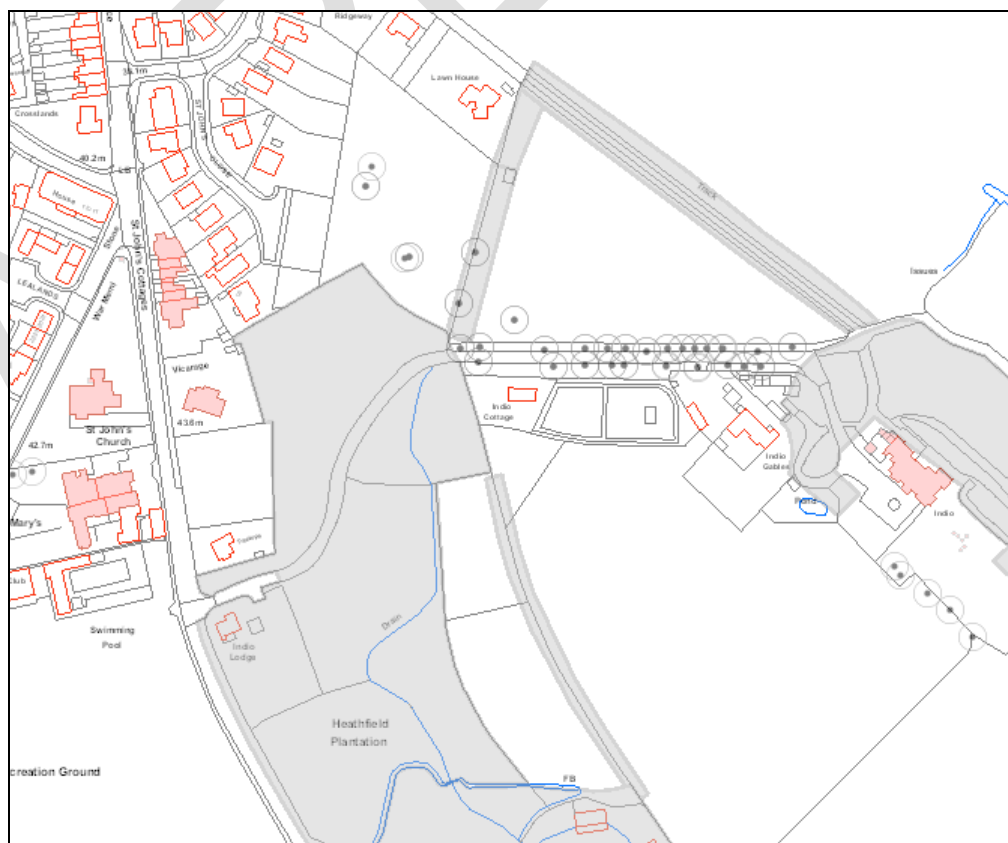
5. No tree to be removed without confirmation of bat roost presence and subsequent necessary mitigation being addressed

6. Tree Protection during works

3. DESCRIPTION

Site Description

- 3.1 The site at Indio House is allocated in the Local Plan under Policy BT2A: North of Indio House. It extends to approximately 1.5 hectares of land that is currently not in active use but has been used for low-key grazing in the past.
- 3.2 Indio House is Grade II listed. Some pillars in the garden of the house (to its south east) are separately listed grade II.
- 3.3 The gate pillars and walls at the site entrance are considered to be curtilage listed structures.
- 3.4 A cluster of listed buildings associated with St Johns Church (II*) is present on Newton Road.
- 3.5 The woodlands adjacent to the site are subject to a woodland Tree Preservation Order. The boundary hedges within the site are similarly subject to TPOs.
- 3.6 Listed Buildings are shown on the extract below in pink/red whilst Tree Preservation Orders are marked with circles/in grey.



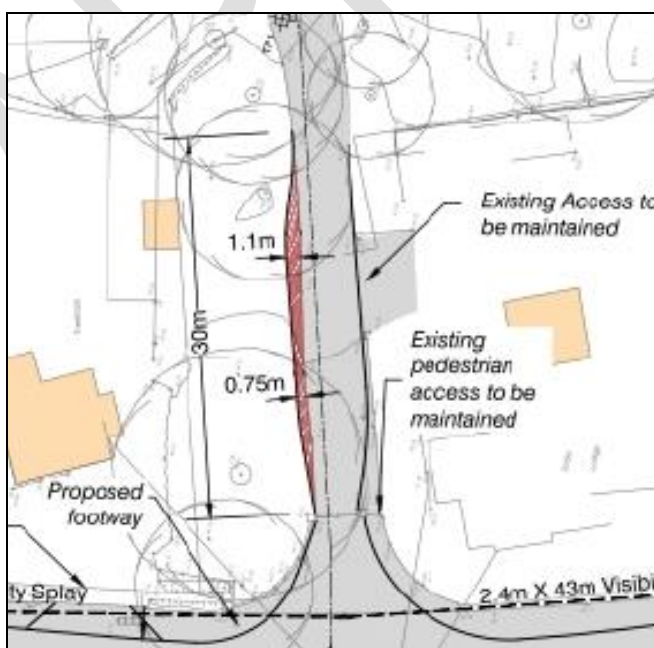
- 3.7 A number of residential properties on Indio Road and St Johns Close back onto the site. There are also properties accessed off Marsh Path or the Indio House drive that could be affected by the proposals.



