

E-mail: comsec@teignbridge.gov.uk

15 June 2020

PLANNING COMMITTEE

A meeting of the Planning Committee will be held on Tuesday, 23rd June, 2020 at 10.00 am. This will be a virtual meeting and will be available to view at <https://m.youtube.com/user/TeignbridgeDC/videos>

PHIL SHEARS
Managing Director

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

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

Please Note: The Committee meeting will be web cast with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

There is an opportunity for members of the public to speak on planning applications at this meeting. Please email comsec@teignbridge.gov.uk or phone 01626 215010 to request to speak by **12 Noon** two working days before the meeting.

AGENDA

PART I

(Open to the Public)

1. Minutes (Pages 5 - 8)

To confirm the minutes of the last meeting.

2. Apologies for absence.

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

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

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

4. Declarations of Interest.

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.

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

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

- a) IPPLEPEN - 19/01854/FUL - Dornafield Farm, Dornafield Lane - Agricultural storage building and new trackway and access (Pages 9 - 22)
- b) KINGSTEIGNTON - 20/00466/FUL - 1 Three Corners, Kingsteignton - Change of use of part of private car park to domestic curtilage (Pages 23 - 28)
- c) BISHOPSTEIGNTON - 19/01984/FUL - 2 Great Furlong, Bishopsteignton - Single storey side extensions, detached garage and provision of new steps to relocated front door (revised scheme) (Pages 29 - 40)
- d) TEIGNMOUTH - 20/00675/FUL - Dryads Garth , Inverteign Drive - Demolition of existing dwelling and construction of replacement dwelling with garage, associated landscaping works and alterations vehicle access (Pages 41 - 50)

- e) ILSINGTON - 19/00122/MAJ - Land Adjacent To Little Liverton Business Park, Liverton - Outline - Business units (Use Classes B1, B2 and B8) (approval sought for access and landscaping) (Pages 51 - 78)
7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 79 - 80)

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PLANNING COMMITTEE

9 JUNE 2020

Present:

Councillors Bradford, Bullivant, Clarence, Colclough, H Cox, Goodman-Bradbury, Haines, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick and Wrigley

Apologies:

Councillors Phipps

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Christopher Morgan, Trainee Democratic Services Officer
Karen Trickey, Solicitor to the Council and Monitoring Officer

1. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

It was proposed by Councillor Wrigley and seconded by Councillor Bullivant that Councillor Haines be elected as Chair. It was proposed by Councillor Wrigley and seconded by Councillor Hayes that Councillor Goodman-Bradbury be elected as Vice Chair. Votes were taken and it was

RESOLVED

Councillor Haines is elected as Chair and Councillor Godman-Bradbury is elected as Vice Chair of the Planning Committee for the current municipal year.

2. MINUTES

The Minutes of the meeting held on 17 March, 2020 were confirmed as a correct record.

3. CHAIR'S ANNOUNCEMENTS

The Chair advised Members of the committee that they should not vote on an application if they do not hear the entire debate on that application. He also advised on the number of public speakers registered to address the Committee.

4. DECLARATIONS OF INTEREST.

None.

5. PLANNING APPLICATIONS FOR CONSIDERATION

a) **NEWTON ABBOT - 19/01667/FUL - 3 Coombeshead Road, Newton Abbot - Two storey side extension**

The Committee considered the agenda report and additional information reported by the Business Manager- Strategic Place.

It was proposed by Councillor Bullivant, seconded by Councillor J Hook and

RESOLVED

That permission be granted subject to the following conditions:

1. Standard three year timescale.
2. Works in accordance with approved details.
3. Removal of PD rights (Classes B&C) from the south east elevation.
4. If not matching materials, permission is required from the LPA.

b) **TEIGNMOUTH - 20/00111/FUL - 6 Deer Park Close, Teignmouth - Loft conversion including extension to front dormer and additional rear dormer and creation of parking bay and bridge to rear**

The Committee considered the agenda report and additional information reported by the Business Manager- Strategic Place.

Public speaker, Supporter – Referred to the architectural variation of dwellings and dormer designs in the immediate street screen and the surrounding area. The speaker made reference to photographs she had previously emailed to Members, which she considered evidenced that the current proposal would be in keeping with surrounding dwellings and would blend in with the street scene.

In response to questions the Business Manager confirmed that the site was not in a Conservation Area and the property was not a Listed Building. However, consideration should be given to design policies contained within the Local Plan and the National Planning Policy Framework.

Comments made by Councillors included there appears to be no standardised design style or external materials in the street scene, there is a variety of roof and dormer designs, and the current application, given the dwelling's height and elevation, is not considered overbearing, dominant or detrimental to the appearance of the street scene.

It was proposed by Councillor J Hook, seconded by Councillor McGregor and

RESOLVED

That permission be granted subject to the following conditions:

1. Standard three year timescale.
2. Works in accordance with approved details.

Note – The approval of the application was contrary to the advice of the Business Manager. The Committee considered the application acceptable for the following reasons:

Statement of Reasons

1. No standardised dwelling or dormer design within the street scene.
2. A variety of designs within the street scene and surrounding area.
3. The front elevation dormer is not considered overbearing and dominant in the street scene given the dwelling's elevated position and height.
4. The design and materials are not inconsistent with the street scene.

6. APPEAL DECISIONS

The Committee noted recent decisions made by the Planning Inspectorate.

CLLR M HAINES
Chairman

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PLANNING COMMITTEE REPORT

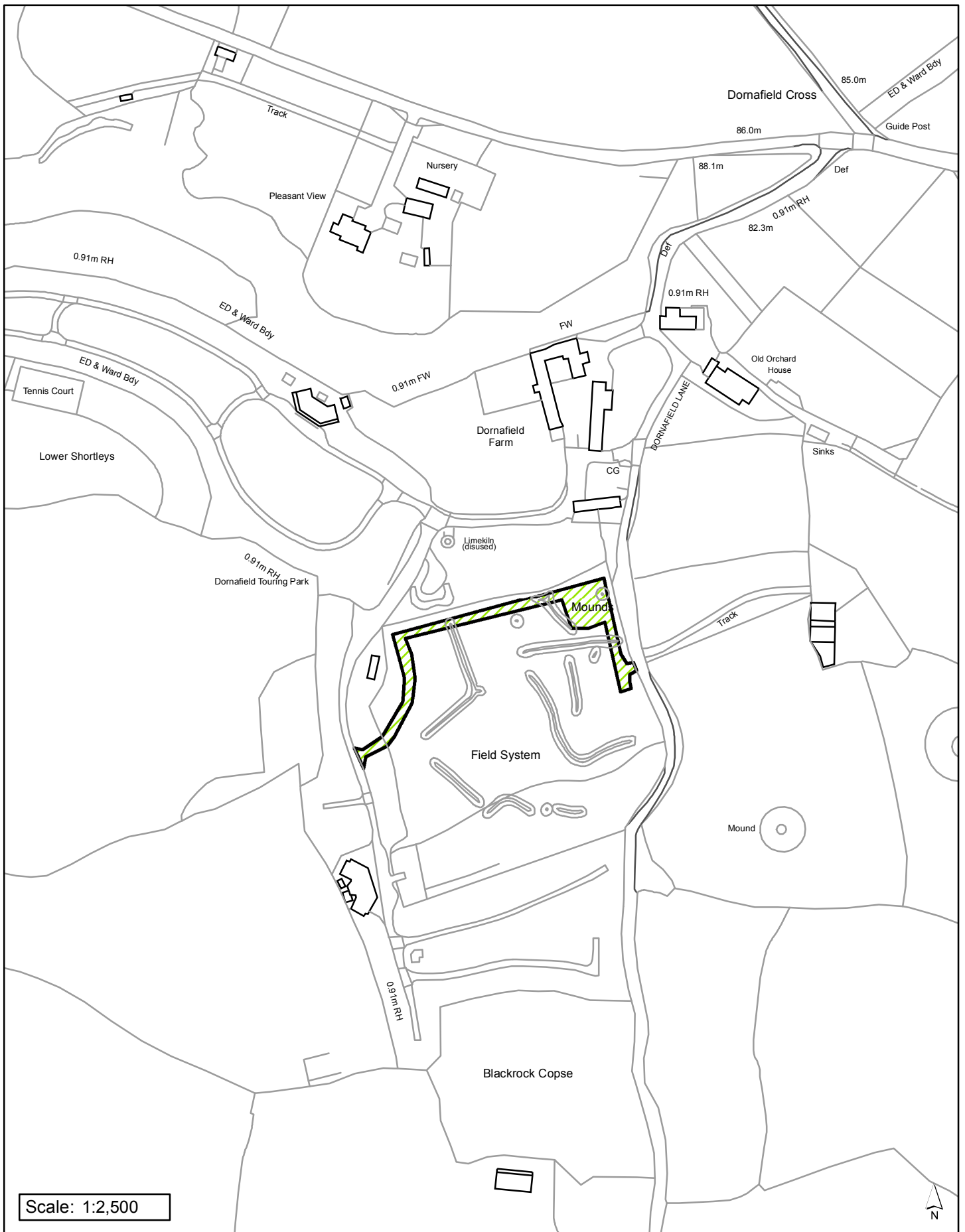
23 June 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/01854/FUL - Dornafeld Farm, Dornafeld Lane - Agricultural storage building and new trackway and access	
APPLICANT:	Mr S Dewhirst	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alastair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01854/FUL&MN	





**19/01854/FUL - Dornafield Farm, Dornafield Lane,
Ipplepen, Devon, TQ12 6DD**

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1. REASON FOR REPORT

Councillor Dewhirst is a partner and director of Dornafield camping partnership, and is related to the applicant.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed building, by reason of its siting, scale and design, would have an adverse effect on the landscape character of the area and the historic setting of the Grade II* listed Dornafield Farm. As such, the proposal would be contrary to Policies EN2A, EN5 and S22 of the Teignbridge Local Plan 2013-2033, the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. DESCRIPTION

Site description

- 3.1 Dornafield Farm is a Grade II* listed building dating from the late 15th century. It is a particularly important building of more than special interest and national historic significance as Grade II* listing applies to only 5.5% of all listed buildings. The setting of this listed building includes the surrounding farm buildings, which are separately Grade II listed, the walled garden to the west, the grassed area known as The Orchard beyond the walled garden, and the wooded valley setting within which the farmstead nestles.
- 3.2 The field where the proposed building would be sited is located to the south of the farmhouse and the Devon Historic Environment Records note that that a geophysical survey of this field identified a number of anomalies which may represent historical ridge and furrow cultivation and parallel trends of ground disturbance. Furthermore, a Scheduled Monument known as Four barrows are situated in the field to the east of the application site on the opposite side of Dornafield Lane.
- 3.3 There are elevated views from and to the site to the scheduled monuments, across the green space of The Orchard towards the listed structures, which gives a particularly good understanding of the inter-relationship of various parts of the site, in particular the peaceful and secluded character of the immediate and wider setting.
- 3.4 The application site is located within the Denbury Down Landscape Character Area as identified in the Teignbridge District Landscape Character Assessment 2009. The wider landscape is undulating, with the immediate site benefiting from surrounding views due to the prominent nature of the site. The subject field is bounded by well-established planting and timber stock fencing with trees within the site and access being taken from Dornafield Lane.

The proposal

- 3.5 The application seeks permission for the erection of a storage building in the north east corner of the field to the south of Dornafield farmhouse. The proposal also

includes the formation of a new track which would extend from an existing access on the eastern side of the field from Dornafeld Lane up to the new building and across the to a new access to be created to the west of the site which leads to existing caravan pitches. The original description of development referred to the proposed building as an 'agricultural storage building'. However, following an officer site visit, officers are of the opinion that the use of the site is tourism and not agriculture. As such, it was considered that the original description of development did not accurately describe the proposal and officers have amended the description of development accordingly.

Planning history

- 3.6 There are a number of previous applications relating to Dornafeld Farm but the most relevant are:
- 89/00253/COU: Extension to form enclosed swimming pool change of use and conversion of existing building into shop, store change of use and conversion of existing buildings into 4 holiday cottages. Erection of 7 pine log holiday units and change of use of OS Nos 8508 9401 and 9309 to touring caravan camping use at land adjacent to. Approved 17/1/1990.
 - 17/01894/PE: Storage building and widening of access. Response sent 30/4/2018 advising that there was in principle support for the proposed building, track and widening of the access. However, due to concerns regarding the impact of the building upon the landscape and the setting of the nearby listed buildings, it was recommended that an alternative site be sought for the proposed building.
 - 18/02039/FUL: Agricultural storage building and new trackway and access. Withdrawn 4/7/2019.

Building

- 3.7 The proposed building would measure 18.8 metres in length, 13 metres in width, 5.1 metres to the eaves and 6.4 metres in height. The building would be finished with steel cladding polycarbonate roofing over steel cladding and blockwork elevations and steel door. The building would feature a dual pitched roof with photovoltaic roof panels on the south roof elevation and non-opening roof lights on the north roof elevation, although the submitted 3D image shows the roof lights opened. The submitted Planning Statement details that the proposed building is intended to store refuse and recyclable materials from the caravan park, and, plant and machinery in association with the caravan and camping park and maintenance of the site.

Track/Access

- 3.8 The proposed new track would extend from an existing access on the eastern side of the field from Dornafeld Lane up to the new building in the north east corner of the field and across the to a new access to be created to the west of the site which leads to existing caravan pitches. The new track would be finished with a crushed stone surface. The new access leads to the existing caravan site, which would suggest that the layout of the caravans would need to be addressed. No access details have been submitted to suggest how this is to be finished, however this

does not form a reason for refusal as it is not considered to be a key element of the proposal.

Principle of the development

- 3.9 The application site is located within the open countryside and outside of any defined settlement limit as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A, S1, S22 and EC3 of the Local Plan are permissive of agricultural buildings outside any settlement boundary, subject to policy criteria being met. Whilst there may be in principle support for agricultural use within the open countryside and it is acknowledged that the submitted Planning Statement notes that the proposed building would also be used to store plant and machinery for the associated agricultural maintenance of the site which included notable tracts of woodland, as detailed earlier in this report, officers consider that the predominant use of the site is tourism and not agriculture and the description of development was amended accordingly.

As such, it is considered that the building is intended to be used in connection with the existing established tourist use, for the storage of waste and, for the storage of plant and machinery in association with the caravan and camping park and for the associated agricultural maintenance of the site.

- 3.10 Notwithstanding whether there is an agricultural use taking place on the site or not, Policy S22 supports development and investment within the open countryside, where it will be managed to provide “*attractive, accessible and biodiverse landscapes*”. Policy S22 notes that one of the uses that it does support in the open countryside is tourism. However, Policy S22 details further that in assessing development proposals, particular account will be taken of “*the distinctive characteristics and qualities of the Landscape Character Area*”.
- 3.11 Policy EC11 permits tourist development outside settlement limits where at least one of seven criteria are satisfied.
- a) Expand or improve existing tourist accommodation locations;
 - b) Support expansion or improvement of an existing tourist attraction;
 - c) Provide a new campsite or caravan site;
 - d) Involve the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character;
 - e) Part of a farm diversification scheme;
 - f) Use a dwelling to provide bed and breakfast accommodation; or
 - g) Provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.
- 3.12 As such, Policies S22 and EC11 would suggest there could be support for tourist development. However, the proposed building in its current position, scale and design does not protect or enhance the landscape of the area, and therefore it is considered that the proposal cannot satisfy Policy S22.

Conclusion

- 3.13 In summation, there is in principle support for tourist use, however, Policy S22 also advises that development cannot be supported where there is harm to the wider landscape. There was a pre-application discussion regarding this proposal in 2018 which raised concerns regarding the impact of the proposed building upon the

landscape and heritage assets. Overall, the proposal is not considered to comply with the relevant policies.

Design and impact upon the character and visual amenity of the area

- 3.14 In assessing the design of the proposal, the existing landscape character and materials should be taken into consideration to ensure that the proposal harmonises with that of the existing locale.
- 3.15 Policy EN2A of the Local Plan states that “to protect and enhance the area’s landscape and seascape, development will be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge”. Policy EN2A details further that development proposals should:
- a) conserve and enhance the qualities, character and distinctiveness of the locality;
 - b) where appropriate restore positive landscape and seascape character and quality;
 - c) protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality; and
 - d) maintain landscape and seascape quality and minimise adverse visual impacts through high quality building and landscape and seascape design.
- 3.16 Policy EN5 of the Local Plan specifies that “to protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments and Listed Buildings”. Policy EN5 notes further that “development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns”.
- 3.17 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 building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.18 The site also lies within the Denbury Down Landscape Character Area, a sensitive landscape recognised by Teignbridge as a landscape with many cultural attributes. The Strategic Guidelines of the Denbury Down Landscape Character Area details six recommendations with regards to settlement and development in this landscape character area which include:
- *“Ensure the sensitive location of new development, avoiding prominent hilltops and slopes”, and*
 - *“Conserve the settlement pattern of scattered farms and hamlets and nucleated villages and ensure that new development reflects vernacular character”.*
- 3.19 The proposed development is in a relatively elevated position and there is the possibility that the building will be glimpsed from the Totnes Road, however, the land rises behind the site and woodland immediately to the north of the development is likely to partially mask/ameliorate it. More locally however, the site lies within an area of narrow lanes and historic farmsteads which have a great

feeling of time depth and a strong vernacular character. These characteristics are particularly pronounced around the site where the development will be experienced within the context of the scheduled monument and the approach to Dornafeld Farm, a Grade II* listed building.

- 3.20 The character of the proposed building is defined by its appearance but also its use. The proposed building is of a type that is used for both agriculture and industry. Whilst the submitted Planning Statement details that the proposed building would be used to store plant and machinery for the associated agricultural maintenance of the site, the building would be substantially used for the storage of refuse and recyclable materials from the caravan park, and, plant and machinery in association with the caravan and camping park.
- 3.21 It is considered that the introduction of a large, modern, building and its associated infrastructure in a prominent, elevated position would have an adverse effect on the landscape character of the area and the proposal would erode, rather than conserve the character and distinctiveness of the locality. As such, it is deemed that the proposed development would be contrary to Policy EN2A.
- 3.22 It is acknowledged that the Council's Conservation Officer has not objected to the proposal and she has commented in her consultation response that whilst the setting of the high-grade listed building is wide, the topography, distance and intervening wooded area means that there will be no experience of the listed building from the site and no intervisibility between them. However, the National Planning Policy Framework defines the setting of a heritage asset as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve". In this case the proposed building would be of a significant size and would be sited adjacent to, and on elevated land from, Dornafeld Lane which forms an important approach to Dornafeld Farm when travelling north from the village of Ipplepen. It is therefore considered that the proposal would erode the historic vernacular setting of the Grade II* listed building. As such, it is deemed that the proposal would fail to protect and enhance the area's heritage, contrary to Policy EN5.
- 3.23 Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 3.24 Paragraph 196 of the NPPF specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.25 Whilst it is considered that the proposal would lead to less than substantial harm to the significance of the designated heritage assets, it is considered that the proposal would have limited public benefits in the form of locating the storage area for refuse and recyclable materials further away from holiday makers in order to reduce noise and disturbance impacts. As such, it is deemed that the public benefits fail to outweigh the harm which has been identified in relation to the setting of the Grade II* listed building.

Archaeology

- 3.26 Following the submission of a Written Scheme of Investigation (WSI) during the course of this application, Devon County Council's Archaeology department have confirmed that the submitted information is acceptable. As such, it is deemed that the proposal would not result in any adverse impacts upon archaeological interests.

Highways impacts

- 3.27 Devon County Council's Highways department have raised no objections to the proposal. The new storage building would be accessed from Dornafeld Lane by an existing field access and whilst the proposal may result in an increase in the number of vehicles using this access, there is sufficient space for vehicles to turn on the site so that they can enter and exit the public highway in a forward gear. As such, it is deemed that the proposal would not result in any significantly worse highways impacts than the existing situation.

Carbon reduction

- 3.28 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 48% from 2017 levels by 2050. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7.
- 3.30 The proposal involves the erection of a building for the storage of refuse and recyclable materials from the caravan park, albeit this storage is already provided elsewhere on the site. Furthermore, the proposed building would feature photovoltaic roof panels on the south roof elevation.

Other matters

- 3.31 Whilst the site is located within a mineral safeguarding area, both Devon County Council's Minerals department and the Devon Stone Federation have raised no objections to the proposed development.

Conclusion

- 3.32 In conclusion, it is considered that the proposed development would have a detrimental impact upon the immediate and wider historic landscape character of the area.
- 3.33 The proposal would have certain benefits, chiefly in resulting in an incremental addition to the everyday running of the caravan site, supporting employment during construction, by generating trade for local waste services and facilities, and the installation of photovoltaic panels on the roof of the building. However, the benefits of the building would inevitably be modest and could likely be achieved through delivering the same facility in a less sensitive location on site.

- 3.34 For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, it is concluded that the application should be refused.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S7 (Carbon Emission Targets)

S22 (Countryside)

EC3 (Rural Employment)

EC11 (Tourist Accommodation)

EN2A (Landscape Protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN5 (Heritage Assets)

Listed Buildings and Conservation Areas Act 1990

Subsection (I) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953

National Planning Policy Framework

National Planning Policy Guidance

Denbury Down Landscape Character Area, Teignbridge District Landscape Character Assessment 2009

5. CONSULTEES

TDC Landscape Officer:

SUMMARY

The scale and character of the proposed development would erode the historic landscape character of the scheduled monument and the historic vernacular setting of a 2* listed building. In doing so, the proposals would not comply with policies EN2a Landscape and EN5 Historic Environment and, as a consequence, there is a landscape / historic landscape objection.

Mitigation through hedge planting / management is possible to minimise the harm however the harm to the character of the scheduled monument would persist.

Should the officer be minded to approve the scheme, the requirements of the following should be conditioned:

- Planting proposals / landscape and ecological management plan to ensure that the roadside hedge is managed to become a tall, evergreen hedge that screens the building as effectively as possible.
- Method statement to ensure that works to construct the building and trackways minimise harm to the character of the field.
- The building to be grey, rather than green in colour; with dark-grey cladding and a mid-grey roof, to help minimise the visual presence of the structure.
- Outdoor lighting is conditioned to protect the relative dark night skies of the area.

PROPOSALS AND CONTEXT

The proposed development is for a new, steel frame, concrete block and profile sheet clad building to act as a recycling store and vehicle store to support the working of the Dornafeld Farm caravan site. The proposals site is in a corner of a field located in a position close to the lane on the approach to the caravan site from the Totnes Road. Access to the building is proposed via an existing agricultural gateway and, at the rear via a proposed new track linking the barn with the campsite.

The field in which the proposals site lies is a scheduled monument, identified in the Devon HER as: *a number of anomalies, ground disturbance, ridge and furrow cultivation*. In the Devon Historic landscape characterisation as: *rough, undulating, ground that contains prehistoric remains*. From a landscape perspective the character of the field with its: undulating surface; exposed stone; unknowns; and possibly prehistoric features, contributes the perception of the area as being special: having great time depth, mystery and high cultural and aesthetic value.

[Officer Note: The SM is across the lane from the application site. This is not considered to change the substance of the Landscape Officer's advice]

POLICY AND LANDSCAPE CHARACTER ASSESSMENT (LCA) EVIDENCE

- Policy EN2A sets out that development should conserve and enhance the qualities, character and distinctiveness of the locality.
- Policy EN5 Heritage Assets
 - *“..consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including scheduled monuments..” and*
 - *“Development should respect and draw inspiration from the local historic environment...”*
- LCA

The site lies within the Denbury Down landscape character area, a sensitive landscape, recognised in the Teignbdride LCA, as a landscape with many cultural attributes and for which there are strategic guidelines, to:

 - *“ensure the sensitive location of new development, avoiding prominent hilltops and slopes”; and*
 - *“conserve the settlement pattern of scattered farms and hamlets and nucleated villages and ensure that new development reflects vernacular character”.*

LANDSCAPE ASSESSMENT

The proposed development is in a relatively elevated position and there is the possibility that the building will be glimpsed from the Totnes Road, however the land rises behind the site and woodland immediately to the north of the development will partially mask / ameliorate it. There is some concern that possible outdoor lighting could erode the relatively dark skies of the Denbury Down landscape character area, away from the Totnes Road.

More locally however, the site lies within an area of narrow lanes, historic farmsteads, great feeling of time depth and strong vernacular character. These characteristics are particularly pronounced around the site where the development will be experienced within the context of the scheduled monument and the approach to Dornafeld Farm, a grade 2* listed building.