The proposal

- 3.8 There are two elements to the proposal:

1. The creation of a passing space through widening the surface of the carriageway by approximately 1 metre at the Indio House entrance to allow vehicles to pass one another should they meet at this point on the drive (17/02275/FUL)



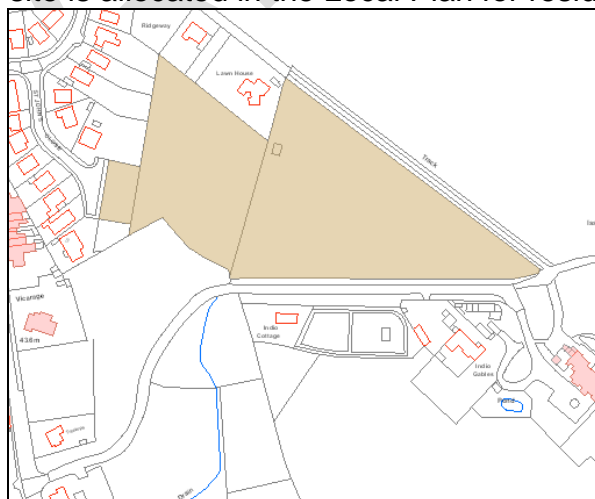
2. An application for the development of up to 30 dwellings on the allocated site, with access only for approval at this time (17/02118/MAJ).



- 3.9 The access would be taken at an existing field gate and would then pass over the existing Indio House driveway.
- 3.10 With the exception of those under 17/02275/FUL, no works are proposed to the existing driveway.
- 3.11 The creation of the passing bay at the front of the site would lead to the loss of 3 protected trees whilst the creation of an access into the development site would lead to the loss of a further 3 trees.
- 3.12 Any additional tree removal would require further permission.

The principle of the development

- 3.13 The principle of the residential development must be considered acceptable – the site is allocated in the Local Plan for residential development under Policy BT2A.



- 3.14 In summary, Policy BT2A allocates the site for:
- a) At least 45 homes with a target of 30% affordable homes
 - b) Measures to address the site's sensitive ecological, built environment and landscape setting
 - c) A safe pedestrian and cycle access to the Town Centre, and,
 - d) A bespoke Greater Horseshoe Bat Mitigation Plan
- 3.15 The supporting text to the Policy highlights that the site has "*a number of access options, however any road access should have regard to the character of the listed Indio House and driveway*".
- 3.16 The applicant has agreed to the provision of 30% affordable housing and the delivery of 5% custom build, in line with the Local Plan, and conditions and obligations as detailed above are considered sufficient to ensure that the proposal is policy-compliant in other respects.
- 3.17 The comments of the Housing Enabling Officer in respect of the provision of accessible dwellings, etc., are noted and will be discussed with the applicant during Section 106 negotiations.
- 3.18 Overall, it is considered that the proposal is acceptable in principle. Whilst the policy proposes "At least" 45 homes, further analysis of the particular constraints of the site suggests this is not feasible if mature trees are to be retained on site and adequate buffers to site boundaries are to be provided. The benefits of delivering a quality development on the site are considered to outweigh the benefits of delivering a higher number of dwellings.
- 3.19 Clearly, more detailed consideration will need to be given to matters relating to design and orientation of dwellings, etc., at the reserved matters stage but, at this outline stage, Officers are content that the principle of the development is acceptable.
- 3.20 This is considered further below in relation to technical and other considerations.