The character of the proposed building is defined by its appearance but also its use. It is a building type that is used for both agriculture and industry, however in this context the building is not to support agriculture.

It is my opinion that the introduction of a large, modern, building and its associate infrastructure would have an adverse effect on the landscape character of the area and that it would erode, rather than “*conserve the character and distinctiveness of the locality*”, and in not being sympathetic to the character of the area, contravene policy EN2A Landscape Protection and Enhancement. It would also fail to take account of heritage assets and so contravene policy EN5.

The harm would be lessened if the building was of a scale and appearance that better reflected a modern interpretation of the vernacular or it was for agricultural use.

The scale of impact could be partially mitigated by allowing the roadside hedge to grow taller and for holly to be planted in the hedge, however, it would take some time before the holly was tall enough to adequately screen the development and care and effort would be required to make sure that the base of the hedge did not become gappy. Screening the development from the lane would help, however the adverse effect on the character of the historic field would persist.

Attempts to mitigate the development through mounding or tree planting would further harm the historic landscape context and should be avoided.

Conclusion

I conclude that, the character of the proposed development would erode the historic landscape character of the scheduled monument and the historic, vernacular setting of a 2* listed building. In doing so, the proposals do not comply with policies EN2a and EN5 and, as a consequence, there is a landscape objection. Mitigation is possible to minimise the harm however the harm to the character of the schedule monument would persist.

However, should the planning officer be minded to approve the development, I would request that conditions requiring:

- Landscape proposals / landscape and ecological management plan to ensure that the roadside hedge screens the building as effectively as possible.
- Method statement to ensure that works to construct the building and trackways minimises harm to the character of the field.
- That the building is grey, rather than green in colour; with dark-grey cladding and a mid-grey roof.
- Outdoor lighting is conditioned to protect the relative dark night skies of the Denbury Down Landscape Character Area.

TDC Conservation Officer:

The provision of a modern agricultural barn in this location will have a direct impact on archaeology and this is covered through DCC archaeological consultation. Whilst the setting of the high-grade listed building is wide, the topography, distance and intervening wooded area means that there will be no experience of the LB from the site and no intervisibility between them. There is therefore no potential for impact on the setting of listed buildings, however given the historic nature of the landscape and the archaeology within the field, the design is very poor, with no consideration given to using materials that will help blend the structure into the background of the tree belt. Either timber cladding or at least full cladding would be preferable; the Landscape officer has commented in more depth on this aspect.

There will be not impact on the setting of the listed buildings, so no comments in relation to these, although please ensure that the DCC archaeology officer comments are noted and any conditions/requirements are adhered to.

TDC Senior Arboricultural Officer:

There are no Arboricultural objections to the proposal subject to the access drive being of a no-dig construction where it is constructed within the root protection areas of retained trees.

Historic England:

This application appears to be a repeat of the 2018 planning application No. 18/02039/FUL with additional information responding to concerns raised in response to the 2018 application, including heritage concerns raised by Historic England. The applicant has prepared a heritage statement which seeks to deal with our concerns. Unfortunately this does not appear to have been prepared by a professional heritage consultant, nor does it appear to have been compiled with reference to current best practice guidance in undertaking such assessment, such as the Government's *Planning Practice Guidance* or Historic England's own *Good Practice Advice Note 3, The Setting of Heritage Assets*. As such this assessment fails to consider the impact of the proposed development upon the significance that nearby designated heritage assets derive from their settings and cannot be considered to be an adequate assessment of setting impacts.

However, in this instance I have been able to make a visit and view the proposed development site from the public highway. From the local topography and disposition of the scheduled barrows in relation to the proposed development site I am able to make the conclusion that there will be no adverse impact upon the significance that these monuments derive from their settings.

This is the only point where I agree with a conclusion of the heritage statement. As this is the key concern from Historic England's perspective it is not necessary for me to make a detailed critique of this document.

It is recommended that your authority heeds the advice of Devon Historic Environment Service in respect of the potential impacts of the proposed development upon undesignated archaeology.

Recommendation

Historic England has no objection to the application on heritage grounds.

Devon County Archaeology:Comments dated 2 December 2019

The proposal is sited in an area of archaeological interest and potential relating to Bronze Age, Iron Age and Romano-British field systems and associated activity. Although the proposal has sought to reduce direct impacts, there remains the possibility that groundworks will impact on archaeological deposits. Should your authority be minded to grant consent then I would recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Devon County Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that any consent your Authority may be minded to issue should include a pre-commencement condition requiring the submission of a WSI.

Comments dated 14 May 2020 following the submission of a WSI

The WSI that was submitted is fine. Its implementation will, in my opinion, satisfy the condition.

Devon County Highways:

Refer to standing advice.

Devon County Minerals:

No objections.

Devon Stone Federation:

No objections.

6. REPRESENTATIONS

A site notice was erected.

No letters of representation have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council have raised 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.

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

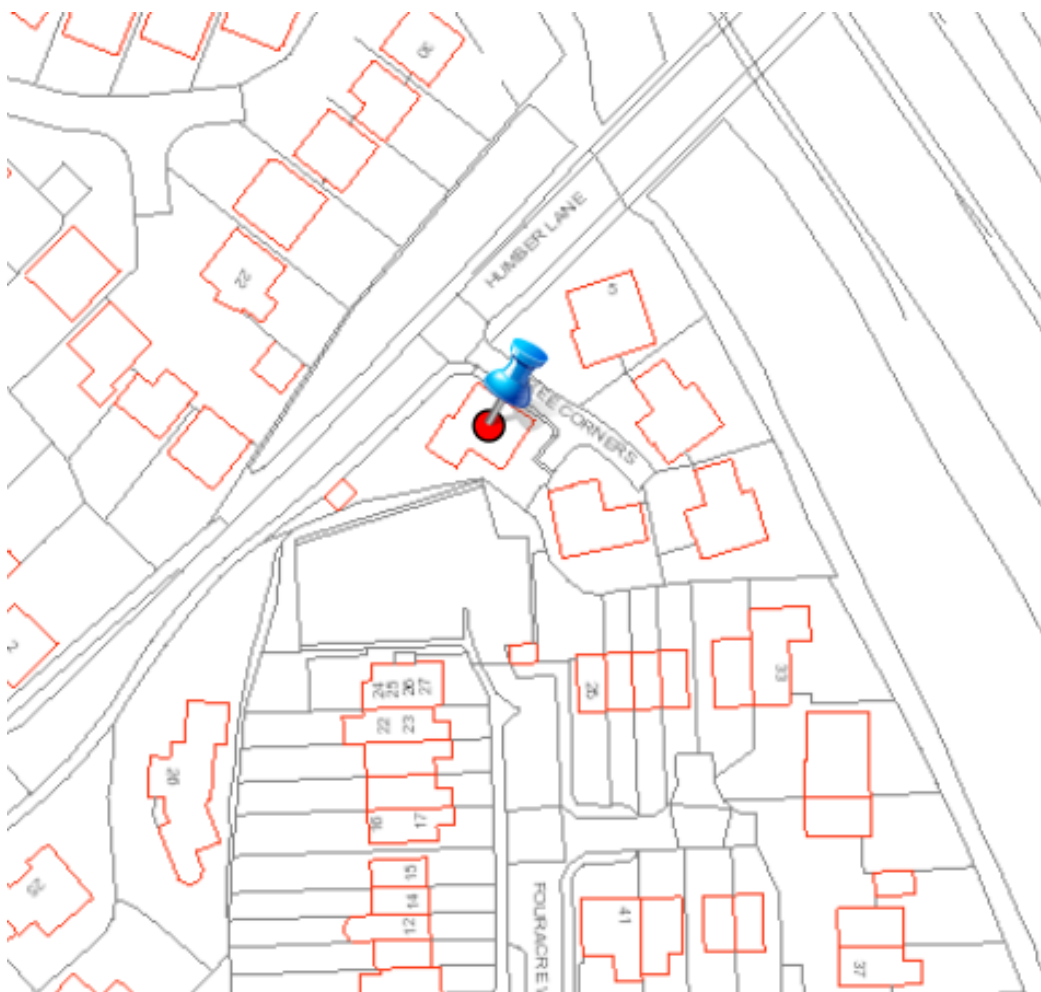
PLANNING COMMITTEE REPORT

23 June 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSTEIGNTON - 20/00466/FUL - 1 Three Corners, Kingsteignton - Change of use of part of private car park to domestic curtilage	
APPLICANT:	Mr R Coleman	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Cllr Beryl Austen Cllr Ron Peart	Kingsteignton East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00466/FUL&MN	





20/00466/FUL - 1 Three Corners, Kingsteignton, TQ12 3HP



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1. REASON FOR REPORT

This application is being presented to committee due to the applicant being related to a member of TDC staff.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year timescale
2. Works in accordance with approved details

3. DESCRIPTION

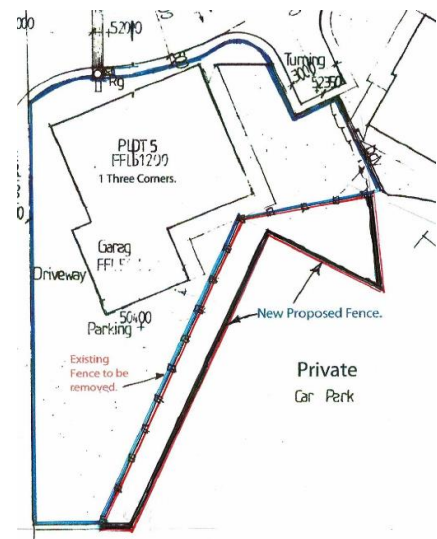
3.1 Site description

The application site is a parcel of scrub land that runs along the rear of 1 Three Corners, and terminates in a larger section of land to the rear of 2 Three Corners, which forms an L shape. The subject site physically connects to a car park used by surrounding residents, but is owned by the applicant and is made up of planting, creating a border for the parking allocation.



3.2 The proposal

The application seeks permission to use the section of land in between Three Corners and the hard standing used for off-street parking, as part of the domestic curtilage of 1 Three Corners. To delineate the car park from the curtilage, it is proposed to move the timber fencing and block wall forward, by approximately 1.7m to enclose the new domestic land as part of 1 Three Corners.



3.3 Principle of development and Use

The application site is located within the Kingsteignton settlement limit as depicted in the Local Plan 2013. Policies S1A, S1, S21A and WE8 of the Local Plan are permissive of domestic use and alterations to existing residential properties, subject to policy criteria being met. Thus, the principle of the extension of residential use and development can be acceptable, subject to compliance with policy.

3.4 Impact on the character and visual amenity of the area

The existing section of land is modest in scale and, having not been within the garden of its owner, it has had a somewhat tired appearance for some time.

3.5 The boundary is to be moved abutting the parking allocation. The materials proposed reflect the immediate area.

3.6 The design, materials and scale of the proposed development are therefore considered to be appropriate and will not cause a significant impact on the appearance or character of the immediate or wider area. The proposed development is therefore considered to be in accordance with Policies S2 and WE8.

3.7 Impact on residential amenity

The impact on residential amenity would effectively be to number 1 Three Corners, as the land runs behind this property and the corner terminating at number 2 Three Corners. Incorporating this area of land within the garden will provide a greater sense of separation / spaciousness within the garden area to the betterment of the amenity of that property whilst not impacting negatively on any other property's amenity.

3.9 Impact on the parking allocation

As discussed above, the boundary is to be moved approximately 1.7m against the parking bays and at the eastern extent form a triangle shape. The loss of this land does not see the loss of any parking spaces, and the fence is to sit on the land owned by the applicant.

3.11 Conclusion

The proposal does not materially affect the amenities of neighbouring occupier, the character and visual amenities of the locality or result in a loss of off-street parking allocation.

This is considered to represent an appropriate form of development whereby the Local Planning Authority considers that the balance of considerations weigh in favour of granting planning permission. There is therefore a recommendation to approve subject to conditions.

For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, we conclude that the application should be approved.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

WE8 Domestic Extensions and Boundary Treatments

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Highways do not wish to comment on the application.

6. REPRESENTATIONS

The following neighbouring properties were consulted, with no letters of representation being received.

- 20 Abbotswood
- 28 Fouracre Way
- 27 Fouracre Way
- 26 Fouracre Way
- 25 Fouracre Way
- 24 Fouracre Way
- 2 Three Corners

7. TOWN / PARISH COUNCIL'S COMMENTS

No objection

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

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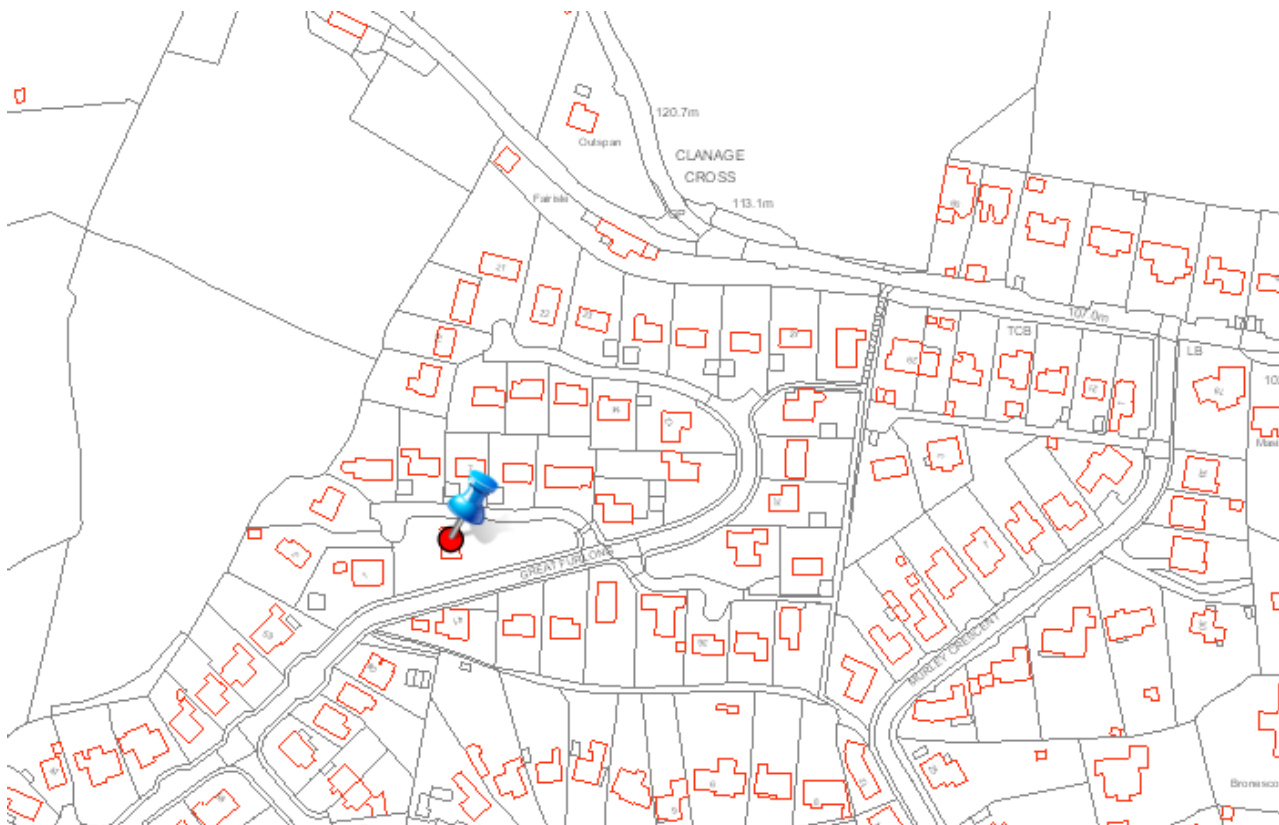
PLANNING COMMITTEE REPORT

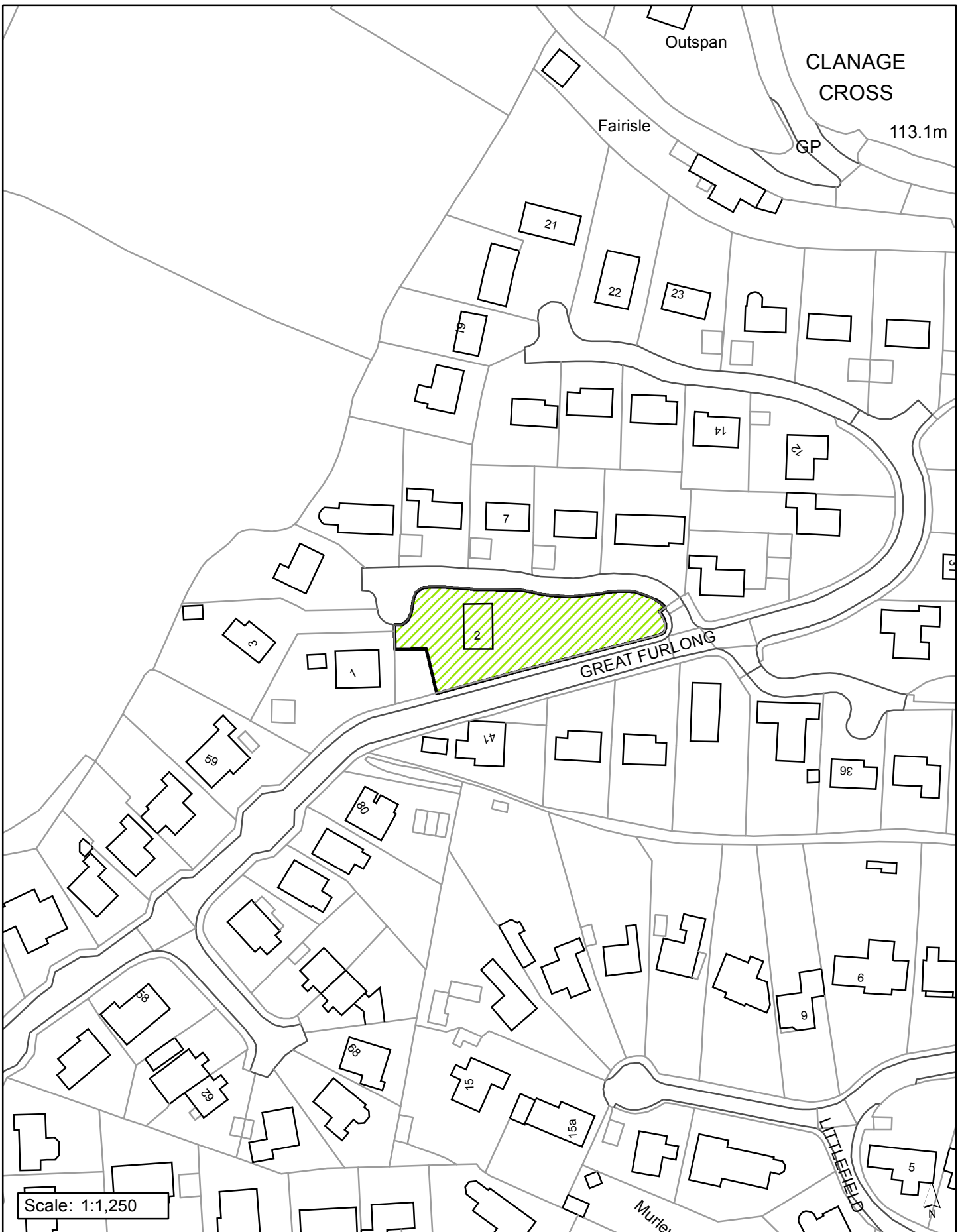
23 June 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BISHOPSTEIGNTON - 19/01984/FUL - 2 Great Furlong, Bishopsteignton - Single storey side extensions, detached garage and provision of new steps to relocated front door (revised scheme)	
APPLICANT:	Mr P Urmson	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Andrew MacGregor	Bishopsteignton
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01984/FUL&MN	





19/01984/FUL - 2 Great Furlong, Bishopsteignton, TQ14 9TU



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1. REASON FOR REPORT

Cllr MacGregor has requested that this case be referred to Planning Committee if officer recommendation is approval. The reasons given for this request are:

1. Visual Amenity
2. Design, appearance and materials contrary to previous approval;
3. Proposal in Development Plan BCS5 – To ensure the development is not intrusive, overbearing, and sympathetic to natural and built features in the landscape.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to following conditions:

1. Accord with approved plans;
2. Existing roofing materials for as built extension and garage to be removed and replaced with roof tiles of a matching colour and size to the host property within 6 months of the date of consent;
3. The recommendations and safeguarding measures given in the Bat and Bird Assessment shall be followed, including precautions to prevent threat of harm during construction works.

3. DESCRIPTION

Site Description and Proposal

- 3.1 2 Great Furlong is a detached residential property within the settlement limit of Bishopsteignton within a largely open plot and is located in a prominent position within the housing estate.
- 3.2 The site is not in the designated Undeveloped Coast.
- 3.3 Planning consent was granted for single storey side extensions and a detached garage under consent 18/00549/FUL and works commenced.
- 3.4 However, following a Planning Enforcement investigation it was found that the dimensions of the built detached garage was not in accordance with the approved plans granted under 18/00549/FUL.
- 3.5 This revised application seeks consent for a revision to the approved garage to reflect the dimensions of the garage as built at the site.
- 3.6 The approved single-storey extension to the east of the property remains as previously approved under 18/00549/FUL. However, the revised proposal omits the kitchen extension previously approved to the west elevation of the property which the applicant no longer wishes to progress due to difficulties in constructing this element of their original proposal.
- 3.7 Other changes to the scheme from that approved under 18/00549/FUL include a reduction in the patio area extension; the installation of side wall strengthening columns to garage; deletion of proposed steps in front of new front door location and removal of stairwell window and installation instead of roof light.

Principle of the development/sustainability

- 3.8 The site falls within the Bishopsteignton settlement limits and is for an extension to the east of the property with a new detached garage located to the west and a relocation of the access into the property to the north of the property.
- 3.9 The principle of the development within settlement limits is acceptable under policies S1A, S1 and WE8 of the Local Plan providing that the proposal is consistent with the other provisions and policies of the Teignbridge Local Plan 2013-2033 and the principle of a detached garage and extensions to this property has been accepted previously at this site by the grant of consent 18/00549/FUL which granted consent for extensions to the east and west of the property and a detached garage.
- 3.10 This revised application is submitted as the garage built does not accord with the approved plans in dimensions or materials neither do the roofing materials for the extension to the east accord with the approved plans. This application is also made to omit the approved extension to the west from the scheme and to make some minor changes to the previously approved scheme as set out in paragraph 3.7 above.

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

- 3.11 The site is not located in a conservation area and there are no listed buildings surrounding the site that would be adversely impacted by the development proposed in this application.

Design and impact upon the character and visual amenity of the area

- 3.12 The properties on Great Furlong have a positive relationship with each other and with the street scene which is overall pleasant.
- 3.13 The Housing Estate consists of generally low density development with every dwelling afforded a view towards the Teign Estuary.
- 3.14 Whilst, there is some variation in Great Furlong, overall, the street has a pleasant and unified appearance – the street scene hangs together well and is cohesive.
- 3.15 Consent 18/00549/FUL granted consent for a detached garage to the west which was more compatible with the detached garages in the street than a previous application for an integrated garage under application reference: 17/01860/FUL, albeit the proportions of the proposal and singular garage door approved were different to the proportions of other garages doors in the area which tend to have double doors. On balance, however, the proportions and design of the approved garage was deemed to be acceptable and conditions were imposed to ensure that the materials matched the host property as indicated on the plans and as was the case with neighbouring garages which have a consistent material palette.
- 3.16 However, the Council was notified that the garage being built at 2 Great Furlong did not accord with the approved plans the dimensions of the garage differed from that

proposed and the materials used did not match the host property as secured by condition.