Heritage Considerations

- 3.21 In coming to a recommendation, Officers are mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.
- 3.22 As noted above, Indio House itself is Grade II listed and there is a cluster of listed buildings on Newton Road and therefore development here must have the potential to impact on the setting of these designated heritage assets. Weight is given, in coming to our recommendations as detailed above, to the conservation of these assets.
- 3.23 As a comparison and for background to addressing heritage matters for an allocated site, it is worth considering the Inspector's Report in relation to NA2, Whitehill (application reference 14/01797/MAJ). In that case, as well as Grade II

Whitehill House, the relevant designated heritage asset was the Grade I Highweek Church. At his paragraph 77 the Inspector commented, and the Secretary of State agreed:

“There can be no doubt, therefore, that the proposal would have an impact on the setting of the Church, and, because it would involve some encroachment into its prominent hill-top setting, its significance. It is however, important to place this impact in its proper context. The appeal site is part of a wider tract of land allocated for development through LP Policy NA2. The allocation has been examined and gone through a process of comparison with other prospective sites. In that context, it appears to me axiomatic that some impact on the setting, and thereby the significance, of the Church must have been factored in when the allocation was found sound. There can be no in-principle objection to the development of the appeal site and the proper question to address is whether there is anything in the design of the scheme that makes the impact more harmful than it should be?”

- 3.24 In relation to the subject proposals, which similarly relate to an allocated site whose context would have been considered by the Local Plan Inspector, at this outline stage – and taking account of what the Plan says about multiple possible access options – Officers consider at this stage that there is nothing in the design of the scheme that makes its impact more harmful than it should be.
- 3.25 The site has two realistic access options – through St Johns Close or along Indio House Drive. If at the allocation/plan-making stage it was considered that use of the drive would have caused harm to the significance of the heritage asset then the Policy and its supporting text would have made this clear. As it is, we have a policy context that describes “a number” of access options and therefore the allocation must have considered the benefits of the proposal. It is therefore not considered appropriate to “force” the development to be accessed through St Johns Close. It is not considered that this is necessary to avoid harm to heritage assets as the acceptability of “multiple” access options was considered in allocating the site.
- 3.26 A Heritage Assessment prepared by Cotswold Archaeology has been submitted in support of the proposals.
- 3.27 This Statement presents a detailed history of the development of the area and clearly describes the tight, immediate setting for the listed building and the limited intervisibility between the house itself and the development site. It also notes the contribution of the driveway to the setting of the house including the curtilage listed gateway structures.
- 3.28 The Statement suggests that “much” of the original significance of the avenue/ driveway has been reduced as the driveway serves an additional 3 residences and has therefore lost its character as a private driveway.
- 3.29 In the Officer’s view, this overstates the change as whilst the drive does serve multiple dwellings, it is quiet and activity levels are low.
- 3.30 The Statement also considers the impact of the proposed development on the setting of the designated heritage assets – importantly the II* St John’s Church. It concludes that the development site does not make any significant contribution to the setting of the St John’s group of assets despite the very limited intervisibility between the two.

- 3.31 This is accepted.
- 3.32 The Statement concludes that the key elements of the setting of Indio House that contribute most to its significance will not be altered by the proposed scheme and that the changes would not cause harm to the significance of Indio House through changes to its setting. The development site falls outside the “designed views” relating to the house.
- 3.33 Both the Design and Heritage Team Leader and the Landscape Officer raise concerns about the possibility of works being required to upgrade the driveway that are not described in the application. No such works are proposed at this time and the application must be dealt with as presented. Control over possible future works exists through consideration of protected trees and potentially listed building consent applications. These concerns, whilst fully understood and supported, cannot at this time form part of a reason for refusal of the subject applications.
- 3.34 The concern about loss of landscape separation from Indio House and other development is understood. The proposals however include a single access point and design measures will be considered at the reserved matters stage to ensure minimum impact on the “privacy” of Indio House.
- 3.35 Whilst the access drive will be used to enter the site, the character of the drive will remain unaltered with the dense planting and tree coverage not affected by the proposal.
- 3.36 In considering the proposal against the Policy in the Local Plan and part 12 of the NPPF, as well as the requirements of statute as set out above, it is considered that the designated heritage asset of Indio House together with its curtilage listed structures, associated buildings and setting will be conserved by the proposals.
- 3.37 The development is within the setting of Indio House: however it is considered that the development site and its approach, whilst important, are not key to the setting of the asset or its significance.
- 3.38 The site is allocated and its development will lead to significant public benefit. The development will also leave the designated asset in its optimum viable use – indeed the development should secure the future of the designated asset and the key elements of its setting.
- 3.39 The limited works to create a small area of widening inside the gateway are not considered to have any impact on the setting of the curtilage listed structures at the site entrance.
- 3.40 Overall, the impact of the proposal on designated and undesignated heritage assets is considered to give rise to less than substantial harm that is outweighed by the benefits of the development and there are not considered to be any heritage reasons for refusal of this proposal.

Archaeology

- 3.41 The proposed development lies in an area of archaeological potential with regard to the Indio Pottery works. The submitted Heritage Statement considers the potential

for archaeological remains including drawing on geophysical work that has previously been undertaken for the site.