- 3.17 This revised application seeks consent for a different scale garage than that previously approved and for the garage to have support columns to its side elevations. Though it is noted that the revised plans does not seek consent for the alternative materials used for the garage from that previously approved. The revised plans contain an annotation for materials to match the host property. Therefore, if approved the applicant would need to vary the materials used to ensure that they accord with the host property as currently particular the size and colour of the roof tiles is at odds with the host property as highlighted in a number of contribution comments received to this application and would not match the host property as would be required by the submitted plan if made an approved document.
- 3.18 It was concluded in the consideration of application 18/00549/FUL that whilst the garage proposed in this earlier application was not an exact replica of the original design of garages on the Estate, it was concluded that it would not be justified to refuse this marginally larger garage as its alternative proportions and single door would have a negligible impact on the street scene.
- 3.19 Having considered the garage as now constructed at the site and as retrospective consent is sought in this application whilst the dimensions have changed from that previously proposed and the introduction of the strengthening columns to the side elevations of the garage do not reflect the uninterrupted side elevations of neighbouring garages, on balance, it is not considered that substantial harm has been caused from the enlarged garage and introduction of these strengthening columns on the street scene to justify a refusal on the basis of this alternative construction. Whilst, larger than that previously approved it is not considered that the enlarged garage results in an overdevelopment of the site when seen in wider views of the site on approach particularly given the omission in this application of the previously proposed extension which would have sat adjacent to the garage but which is no longer being constructed as set out in the supporting documentation with this application.
- 3.20 However, the most jarring aspect on the street scene of the as built garage is the difference in the roofing material used for the garage compared with the host property which makes the garage stand out as a new addition to the property and at odds with the street scene when viewed in wider views on approach to the site as well as when viewed from the turning head adjacent to the garage in Great Furlong. The material palette in the street scene is consistent and this is one of the positive characteristics of the street.
- 3.21 If the garage roofing material matched that of the host property as previously conditioned and proposed in the previous application it is considered that the visual impact of the proposal would be greatly reduced.
- 3.22 Referring to the submitted revised plans it is noted that the submitted drawing has an annotation that states 'new double garage with roof tiles to match existing property' to achieve this the installed roof tiles would need to be removed and replaced with roof tiles to match the existing property which have roof tiles of a different colour and size than those installed on the garage.

- 3.23 With this commitment as indicated on the approved plans which would form an approved document if minded to approve and with the replacement of the existing garage roof tiles with those to match the host property being conditioned to be replaced/installed within 6 months of any consent being granted it is concluded that with this proposed alteration to the 'as built' garage the proposal will better assimilate with the property and street and with this change to the as built materials being secured by condition so that it can be enforced if not completed within the set timeframe, on balance, the dimensional changes to the garage as shown on the submitted plans are deemed acceptable on visual amenity grounds.
- 3.24 This revised application also shows the extension to the east elevation previously approved under consent 18/00549/FUL with an annotation that the 'new extension roof tiles to match existing'. The roof tiles as installed do not match the existing property and again because of this difference in materials the extension stands out as a new addition to the property and fails to integrate with the host property or street scene as is the case with the garage. It is therefore recommended again, that as the plan for the extension will be an approved document that this alternative roofing tile be secured by condition for the tiles on the roof to be replaced with tiles to match the host property within 6 months of any consent being granted in order to make the scheme acceptable and for the development to not harm the visual amenity of the area.
- 3.25 No objection is proposed on design or visual amenity grounds to the other changes to the plans as set out in paragraph 3.7 of this report namely the reduction in the patio area extension; deletion of previously proposed and approved steps in front of new front door location and removal of stairwell window and installation instead of a roof light to provide a light source.
- 3.26 Whilst, as with the previous application (18/00549/FUL) the proposed introduction of a garage and extension is not deemed to enhance the character of the area given that the host property is particularly prominent due to its elevated position which makes it clearly visible from the surrounding area and given that the host dwelling already stands out as an anomaly within the street scene due to its orientation and design it is considered that the proposals will further emphasise its uniqueness in an otherwise unified estate, it is considered that with the suggested alteration to the roofing material installed the revisions to the previously approved scheme are deemed acceptable and the proposal with this revision secured is considered to accord with policy S2 of the Local Plan.

Impact on residential amenity of surrounding properties

- 3.27 Concern has been raised in the representations received that the proposal will impact on outlook from some properties on Great Furlong. Whilst this concern is noted, this is not a matter on which a planning refusal could be based.
- 3.28 Concern has also been raised in the representations received with regard to the proposals being overbearing particularly the garage and dominating the skyline. Whilst due to the elevated position of the site the proposals will be clearly visible from the surrounding area it is not concluded that the proposals due their siting have an overbearing impact or result in loss of light to neighbouring occupiers to warrant a refusal on residential amenity grounds. Furthermore, the omission of the kitchen extension reduces the bulk of the proposal to the west of the host property.

- 3.29 The proposed extension to the east, whilst altering the outlook from no.7 Great Furlong, is on balance assessed as not resulting in an overbearing impact or loss of light to this property to the north to an extent that would justify a refusal of planning consent given the separation distance between properties and elevated position of 7 Great Furlong. The proposed glazing to this extension is not assessed to result in an unacceptable level of overlooking/loss of privacy to neighbours given the separation distances involved and that the majority of windows are located to the south and east of the extension where there is the greatest separation distance to neighbours.
- 3.30 Whilst the rooflights to the property and garage may offer the perception of overlooking, given their height and distance to neighbours it is not considered that these would offer the opportunity for an unacceptable level of overlooking/loss of privacy to neighbours.
- 3.31 The plans also show the relocation of the entrance door to the north of the property which was approved under 18/00549/FUL and the omission of steps previously proposed to this elevation. Whilst, this clearly alters the relationship of the property with the street it is not considered that this alteration would adversely harm the street scene given that the majority of properties to the north, other than the application property, have road frontage access to their properties.
- 3.32 Concern has also been raised with regard to some lights installed on the south side elevation of the garage. Whilst, this concern is noted the installation of lights does not require the benefit of planning permission and therefore it is outside of the planning authority's control unless it could be demonstrated that to have lighting in this location would impact on foraging routes of bats in which case a condition could reasonably be imposed to prevent lighting being installed unless first agreed by the Planning Authority. However, in this case the Local Planning Authority has no such evidence and therefore it would be unreasonable to prevent lighting by way of condition in this case.
- 3.33 Overall, on balance, it is not assessed that a refusal on residential amenity grounds could be justified or that an argument for refusal on residential amenity grounds could be sustained at appeal.

Impact on ecology/biodiversity

- 3.34 An ecology report has been submitted with this application; this found no signs of use by bats or birds.
- 3.35 However, the report does recommend a precautionary approach and sets out recommendations in the event that bats are discovered at the site. If minded to grant consent for the proposed development it would be recommended that a condition be applied for the recommendations in the ecology report to be followed. Whilst, it could be argued that the works for the garage are largely complete and therefore this condition may no longer be required as to comply with the plans it will require the existing roofing material for the extension and the garage to be removed and replaced it is considered reasonable to impose as a precaution this condition to ensure that in the unlikely event that bats have accessed the building under the roof tiles of the new extension or garage roof they are not harmed by the removal of the existing tiles.

- 3.36 Subject to the above condition being applied it is not considered that the proposal would have an adverse impact on biodiversity.

Land drainage/flood risk

- 3.37 The site is located in flood zone 1 where highly vulnerable uses such as residential accommodation would be directed towards.
- 3.38 No objection is therefore raised on flood risk grounds.

Highway safety

- 3.39 Having discussed the application with DCC Highways they have verbally advised that they would have no objection to the garage being located in the proposed location or to the lack of space in front of the garage for parking identified by a response received in the consideration of the previous application 18/00549/FUL for a garage at this site.
- 3.40 Whilst the proposal would result in an extra exit onto the turning head, which some responses received from residents in the consideration of the previous application (18/00549/FUL) raised concern with, there is no highway safety objection to the proposal.

Bishopsteignton Neighbourhood Development Plan

- 3.41 In the adopted Neighbourhood Development Plan for Bishopsteignton 2013-2033, policy BSC5 states that "...Particular attention will be given to the need to protect the views identified on Maps M1 & M2 and ensure development is not intrusive and relates sympathetically to natural and built features in the landscape."
- 3.42 One of the representations received for the previous application at this site (18/00549/FUL) suggested that the proposed development fails to meet this policy due to the extension to the east impacting on views from 7 Great Furlong over the Teign Estuary and that the development proposed would have an adverse impact on the environment contrary to this policy. However, if you refer to maps M1 & M2 the views this policy is seeking to protect are not private views from existing dwellings but rather the view as you come into the village above Great Furlong and views down Fore Street and glimpsed views through properties off Fore Street. The proposed development would therefore, contrary to the representation received, not undermine the objective of policy BSC5 to protect the views identified on Map M1 nor would it have an adverse impact on the heritage assets identified in Map M2.
- 3.43 With regard to the revised scheme having an adverse impact on the environment and not complying with the requirement of policy BSC5 for the development to 'relate sympathetically to the built features in the landscape'. The dwelling at 2 Great Furlong, due to the sloping nature of the site, is already of a different design to the surrounding Great Furlong properties and has a much larger plot size than its neighbours. This therefore offers more scope to extend the property than would be feasible for the neighbouring properties. Whilst its material palette is compatible with properties on the Estate, its scale and massing, position and design already make it stand out as a unique property in the Estate. It is considered that the proposed extension to the east would not relate unsympathetically to the host dwelling. Whilst it is recognised that the garage takes a different shape and form

and has a single door rather than the double doors found on a number of surrounding garages, it is not considered that this is justification to refuse consent for the garage which will, due to its location, not be read against any of the neighbouring garages in terms of its fenestration as it fronts the end of the cul-de-sac. Rather it will be the detached nature of the structure that will be most visible from public vantage points, which is compatible with some of the properties in the Estate with a mixture of integrated and detached garages within the wider context.

- 3.44 It is not considered that a refusal could be justified on the basis of policy BSC5 given the design of the proposed revised scheme, the difference in style and scale and massing of the host property compared with its neighbours and given that no protected views in the neighbourhood plan would be adversely impacted.

Conclusion

- 3.45 For the reasons set out above, on balance, the Officer recommendation is one of conditional approval.
- 3.46 It is not considered necessary to impose a time limit condition for commencement of works since the works are largely complete prior to this application being made.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

S23 Neighbourhood Plans

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

Bishopsteignton Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

Ten letters of objection and two comments received.

Some of the representations received in objection and comment are from the same contributors and contributions have been received from or on behalf of 1 Great Furlong, 6 Great Furlong, 7 Great Furlong and 38 Great Furlong.

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

- Concerns with the accuracy of the revised plans submitted;
- Concern what would be allowed under permitted development has been factually misrepresented by the supporting documentation;
- Garage as built is overbearing and out of character in street scene for residents to the north;
- Garage contains features and materials out of keeping with rest of development;
- The roof tiles used on garage and extension are out of keeping with area and clash with original dwelling in colour and size;
- Proposal contrary to Neighbourhood Plan policy BSC5;
- A precedent was set with another neighbour having to reduce their ridge line this should apply here;
- This site has had a number of applications and proposal has not been built in accordance with approved consent. Concerns were raised with inaccuracy of plans in previous applications and when proposal under construction leading to this current application;
- Garage is prominent feature on skyline not in keeping with locality;
- 2 Great Furlong is the most visible house in the Great Furlong/Grange Park area, possibly the most visible house in the whole village. As such the requirement to meet street scene and palette requirements is of high priority;
- Roof windows approved with obscure glass have been fitted with clear glass no explanation why;
- There are three lights on the side of the garage facing south which illuminate valley why no restriction;
- No justification for raising the roof;
- The design, location, finish and size of the garage result in poor quality development that is out of character with the street scene;
- Approval of this application would contradict rejection of 17/01860/FUL;
- The roof tiles and wall finish used on garages in area are still available online so applicant has chosen to introduce different materials;
- The conditions on the original consent with regard to building in accordance with plans and agreeing materials if not using matching materials have been ignored;
- The lack of harmony between the design of the extension and host building is vastly at odds with both the character of the host building, and the prevailing characteristics of other buildings on the estate. As such it appears incongruous, causing harm to the character and appearance of the street scene.

The comment representations received were from the same contributor and provide the following (see case file for full representations):

- A photograph looking down on the built garage;
- A letter of correction advising of an error in part of the wording of the contributors' previous objection letter.

7. TOWN / PARISH COUNCIL'S COMMENTS

Bishopsteignton Parish Council (Comments dated 18 February 2020):

Bishopsteignton Parish Council wish to repeat the comments made at its last meeting, 03.02.20, as follows [dated 10 February 2020 in minutes provided to Teignbridge District Council]:

Bishopsteignton Parish Council appreciate this is a retrospective application but have concerns with the overbearing nature of this development and the implications for potential future developments in the vicinity. They wish to draw the delegated officer's attention to Bishopsteignton Neighbourhood Development Plan policy BSC5: '...ensure development is not intrusive and relates sympathetically to natural and built features in the landscape.'

They would have preferred to see construction materials to be more in keeping and a better match with others used locally.

They feel the garage has an overbearing visual impact especially, particularly on approach from Grange Park. They would welcome the condition of an alternation to change the outside lighting for less intrusive impact.

Bishopsteignton Parish Council understand there is a request for the decision to be taken by the TDC Planning Committee should the planning officer be inclined to approve and grant permission. They wholly support this category B request.

Bishopsteignton Parish Council (Comments dated 10 February 2020):

Bishopsteignton Parish Council appreciate this is a retrospective application but have concerns with the overbearing nature of this development and the implications for potential future developments in the vicinity. They wish to draw the delegated officer's attention to Bishopsteignton Neighbourhood Development Plan policy BSC5: '...ensure development is not intrusive and relates sympathetically to natural and built features in the landscape.'

They would have preferred to see construction materials to be more in keeping and a better match with others used locally.

They feel the garage has an overbearing visual impact especially, particularly on approach from Grange Park. They would welcome the condition of an alternation to change the outside lighting for less intrusive impact.

Bishopsteignton Parish Council understand there is a request for the decision to be taken by the TDC Planning Committee should the planning officer be inclined to approve and grant permission. They wholly support this category B request.

Bishopsteignton Parish Council (Comments dated 19 November 2019):

Bishopsteignton Town Council have concerns that the building is not accurately represented by the retrospective plans which have been submitted under this new application; in particular the ridge height of the garage.

It is also concerning that building materials and finishes used in this development do not match those of existing, neighbouring properties as indicated in the conditional grant of planning permission 18/00549/FUL dated 11.05.18 which states under condition 3:

Unless matching materials are used, samples of all the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their initial use. Development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.

Please confirm this practice was carried out and examples of the materials used were provided for approval; in particular the roof tiles (garage roof), rendering style (garage) and the roof light windows should be obscured (garage roof) as the version which have been used are not in keeping with neighbouring properties or as approved/expected in the previous application for which permission was granted. Bishopsteignton Parish Council strongly recommend a site visit is conducted by both the delegated planning officer and the relevant case officer from planning enforcement before a decision is finalised.

Case Officer Note: No request was made to discharge the condition to use alternative materials to matching materials.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because:

- It is less than 100m² of new build that does not result in the creation of a dwelling.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

PLANNING COMMITTEE REPORT

23 June 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 20/00675/FUL - Dryads Garth , Inverteign Drive - Demolition of existing dwelling and construction of replacement dwelling with garage, associated landscaping works and alterations vehicle access	
APPLICANT:	Mr & Mrs Boyne	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr David Cox Cllr Nina Jefferies	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00675/FUL&MN	





**20/00675/FUL - Dryads Garth, Inverteign Drive,
Teignmouth, TQ14 9AF**

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1. REASON FOR REPORT

Teignmouth Town Council have requested this application be referred to Planning Committee for determination if officer recommendation is one of approval. The reason given for this request is that the proposed design is substantially at variance with neighbourhood.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to following conditions:

1. 3 year time limit for commencement;
2. Development to be carried out in accordance with the approved plans including climate emissions reduction measures set out in design and access statement;
3. The timber boarding to be installed on the property shall be the hereby approved iroko timber boarding which shall be left to naturally weather and shall not be painted or stained.;
4. Ecological report including safeguarding measures and installation of ecological enhancement measures shall be followed and on completion a bat consultant shall confirm that the ecological enhancement measures have been installed in accordance with the recommendations in the report;
5. On site parking and turning provision shall be provided prior to first occupation of the hereby approved dwelling and retained thereafter.

3. DESCRIPTION

Site Description and Proposal

- 3.1 Dryads Garth is a detached 2-storey dwelling situated above the A381 Bishopsteignton Road to the west side of Teignmouth.
- 3.2 The house is accessed directly off Inverteign Drive and forms part of a line of large detached houses of varying periods and contrasting architectural styles, set in substantial grounds, which sit opposite Shaldon Bridge.
- 3.3 The property has undergone a number of alterations and extensions since the original dwelling was built with the addition of a large flat roof dormer and balcony on the south elevation.
- 3.4 The existing house is of low architectural quality. However, it is in a key position at the approach to the town of Teignmouth and overlooking the River Teign.
- 3.5 The site slopes from north to south across its width with a final large drop down to the road.
- 3.6 The property sits in a particularly large plot with a detached garage and large areas of garden. Although the plot is large the vehicle access, parking and manoeuvring space are restricted.
- 3.7 Planning consent is sought for the demolition of the existing dwelling and construction of a replacement dwelling with garage, associated landscaping works and alterations to vehicle access.

- 3.8 The proposal is for a new two-storey detached dwelling of contemporary design with an upside-down layout. This arrangement enables the upper floor living space to take best advantage of the views and light and the additional height of the vaulted ceiling over whilst the lower floor bedrooms have improved privacy and will be cooler in summer helping with the energy efficiency of the building.
- 3.9 By utilising the sloping site and proposing to partially 'dig-in' the lower floor this provides for natural level access to the upper floor living area from the rear driveway and garden.
- 3.10 The upper ground floor level includes the kitchen, dining and living room as well as the garage and utility areas.
- 3.11 On the lower floor level is a workshop (built under the Garage) which has access through the garage and 4 bedrooms with associated en-suite and bathroom.
- 3.12 A generous amount of parking has been proposed to accommodate the applicants' vehicles and the garden area has been reduced to allow for this parking area. Part of the parking area is covered by a carport roof to provide some weather protection - the height of this roof is kept below the height of the boundary wall.
- 3.13 The proposed dwelling and the garage sit broadly on the same footprint as the existing. It is less deep about 1.0m wider on the principal frontage.
- 3.14 The existing vehicular access from Inverteign Drive is retained to the north west of the site. There will be more parking / manoeuvring space provided within the site which will address the current issues with very restricted manoeuvring space on site.

Principle of the Development/Sustainability

- 3.15 The site is located within the settlement limit of Teignmouth where there would be in principle support for development in this location including a replacement dwelling under Policies S1A, S1 and S21A of the Teignbridge Local Plan 2013-2033.

Impact on Listed buildings and Conservation Area

- 3.16 The site does not lie in a Conservation Area and is not a listed building. However, The Old Toll House on Shaldon Bridge and Shaldon Bridge itself to the south of the site are both Grade II listed.
- 3.17 Given that the planning application could affect the setting of listed buildings, in coming to this decision the Council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.18 The existing property is visible from Shaldon Bridge. However, due to an intervening wall and vegetation is partially but not fully screened from the Old Toll House.

- 3.19 Whilst, of a contemporary design it is considered that the scale and massing of the proposal and material palette has been sensitively chosen to ensure that it sits comfortably within the landscape setting and would not harm wider views of the site from the listed Shaldon Bridge or the Toll House. It is not considered that the proposal would undermine or harm the setting of the listed bridge or Toll House.
- 3.20 No heritage objections are therefore raised to the proposal.

Impact on the character and visual amenity of area

- 3.21 The existing house is of unremarkable architectural quality and does little to enhance the visual amenity of the area.
- 3.22 The existing house is in a key position at the approach to the town of Teignmouth and in views across the Teign Estuary. Given its elevated prominent location, any change here will be noticeable both locally and from wider views across the estuary.
- 3.23 It is considered that the proposed redevelopment of this site offers the opportunity to achieve a better designed dwelling with a higher quality material palette to improve the visual amenity of the area as well as providing the opportunity to address the on-site vehicle manoeuvrability.
- 3.24 The application proposes a contemporary design with high quality materials proposed and is designed in a manner to take advantage of the available outlook.
- 3.25 There is no strong architectural style in the group of existing buildings that the application proposals would sit within.
- 3.26 Whilst a contemporary style, it is considered that the proposal will sit comfortably within its site. The material palette chosen for this development takes reference from other high quality new build contemporary style buildings that have been constructed in recent years around the Teign Estuary with similar materials all of which feature the type of natural timber boarding.

It is considered in the context of these other developments, on the other side of the Teign Estuary from the application site, in which the material palette proposed has been accepted in recent years the proposal for the application site should sit comfortably in views from within the wider landscape and would not appear out of character.

- 3.27 The scale and massing of the proposal takes its cues from the existing property and the heights of neighbouring properties to ensure that the building will sit comfortably with the adjacent properties, though the elevations having been sensitively designed to ensure they follow the pattern of the adjoining buildings and the ridge of the mono-pitch roof has been designed to sit significantly lower than the ridge height of the existing dual-pitched tiled roof and those of the adjoining buildings to ensure that the proposal will fit within the pattern of adjoining buildings whilst introducing a more contemporary style of design such as the introduction of the cladding, overhanging eaves, and brise-soleil and balcony to add interest to the building and break up the massing of the elevations.
- 3.28 It is considered that the proposals can be accommodated on the site without causing harm to the character and visual amenity of the area and will result in a

development which will add an interest and focal point on the approach to Teignmouth from the main road and from Shaldon.

- 3.29 Given the extent of cladding proposed to the first floor of the building, it is considered important to ensure a high quality product is used as this will be a particularly visible part of the development. It is considered necessary if minded to approve therefore to ensure that a natural product is used rather than composite plastic cladding product and therefore it is recommended that it be conditioned for the cladding to be the iroko natural timber cladding as applied for which should be left to weather to a silver grey to ensure that it will sit comfortably with its surroundings and not appear out of place.
- 3.30 With this condition in place it is concluded that the development can be accommodated on this site without harming the visual amenity of the area and it is considered that the design proposed will add visual interest to the approach to the town.

Impact on residential amenity of the occupiers of surrounding properties

- 3.31 The proposals would be sited comfortably on the plot with the dwelling aligned with the adjacent properties as a result the proposal is not assessed to result in harm to the residential amenity of neighbours in terms of being overbearing or resulting in loss of light, nor does it raise overlooking/loss or privacy concerns.
- 3.32 It is not therefore considered that the residential amenity of neighbours would be compromised by the proposed development.
- 3.33 Concern has been raised in the objection representation received from a neighbour with regard to the perceived antisocial aspects of this build - Noise pollution, dust and grime, parking and access. However, this would appear to relate to the construction phase of the proposal and it is not considered that it would be reasonable to refuse the dwelling on this temporary inconvenience whilst the existing dwelling is demolished and new proposals built. Long-term the changes to the access arrangements and ability to manoeuvre on site will improve parking and access to the site. Given that the application is for one dwelling it is not considered necessary given the scale of development to condition for a Construction Management Plan to be agreed prior to commencement of development to make this scheme acceptable.

Impact on ecology/biodiversity

- 3.34 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and therefore would be subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/>.
- 3.35 However, in this case as the proposal is a one for one replacement and no additional dwellings are proposed it is concluded that the proposal will not have an increased recreational impact on the SPA and/or SAC than the existing dwelling. No Habitat Mitigation Contribution is therefore required in this case and the Local

Planning Authority as Competent Authority, is able to conclude that there will be no likely significant effect on the European site(s).

- 3.36 An ecological appraisal was undertaken and submitted with this application. This found no evidence of use of the existing buildings by bats or nesting birds. The proposal is therefore considered to be able to progress without harming ecology.
- 3.37 As a precautionary measure however the report recommends precautions to take during construction works in the unlikely event that bats or nesting birds are discovered during works and recommends as biodiversity enhancement measures as required by policy EN8 of the Teignbridge Local Plan and the NPPF the installation of bat and bird boxes. If minded to approve a condition is recommended to be applied to ensure that the precautionary measures are followed during construction and demolition works and to ensure that the ecological enhancement measures suggested in the report are provided in the interest of biodiversity protection and enhancement.
- 3.38 Subject to the recommended condition being applied, no ecological objections are raised to the application.

Flood Risk and Drainage Considerations

- 3.39 The site is in an elevated position and is not in a high risk flood zone (i.e. flood zone 2 or 3) in flood control terms it is therefore an appropriate site for residential development.
- 3.40 It is proposed that foul and surface water will be discharged by connection to the main sewer as is the case with the existing dwelling. As this is a one for one replacement it is not considered that this will put increased pressure on the existing system and therefore is deemed acceptable.