- 3.42 The geophysical survey of the site has identified anomalies that are indicative of archaeological features within the application area.
- 3.43 However, as noted by Devon County Council Archaeology, it is not possible to understand the significance of these features or indeed the efficacy of the geophysical survey without intrusive archaeological investigations. As such, the information submitted in support of this application is not sufficient to enable a full understanding of the significance of the below ground heritage assets within the application area or of the impact of the proposed development upon these assets.
- 3.44 The Statement concludes that it is likely that the potential for any remains is limited. Any features of archaeological origin would not be greater than low significance. This is an outline scheme and it is considered that the applicant has met the requirements of the NPPF paragraph 128 in having undertaken a desk-based assessment and field evaluation by geophysical survey. Paragraph 128 of the Framework requires that the information provided is proportionate and '*no more than is sufficient to understand the potential impact of the proposal on their significance*'.
- 3.45 Notwithstanding the concerns raised by Devon County Council's Historic Environment Team, at this stage, it is considered that for an allocated site where the principle of development is considered acceptable, the question will be what level of field evaluation is required to support the development.
- 3.46 It is not considered that it is necessary for fieldwork to take place prior to outline planning permission being granted. A condition is therefore recommended above that the fieldwork takes place prior to reserved matters being submitted in order that, if necessary, the reserved matters layout can be informed by the archaeology.
- 3.47 There are not considered to be any archaeological reasons for refusal of either application proposal at this time.

Access Considerations

- 3.48 The immediate site access junction is considered acceptable. A suitable access for 30 dwellings will be able to be accommodated with the junction layout shown, or one similar, whilst leaving suitable access for existing drive users.
- 3.49 The junction of the existing driveway to Indio House can be improved through the minor works proposed in 17/02275/FUL.
- 3.50 The relationship between the site access point and Newton Road is not considered acceptable at present.
- 3.51 Further information in relation to speeds on Newton Road and therefore appropriate visibility splays has been requested by Devon County Council. However as the works to improve the access are proposed to be addressed through a Section 278 Agreement rather than an application for planning permission, those discussions need to take place outside the planning application process.

- 3.52 Works to this junction though may be able to be secured through a Highways Agreement with Devon County Council (a Section 278 Agreement to carry out works in the existing highway). Such works do not also require planning permission.
- 3.53 A condition is proposed above requiring the completion of a scheme to improve visibility at the Newton Road junction to be agreed prior to commencement of development and to be in place prior to any dwellings being occupied.
- 3.54 The concerns of Devon County Council are noted: however at present no works are proposed to the highway through applications that are with us for consideration.
- 3.55 A condition is also proposed above that requires a scheme to ensure satisfactory management and maintenance of the access driveway is in place prior to occupation of any dwelling. This will not permit works to the driveway without the necessary consents being in place but should ensure that consideration is given to the maintenance liability that will arise through the proposals.
- 3.56 Devon County Council do not offer comment on the small scale widening proposed under 17/02275/FUL.
- 3.57 There are considered to be no highway reasons for refusal of the proposals at this time.

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

- 3.58 The protected trees and hedges throughout and surrounding the site will ensure that the development of the site will be quickly assimilated into the landscape.
- 3.59 Whilst this small area of green field will be lost to development, its discrete and well screened location is such that, subject to design and lighting considerations, it is considered that it can be accommodated within the wider landscape without having any unacceptable impact on the area. It is, of course, allocated for development by the Local Plan anyway.
- 3.60 A small number of trees are proposed to be lost in relation to each application but, on balance, these losses are considered acceptable in relation to the development overall.
- 3.61 References are made in the Ecology Report to a far greater number of trees potentially requiring removal.
- 3.62 Granting permission for the subject applications does not grant consent for further tree removals. Separate consent would be needed for any additional tree removals.
- 3.63 The concerns of the Tree Officer in relation to works to the driveway are noted and understood, but, as outlined previously, permission is being given only for the works identified in the applications and not for any works to upgrade the driveway.
- 3.64 There are not considered to be any arboricultural or landscape reasons for refusal of the applications at this time.

Impact on ecology/biodiversity

- 3.65 The site is located within a Strategic Flyway for the Greater Horseshoe Bat. It is necessary for the Local Planning Authority as Competent Authority for the purposes of the 2017 Habitat Regulations to consider whether the proposals would have a “likely significant effect” on their own or in combination with other plans and projects on the integrity of the designated European site.
- 3.66 Updated guidance and research from Natural England suggests that the flyway may not be as wide as once considered in this location and so it is not considered likely that the proposal would have a likely significant effect on the South Hams SAC.
- 3.67 The site is however well used by at least 12 species of bats – including through trees being used as roosts and hedgerows acting as flyways. Very limited Greater Horseshoe Bat activity was however reported in this area – supporting the research findings of Natural England.
- 3.68 It is important that the design of the development respects these significant routes and provisions and does not unacceptably impact upon them. This will be achieved through leaving hedges and tree belts largely intact and through managing on site lighting where possible to minimise light spill onto hedgerows.
- 3.69 Bats, and birds, are very good at adapting to some elements of changing environment and it is therefore proposed to include a condition requiring the equivalent of 1 nest/roost box per dwelling to be provided at the site in order to deliver a degree of biodiversity enhancement through the development.
- 3.70 In addition to bats and birds, the grassland here forms part of a mosaic of habitats within the wider area. It is suggested that landscaping schemes for the site look to support biodiversity rather than necessarily presenting a manicured “garden” appearance and the inclusion of insect-attracting species in landscaping proposals is detailed in the conditions above.
- 3.71 There are no ecological reasons for the refusal of either application.

Land Drainage/Flood Risk

- 3.72 A scheme setting out one way in which drainage could be achieved at the site has been received. This shows that the site could be developed with no unacceptable impact on flood risk on or off-site. Devon County Council has raised some concerns about this scheme in relation to their guidance and best practice and dialogue about this is ongoing.
- 3.73 Any further developments in this technical dialogue will be reported to Members should an update be received. However, at this time whilst there may be some disagreement about the details of the proposed drainage solution, it is clear to Officers that there is a drainage solution available for this site and therefore a condition is proposed to ensure that adequate drainage is achieved and Devon County Council are ultimately content with what is proposed.
- 3.74 In addition, the construction of drainage runs could have impacts on protected trees around the site. Method Statements for the installation of drainage will be required to ensure that harm is avoided.

3.75 There are not considered to be any drainage reasons for refusal of either application at this time.

Other matters

3.76 Residents living near the site have raised concerns about the impact of the proposals on their amenity. At this stage, whilst an illustrative layout has been submitted in support of the application to demonstrate that the scale of development proposed is capable of being accommodated on site, it is not considered that the proposals in principle will give rise to an unacceptable impact on the occupiers of any neighbouring property. Again it should be stressed that the site is allocated for residential development in the Local Plan.

3.77 At the reserved matters stage when layout, scale and appearance are being considered, these matters will of course be considered in detail to ensure no unacceptable impact on residential amenity occurs.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S19 (Bovey Tracey)

WE7 (Custom Build Dwellings)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

BT2A (North of Indio House)

Devon Waste Plan

National Planning Policy Framework

7. CONSULTEES

Full consultee responses are available via the Council's website using the following link: www.teignbridge.gov.uk/planningonline

Teignbridge Housing Services -

Affordable housing @ Overall 30 dwellings 30% = 9 Affordable dwellings

N.B. if overall dwelling numbers are reduced any decimal of .5 or over would be rounded up.

Affordable housing quantum will be assessed on a percentage basis of overall dwelling numbers.

The site has a level topography which would potentially allow for some accessible/adaptable housing delivery (including affordable housing) on site, which should be

valued as a premium option for the development of site BT2A. The provision of housing which is better future-proofed through the high level Building Regulations (Part M Level 2) is needed across all housing market sectors.

Any Affordable Housing requirements would be required to be provided on the basis of a 70:30 split rent to intermediate/shared ownership - with local connection cascades.

Locations of the affordable housing should be based on small group clusters. In this case this is likely to be best delivered as 2 clusters.

The affordable housing mix should be representative of the overall housing mix – unless otherwise negotiated with the Enabling Team on the basis of local housing needs.

The requirements would be secured through appropriate Section 106 clauses to ensure affordable housing provision in accordance with policy requirements and now factored into clauses of a new Section 106 template.

Environmental Health – Contaminated Land - Following submission of additional information, confirm no objections.

Environmental Health – Air Quality - No objections.

Biodiversity Officer - No response received.

Tree Officer - It is understood the application site is to be accessed by the existing drive, it is further understood the drive will have to be brought up to a standard that will be adopted by the local highway authority.

No information has been supplied within the application detailing the proposed work required to bring the drive up to an adoptable standard.

As the drive is outside the red line for development, a tree preservation order application will be required to undertake significant work to the existing drive and/or install services as roots from protected trees will be affected.

Any tree preservation order application will have to provide full details of proposed work to the drive, details of services and the work involved to install the services.

The proposed access to the site will require the removal of two protected trees. While one of the trees is of indifferent quality, when viewed collectively, and together with surrounding trees, they form part of a protected woodland area that contributes significantly to the visual amenity of the area. The incremental removal of trees has the potential to have a detrimental effect upon the visual amenity provided by the woodland

Owing to the above significant justification is required if these protected trees are to be felled.