Climate Change Considerations

- 3.41 The Council has declared a climate change emergency and policies S7 and EN3 of the Teignbridge Local Plan seek to ensure that all new development contributes to reducing carbon emissions.
- 3.42 The new dwelling proposed in this application is proposed to be constructed of a high level of thermal efficiency (insulation and airtightness) and heating and hot water is proposed to be served by a low energy system combined with heat recovery ventilation. It is anticipated the house will achieve an 'A' EPC rating.
- 3.43 Integrated solar shading has been incorporated into the design to prevent excess solar gain in summer months whilst allowing beneficial warmth from the low elevation winter sun and the upside down layout will ensure that the living areas most used during the day can benefit from natural daylight minimising the need for lighting use.
- 3.44 Overall therefore the scheme would achieve a significant reduction in carbon emissions compared to the existing building as set out in the design and access statement. If minded to approve it is recommended that the design and access statement form an approved document to secure these measures.

- 3.45 It is proposed that materials arising from the demolition of the existing property will be recycled.

Parking and Highway Safety

- 3.46 Vehicular access to the property is to be via the existing drive entrance onto Inverteign Drive. It is proposed as shown on the site access plan submitted with this application that this will be altered to improve the alignment and to make the access more practical to improve manoeuvrability which is currently difficult.
- 3.47 Pedestrian access into the dwelling is to be altered with level access to the rear of the dwelling directly from the parking area and Garage without any steps –unlike the existing stepped arrangement. The existing steps leading to Bishopsteignton Road will be infilled.
- 3.48 A generous amount of parking provision is provided on site.
- 3.49 It is considered that there is adequate parking to serve the proposed development which it is recommended be secured by condition to be provided prior to first use of the new dwelling and it is considered that the alterations to the access will provide a safety improvement to the access making access/egress easier. It is also considered that the level access will improve accessibility for a range of occupiers/visitors to the property making it a more accessible home for all.

Conclusion

- 3.50 The principle of a dwelling in this location is supported by the Teignbridge Local Plan policies S1A, S1 and S21A.
- 3.51 Whilst design can sometime be considered subjective, Officers, having carefully considered the proposal, and can find no reason that could be sustained at appeal to recommend refusal of this application. It is considered the proposal represents a high quality design which fits context of the site and accords with policy S2 which seeks to ensure that new development integrates well within its surroundings.
- 3.52 Officer recommendation is therefore one of conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S7 Carbon Emission Targets

S21A (Settlement Limits)

EN3 Carbon Reduction Plans

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

5. **CONSULTEES**

Devon County Council Highways:

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

6. **REPRESENTATIONS**

Eight letters of support, one comment and one objection received during the consultation period for this application.

The letters of support all offer their support for the proposal and several make further comments as detailed below:

- I would like to support this proposal on the grounds that it is lovely to see a local couple hoping to stay in their home town in a house designed by a local architect, built by a local builder etc.;
- The actual design of the house although modern mirrors some of the newer builds in Shaldon and therefore will be very much in keeping;
- An excellent design that enhances that area;
- Mr and Mrs Boyne were both born in Teignmouth and building a new, architect designed home, for them to live in, to carry on their family heritage of living and working in Teignmouth can only be a good thing;
- Looks like a lovely proposal, a great improvement on current property.

The comment received is as follows:

- Totally approve of houses which need to work in our current climate of change, sustainability is so important, this modern design can transform this home to run economically and efficiently which is a high priority and looking to the future. This design will sit beautifully in its position looking out to sea.

The objection received from the occupier of the property known as 'Fort Inverteign' is as follows:

- Serious concerns about the antisocial aspects of this build. Noise pollution, dust and grime, parking and access.

7. **TOWN / PARISH COUNCIL'S COMMENTS**

Teignmouth Town Council:

Category B if Planning Officer is minded to approve

8. **COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 394.14. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 200 sq m. The CIL liability for this development is £33,913.57. This is based on 194.14 net m²

additional floorspace at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

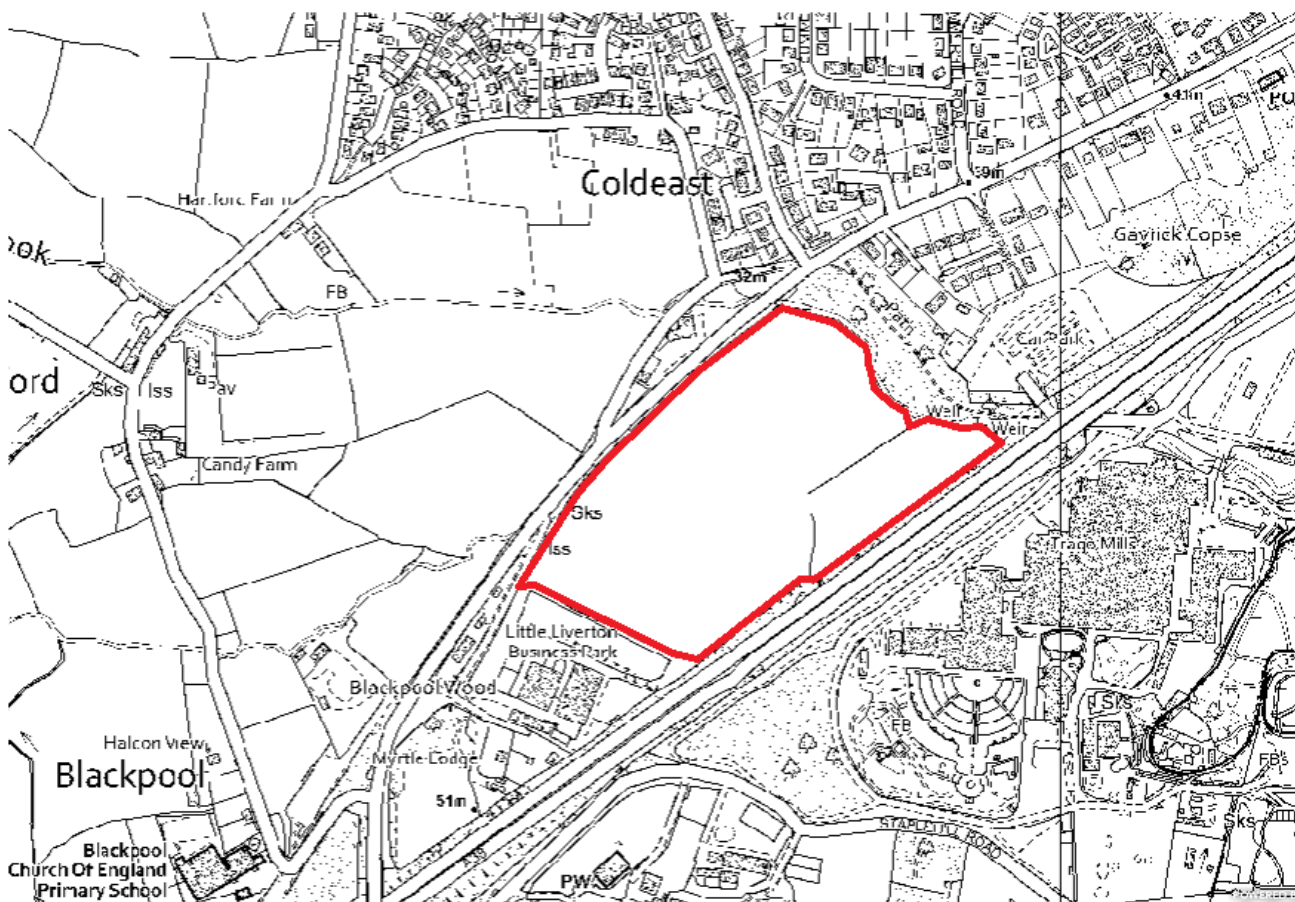
PLANNING COMMITTEE REPORT

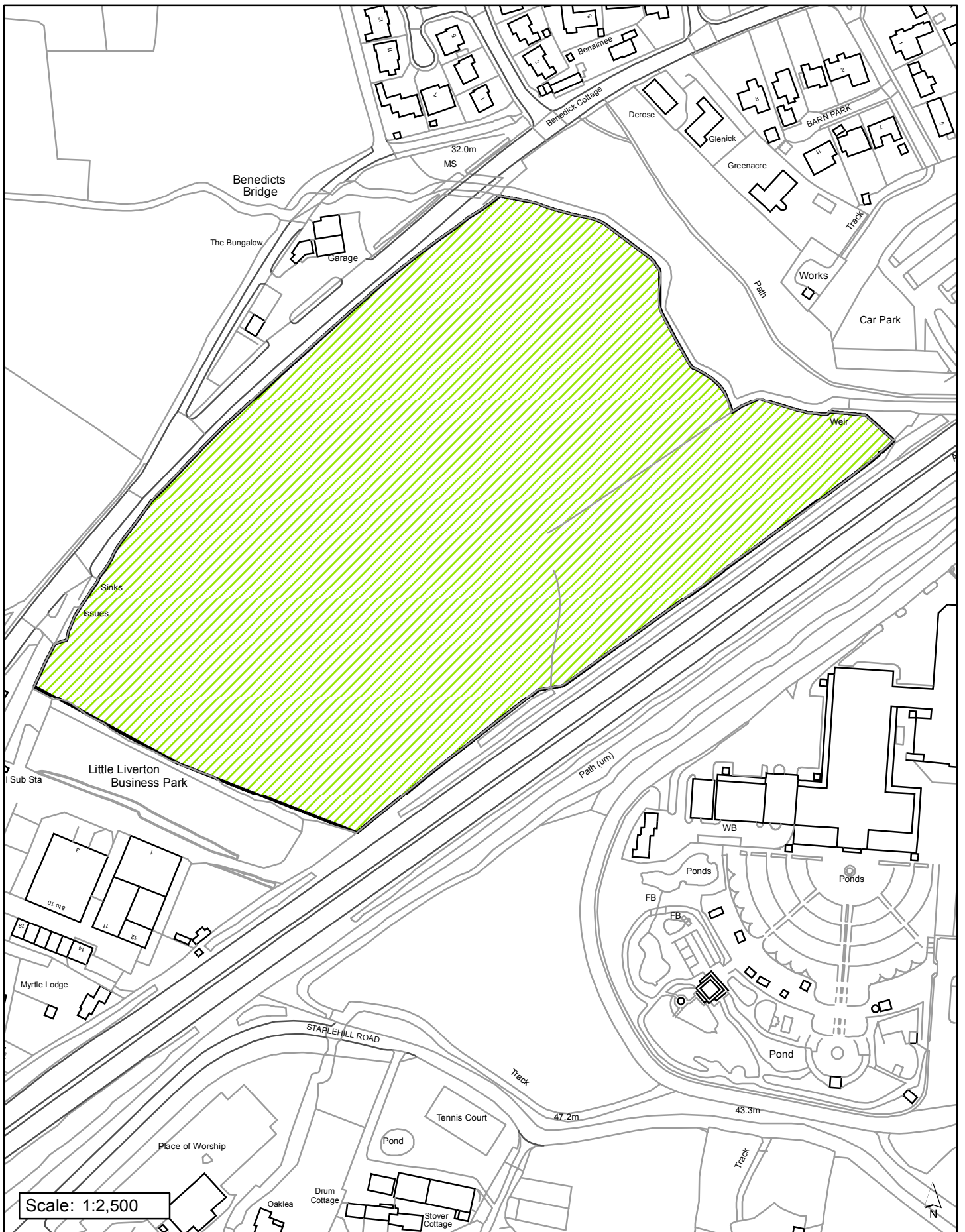
23 June 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ILSINGTON - 19/00122/MAJ - Land Adjacent To Little Liverton Business Park, Liverton - Outline - Business units (Use Classes B1, B2 and B8) (approval sought for access and landscaping)	
APPLICANT:	Mr B Nock	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Patch	Haytor (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00122/MAJ&MN	





**19/00122/MAJ - Land Adjacent to Little Liverton Business Park,
Liverton, TQ12 6AB**



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1. REASON FOR REPORT

Former Ward Member Cllr Christophers requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is that the site is outside the land allocated in the Local Plan.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Submission of reserved matters (layout, scale and appearance);
2. Submission of reserved matters within 3 years;
3. Development to commence within 2 years of final approval of the reserved matters;
4. Development to accord with approved plans/documents including Developable Areas Plan, Landscape Strategy and Access plan;
5. Development to not exceed a maximum of 14,000sqm of floorspace;
6. Programme of archaeological work;
7. Development to accord with measures identified within Appropriate Assessment;
8. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;
9. Biodiversity Management Plan to be approved prior to commencement, to include safeguarding measures and details of mitigation and enhancement measures;
10. Construction Environmental Management Plan (CEMP) to be approved prior to commencement;
11. Construction Management Plan (CMP) to be approved prior to commencement;
12. Construction compound plan to be approved prior to commencement;
13. Permanent surface water drainage management system to be approved prior to commencement;
14. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
15. Adoption and maintenance details for permanent surface water drainage management system to be approved prior to commencement;
16. External lighting strategy to be submitted demonstrating compliance with dark buffer zones and only approved external light to be installed;
17. External materials details;
18. Detailed hard and soft landscaping plans including planting plan and implementation and management; planting schedule to accord with Highways England requirements;
19. Levels plans including all proposed earthworks;
20. Treatment boundary plan;
21. Carbon Reduction Statement;
22. Details of hours of operation and deliveries to be submitted with reserved matters application(s);
23. Noise emitted from each of the units proposed shall not exceed the existing background noise level prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor;
24. Details of any noise mitigation measures required;

25. Details of any mechanical power generation to be used on site or proposed air conditioning units/air extraction or plant to be approved prior to installation;
26. No overnight lorry parking unless approved;
27. Access and crossing point to be provided prior to initial occupation;
28. Travel Plan(s);
29. Parking Strategy to be submitted and informative for the scheme to make provision for parking at a ratio of floorspace to parking spaces similar to that shown on illustrative layout plan;
30. Full cycle parking details including provision for secure and covered cycle storage;
31. Full waste storage details;
32. No external storage;
33. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding; and
34. No wind turbines.