As no information has been submitted to explain how the site will be accessed via an adopted highway from Newton Road, and as no assessment has been submitted discussing the actual or potential impact to protected trees adjacent to the existing drive, and as any significant work to the existing drive will require a tree preservation order application, the applicant has failed to show how the site will be accessed.

Owing to the above, and in the absence of details of how the site will be accessed the justification required to fell protected trees has not been produced, accordingly there is an arboricultural objection to the application.

17/02275/FUL

While the trees are of indifferent quality, when viewed collectively, and together with surrounding trees, they form part of a protected woodland area that contributes significantly to the visual amenity of the area.

Landscape Officer

- Further information is required on how the drive can be upgraded to an adoptable standard.
- Concern that works necessary to get the drive up to an adoptable standard will have an adverse impact on the historic landscape setting of Indio House.
- Justification that the later, serpentine section of the drive, is of value to the historic setting of the heritage asset.

Team Leader - Design and Heritage - I object to accessing the allocation site from the existing access to Indio House as this will be harmful to the designated heritage asset, its curtilage and approach.

- The site can be accessed from St Johns Close and harm avoided
- The rural character and significance of the historic building group of Indio House, the lodge, gateway, gardener's cottage, stables and carriage drive would change in a detrimental manner through opening out the drive and intensification of use. The small, intimate group of historically-related buildings would change from several buildings to perhaps 45 plus buildings.
- There is a lack of information on the upgrading of the drive to meet adoptable standards.

The passing place, removal of trees, opening out of the drive would be detrimental to the approach to Indio House.

17/02275/FUL

A heritage statement has not been included with this application to describe the effect of the development on heritage assets or their setting even though it is the drive to grade II listed Indio House and there are nearby designated heritage assets including a grade II* building. I am considering this as a stand-alone application, not in conjunction with application 17/02118/MAJ.

The gateway arrangement forms a group of listed buildings with St Johns Vicarage (Grade II), Church of St John (Grade II*), St Mary (Grade II) and 1-6 St Johns Cottages (Grade II).

The entrance arrangement and lodge (1907) have architectural merit in themselves and the entrance arrangement bears some similarities to the work of Thomas Mawson, though they are not ascribed to him. There is insufficient evidence to determine whether the other buildings along the drive such as the Lodge. etc., would be within the curtilage of Indio House. There is no detail on the historic landscape or possible archaeology which may include the history of the site in relation to ceramics.

The drawings provided lack detail on the effects of the proposal on the piers and walls. 1:500 drawings are very basic and they should show accurately the three piers at the gateway and two end piers on the walls with sections. I would expect a measured, levelled survey of the entrance piers, surrounding walls, gates, drive and railings to have been provided. (NPPF para 128).

It should be confirmed that the piers, gates and walls are not to be altered which would require listed building consent. The arrangement is a strong asset to Indio House and the character and appearance of the area and nearby designated assets. The base of the walls has been carefully built of red brick with likely stone plinths at the base of the piers; raising the floor level to provide a raised pavement at a higher level would be detrimental. However providing a flush pavement of natural stone flags, preferably salvaged, would be acceptable, subject to detail; concrete flags would be a harsher material and not complimentary. There is no detail of any additional road signs or lighting that might accompany this. I would not object to some widening of the drive for the better use of the residents.

If the Case Officer is minded to approve the scheme I would request that larger scale details are provided to show no alteration to the walls and piers and further details of the pavement including proposed site levels and sections to show how it meets the base of the wall and piers. I would also request that the materials and bond of paving slabs are agreed

Devon County Council (Archaeology) - The proposed development lies in an area of archaeological potential with regard to the Indio Pottery works. The geophysical survey of the site has identified anomalies that are indicative of archaeological features within the application area. However, it is not possible to understand the significance of these features or indeed the efficacy of the geophysical survey without intrusive archaeological investigations. As such, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the pottery known to operate in the vicinity and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. The requirement for further information on the heritage assets within the site is in accordance with the Teignbridge Local Plan and paragraph 128 of the National Planning Policy Framework (2012). The additional information required to be provided by the applicant would be the results of an archaeological field evaluation to investigate the nature of any anomalies identified by the geophysical survey and to test the efficacy of the survey itself.

The results of this work would enable the presence and significance of any heritage assets present to be understood along with the impact upon such assets. It would also enable an informed and reasonable planning decision to be made by your Authority.

Historic England - The application site is allocated within the adopted Teignbridge Local Plan 2013-2033. It sits within the former landscape of the grade II listed Indio House, a substantial 19th century house set within notable grounds. Its lodge, to

the west of the house, forms part of a historic group along with the grade II* listed St John's Church and grade II listed Vicarage, as well as a number of other designated assets, creating a cohesive and attractive streetscape. Later infill development has occurred between it and the main bulk of the settlement to the north but the area has retained a sense of its rural character and the naturalistic landscaping around the house.

The proposed site is located to the north of the historic drive between the house and the lodge and with the provision for 30 dwellings. We appreciate that the current application is outline with only the means of determining access to be agreed. We would stress the need for an appropriate assessment of the historic environment, as required under Para 128, NPPF. This should assess the impact of not just the access but also what constraints the site might hold in terms of the historic environment. By granting consent, this establishes the principle of development and we would stress the importance of an appropriate assessment, to ensure that the impact of the proposed development on the historic environment is fully understood and can be mitigated accordingly. Provisions over the historic environment are also set out under the policy BT2A(b). Further assistance can be found in the *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*. Historic England's interest is in respect of the grade II* listed St Johns Church. This should form part of any analysis for the site but through an initial desk based assessment, we consider the impact to be limited. We would suggest that you seek the advice of your conservation officer, to advise you regarding the impact on-site along with any other impacts identified to the historic environment as a result of the proposals. This will need to be considered in line with chapter 12, NPPF.

Devon Gardens Trust - The Gardens Trust object to the above application which affects Indio House, an historic designed landscape of importance in the local context of Devon and is on the Devon Gazetteer of Parks and Gardens of Local Special Historic Interest.

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This relates to the junction of the existing drive and Newton Road together with a 30 metres stretch of the drive leading east from the junction.

This proposal would result in the felling of three oak trees the trees form part of a protected woodland. The proposed widening of the drive and the loss of the trees would seriously affect the character and appearance of the heritage asset of Indio House.

We would anticipate that further alterations to the narrow carriage drive would be necessary to provide adequate access for the 30 dwellings. This would further adversely impact on the significance of the heritage asset. We would therefore suggest that access should be from St Johns Close, the road to the north of the site.

In conclusion, we are concerned about the adverse visual impact of the proposed development which would cause substantial harm to the significance of Indio House and its setting. We recommend that your authority should refuse consent for this proposal in its present form as it clearly conflicts with national planning policy with regard to the conservation of the historic environment.

Devon and Somerset Fire and Rescue - Confirm that the road width appears adequate.

Devon County Council (Flood and Drainage) - Raise concerns with regard to submitted drainage strategy (but does not highlight any fundamental drainage issues)

South West Water - Provide a standardised response relating to the provision of clean water and the separation of surface/foul water from the site for disposal.

Natural England - Based upon a revised (and more accurate) Sustenance Zone for the Chudleigh greater horseshoe bat roost (based upon roost, rather than SSSI boundary), the development site would fall outside the Chudleigh Sustenance Zone and would not therefore be considered as habitat supporting the Chudleigh greater horseshoe bat roost. The proposals are also relatively small scale in terms of potential wider landscape connectivity impacts. With this in mind a standard Natural England response is appropriate.

Our advice regarding risk has evolved since our previous earlier advice, and the previous development was also significantly larger.

Devon Wildlife Trust - We have concerns about the effect of this proposed development on the Greater Horseshoe Bats in this area.

We believe, therefore, that the development site should be considered as valuable habitat supporting bats associated with the Chudleigh SAC roost.

Devon County Council (Minerals) - The Policies Map that accompanies the Devon Minerals Plan includes the application site within a Mineral Safeguarding Area (MSA) for industrial minerals (in this case, ball clay).

Policy M2 of the Plan seeks to safeguard mineral resources within a MSA from sterilisation or constraint by non-mineral development, but allows for such development where specified criteria are met.

Criterion (d) allows for development for which there is an overriding strategic need, with paragraph 3.3.10 of the Minerals Plan stating that allocation of land within an adopted Local Plan will normally amount to such a need. As the application site is allocated for housing through Policy BT2A of the Teignbridge Local Plan, this criterion is met.

In addition, it is considered that the constraints imposed by the site's relationship with existing housing and the listed building at Indio House mean that extraction of ball clay within or close to the site is unlikely to be feasible or economic, and that criterion (a) of Policy M2 is also met. I therefore confirm that Devon County Council has no objection on mineral safeguarding grounds.

Policy W4 of the Devon Waste Plan requires that applications for major development be accompanied by a Waste Audit Statement, with the County Council's Waste Management and Infrastructure SPD providing guidance on the scope of a Statement. Paragraph 4.2.8 of the SPD recognises that a full Waste Audit Statement is more appropriate at the reserved matters stage but recommends

that an outline application be accompanied by an indication of the measures that will be used to minimise waste.

It is recommended that the applicant be requested to provide a brief statement at this stage outlining the measures to be taken for the minimisation and management of waste from the construction and operational phases and that, in the event of outline permission being granted, a condition be included requiring a full Statement at the reserved matters stage.

Devon County Council (Highways) - This is an outline application for 30 dwellings with access only to be determined, although the County Highway Authority should be satisfied that a safe and suitable access to the proposed dwellings is being provided, therefore further information will be required on how the access and visibility splays into the development will be achieved.

The access is off Newton Road, which in this area is a C Classified Road, and the speed limit is 30 m.p.h., although possibly the speeds are higher than 30.

The access as it is has very poor visibility, the applicant has put forward a proposal to push out the access by way of introducing a footway to the north and continuing this footway to link in with existing footway. To the south is another footway which goes nowhere and serves no benefit other than improving the visibility.

The visibility splays are proposed to be 2.4 metres x 43 metres in both directions which does meet the guidance in Manual for Streets 1 and 2 for a speed limit of 30 m.p.h.

Devon County Council Carried out a speed survey at this location back in 2003 and the 85 percentile showed the speed of traffic in this area was in excess of 44 m.p.h. Therefore an up to date speed survey would need to be undertaken to ensure that 43 metres visibility is adequate and safe for this proposal.

Therefore the County Highway Authority cannot comment further until this information has been provided.

No comments to make on the widening of the private driveway

6. REPRESENTATIONS

17/02118/MAJ

36 contributors: 29 objections, 4 comments and 4 letters of support

17/02275/FUL

6 contributors: 1 comment and 5 objectors

raising the following issues:

1. Do not see the harm in further development in Bovey Tracey
2. Support the need for new housing in Bovey Tracey
3. Questions need for new homes but would welcome provision of smaller properties if new homes are required. Supports quality developments
4. Concerns about locations of service runs
5. Not opposed to site development but concerned about access

6. Highlighting potential civil concerns relating to access arrangements
7. Raising wildlife impact/survey concerns including the need for additional survey to be undertaken
8. Need for local infrastructure improvements
9. Need for traffic calming
10. Need to respect local character
11. Concerned for impacts on St John's Close and Indio Road residents both during construction and afterwards
12. Impact on protected trees
13. Access safety and highway impact concerns
14. Impact on the setting of Indio House
15. Impact on the gate posts
16. Safety for cyclists
17. Impact on protected trees
18. Impact on dwellings on Marsh Lane
19. Concerns about Inappropriate lighting
20. Pedestrian safety
21. Safety on Marsh Lane
22. Surface water and foul sewerage capacity
23. Construction access impacts and feasibility

7. TOWN COUNCIL'S COMMENTS

17/02118/MAJ

The Town Council does not support this application for the following reasons:

- i) adverse impact on wildlife, habitats, trees, hedges and other vegetation
- ii) harm to rare plants or animals
- iii) capacity of physical infrastructure (e.g. public drainage)
- iv) harmful to the setting of a Listed Building (Indio House) and its curtilage
- v) The site has significant archaeological and heritage value. This proposed development could damage this important asset
- vi) Increased traffic generation

Members of the Town Council were also keen to ensure that vehicular access is not taken from Marsh Path.

17/02275/FUL

The Town Council does not object to this application

8. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted. CIL contributions could however be £200-250,000, of which 15% (£30,000 plus) would be due to Bovey Tracey Town Council.

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: 15 May 2018
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

1 17/00077/REF TEIGNGRACE - Alder Park
Appeal against the refusal of planning application
16/03079/FUL - Provision of timber hut to provide
refreshment kiosk and change of use of land to create
picnic area for outside seating (Use Class A3).
Provision of sewage treatment plan

APPEAL ALLOWED (OFFICER RECOMMENDATION
TO REFUSE)

2 17/00080/FAST DAWLISH - Conifers 4 Orchard Lane
Appeal against the refusal of Planning Application
17/00844/FUL - Single storey side extension and roof
alterations to form first floor accommodation

APPEAL DISMISSED (OFFICER RECOMMENDATION
TO REFUSE)

3 17/00075/FAST DAWLISH - The Maisonette 10 Marine Parade
Appeal against the refusal of planning application
17/02301/FUL - Two storey rear extension and new
access steps and lightwell to front (revised scheme)

APPEAL DISMISSED (OFFICER RECOMMENDATION
TO REFUSE)

4 18/00015/FAST SHALDON - Southwood Cottage Strand
Appeal against the refusal of planning application
17/02974/FUL - Construction of boat/car shelter and
associated storage

APPEAL ALLOWED (OFFICER RECOMMENDATION
TO REFUSE)

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

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