3. DESCRIPTION

The Site and Proposal

- 3.1 The application site is located adjacent to the existing Little Liverton Business Park within the open countryside just beyond the settlement limit of Liverton (Coldeast). The Devon Expressway (A38) runs along the southeast boundary, whilst Liverton Brook separates the site from the residential area to the north. To the southwest is Blackpool School. The site is accessed from the C-class road (C454, Road from Blackpool Cross to Summerhill Road) from the northwest. The site covers an area of 6.68 hectares and is currently arable farmland.
- 3.2 The site is located within a mineral consultation zone for ball clay. It is within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone for Greater Horseshoe Bats and a wintering zone for cirl buntings. Also, flood risk zones 2 and 3 run along Liverton Brook extending into the northern part of the application site, the remainder of the site is within flood risk zone 1
- 3.3 The application seeks outline planning permission for a mix of B1(a) and (c) (office and light industrial), B2 (general industrial) and B8 (storage or distribution) business units. Approval is sought for access and landscaping details with appearance, layout and scale being reserved matters. The application form states a total of 14,000sqm of floorspace including 3500sqm each for B1(a), B1(c), B2 and B8 uses. This will be controlled by conditions.
- 3.4 A Developable Areas Plan has been submitted showing a developable area of 4.1 hectares; a revised plan, dwg no. 054 Rev B, was received on 2 June 2020 to address matters raised during the Habitats Regulations Assessment. A revised Landscape Strategy Plan (dwg no. 504/01 Rev F) was also received on 2 June 2020 and includes a wetlands/flood area and a dark bat flight corridor adjacent to Liverton Brook. The flood area would consist of a wetland meadow area as an extension of the north-eastern woodland whereby wetland meadow grass and patches of native scrub with occasional specimen trees would create a naturalised flood area buffer. The dark bat flight corridor would be a 10m wide low herb layer, with 2.0m high hedgebank to edge and a 3.0m wide maintenance strip to western

side of hedge. The existing hedgerow along the C454 road would be retained and enhanced and a native tree and shrub belt is proposed to be planted approx. 3m behind the existing hedge. Along the A38 would be an approx. 13m wide planting belt formed for the existing hedgerow / tree boundary vegetation and proposed native species planting. A 3.0m wide buffer of species rich grass would be provided around all existing and proposed woody vegetation and would provide a maintenance strip.

Principle of Development

- 3.5 Strategic policy S3 (Land for Business, General Industry and Storage and Distribution) of the Local Plan sets out that the Council will promote an improved balance of jobs to working population by positively supporting business, general industrial and storage and distribution development in sustainable locations to create about 300 jobs per year in these sectors. In addition, the policy states that the Local Plan will ensure a deliverable supply of 15 hectares of land for business, industrial and warehouse uses at any one time. Also, that the Council will monitor and seek to proactively bring forward employment land and buildings to achieve the strategic objectives of the Local Plan.
- 3.6 The Planning and Delivery Authority Monitoring Report 2018-2019 is the most recently published Monitoring Report and sets out that between 1 April 2018 and 31 March 2019 7,993sqm of land for business, general industry and storage and distribution was completed and 9,087sqm was approved. This is set against a target in policy S3 of 3 hectares of land / 12,000sqm per year. Therefore it is becoming necessary to look beyond the Local Plan allocations to ensure that the balance of jobs, as set out in Policy S3, is achieved. The NPPF is clear at paragraph 81 in its expression that the planning system needs to support economic growth and productivity, to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances. With regards to more recent changes to the economy, the proposed development would likely be an economic boon, particularly in relation to the economic benefits attached to the construction phase and also more long term with regards to the provision of modern floorspace close to the strategic road network whilst accessible to local areas of population by means of travel other than the private car.
- 3.7 As the site is outside the settlement limits it is classified as open countryside and therefore Policy S22 (Countryside) is relevant. Policy S22 sets out that development will be strictly managed; however, the list of acceptable uses includes industry, business and warehousing. This should be read alongside Policy EC3 (Rural Employment) that sets out criteria against which economic development within the open countryside will be assessed.
- 3.8 It is clear from the consultation responses from Spatial Planning and Economic Development that there have been very low rates of employment development delivered and that, despite very significant work and promotional activities, the level of development set out in the Local Plan has not been approached since the Plan was adopted. Spatial Planning and Economic Development are both supportive of this proposal, as it appears to be deliverable in a reasonably short timescale. This view takes account of recent very low rates of employment development, the overall targets contained within the Teignbridge Local Plan and the accessible location of the proposal.

- 3.9 The site is in a good location, adjacent to the trunk road network within easy reach of Exeter and with good links to Newton Abbot, Bovey Tracey, Heathfield, Exeter and beyond. The business units would help to deliver much needed employment land and to create jobs, and would contribute to the 15 hectares of employment land that S3 aims for.
- 3.10 The site lies within easy walking distance of the settlement of Liverton, within easy reach of Newton Abbot and Bovey Tracey via bus or bicycle and would improve the balance of jobs to working age population in the immediate vicinity. The site is outside but within about 100 metres of the settlement limits of Liverton and therefore in this instance can be considered sufficiently close to meet the definition of adjacent set out in Policy EC3. In more specific policy terms, the proposal is for an expansion of an existing business/employment site, which Policy EC3 permits, subject to the level of accessibility of the site in relation to its scale, impacts on the South Hams SAC and subject to compliance with policies relevant to landscape, ecology, heritage and flooding.
- 3.11 In terms of the planning balance, whilst the site is not designated as employment land in the Local Plan, significant weight should be given to the delivery of employment units in the face of significant under-delivery, in the interests of strategic Policy S3. In addition, Policies S22 and EC3 allow for the delivery of employment uses outside of settlement boundaries. The delivery of a balance between jobs to working population is a key element of sustainable development. Therefore, the proposed development complies with Local Plan policies S3, S22 and EC3 and is acceptable in principle.

Sustainable Development/Carbon Reduction

- 3.12 Although located outside of the settlement boundary the site is located adjacent to an existing employment site and is close to access onto the A38. Whilst other sites may have better public transport links, the site offers an opportunity to deliver much-needed employment land within Teignbridge. The balance of jobs and homes is a key part of ensuring the delivery of sustainable development across the District and therefore the under-delivery of employment land is a significant material consideration. The benefits of the proposed development in terms of the delivery of employment land and the potential for job creation, should therefore be given significant weight in the planning balance and the principle of the development is acceptable from a sustainable development perspective.
- 3.13 The scheme however should also take the opportunity to incorporate measures to reduce carbon emissions and improve the overall efficiency and sustainability of the buildings and it will be expected that any scheme coming forward at reserved matters stage will clearly detail this. Therefore, a condition requiring the submission of a Carbon Reduction Plan would be appropriate, to demonstrate how the proposed built development will contribute to achieving the carbon emissions target in Policy S7 (Carbon Emissions Target) and to accord with Policy EN3 (Carbon Reduction Plans).

Impact on the Character and Appearance of the Area

- 3.14 The site is a relatively flat 6.68ha field located between the road from Blackpool Cross to Summerhill Road (C454) and the Devon Expressway (A38) and is approx.

300m from the boundary of Dartmoor National Park. As well as the residential area of Liverton (Coldeast) to the north, the existing Little Liverton Business Park is located to the southwest of the application site and the Trago Mills complex is located on the opposite side of the Devon Expressway. To the northeast is Liverton Brook and an associated woodland area which separates the application site from the residential properties to the north; running roughly parallel with Liverton Brook is a public footpath. Overall the character of the area could be classed as semi-rural.

- 3.15 The application seeks outline planning permission for a developable area of 4.1ha within the 6.68ha site and therefore a large part of the site would remain undeveloped. The site would be more closely associated with the existing employment area of Little Liverton Business Park to the southwest. The combination of the proposed flood area to the north of the site with the existing woodland area along Liverton Brook would provide a green buffer between the development and the residential area to the north. The proposed landscaping strategy would also strengthen the existing perimeter planting.
- 3.16 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which includes an assessment of the impact on Dartmoor National Park. The LVIA indicates that the site lies in an area that is of low sensitivity to large scale development. The proposed development has embraced a strategic landscape approach, making use of plantation style boundary planting, reflecting the character of the forestry plantations found in the close vicinity of the site. This will help ensure that the visual impact of the use of the site for employment purposes, is minimised and not easily perceived by the users of the neighbouring highways and wider landscape; in particular, the setting of Dartmoor National Park.
- 3.17 Highways England has requested a restriction on certain species within 15m of the highway boundary with the A38 and asked to be consulted on the planting mix. It is considered that this can be accommodated within the proposed scheme and mix of species and therefore a suitable condition could be imposed.
- 3.18 When considered in terms of both a local and wider landscape setting the proposal, subject to the implementation of the proposed landscaping strategy, is considered acceptable with regards to Local Plan policies S1, S2 and EN2A.

Residential Amenity Considerations and Air Quality

- 3.19 The proposed scheme is submitted for outline permission and the reserved matters include appearance, layout and scale. However, the scheme is accompanied by a plan setting out the developable area and does include landscape details at this outline stage. The application form sets out a total proposed floor space of 14,000sqm. As the supporting documentation, such as the Transport Assessment and Flood Risk Assessment, is clearly based on a development of approx. 14,000sqm it would be appropriate to clearly restrict the development, by condition, to this as a maximum. Therefore, whilst details of appearance, layout and scale are still required to be submitted, the scale of the development would be limited by the proposed conditions regarding the developable area and the maximum floorspace.
- 3.20 There is sufficient separation between the proposed developable area and residential properties to prevent an impact from loss of outlook or privacy. Therefore, the proposed development is considered to accord with Policy S1

(Sustainable Development Criteria) in terms of the impact on privacy, outlook and natural light.

- 3.21 The proposal has also been considered in terms of noise and air quality. The site is not located within an Air Quality Management Area and the Council's Principal Environmental Health Officer has reviewed the application with regards to air quality, in particular the transport assessment, and has concluded that the impact on local air quality is not going to be significant. In terms of noise, due to the close proximity of residential dwellings, details specifying the provisions to be made to control noise emanating from the site should be a condition of any consent together with a requirement that the rating level of noise emitted from each of the units proposed shall not exceed the existing background noise level prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor.
- 3.22 A condition for a Construction Environmental Management Plan (CEMP) to be submitted and approved prior to the commencement of development would enable controls and mitigation of temporary impacts during construction.
- 3.23 Therefore, subject to the imposition of appropriate conditions relating to the scale of the development and developable area to accord with the details submitted, noise levels as well as a CEMP, the proposed development is considered acceptable with regards to residential amenity and air quality and local plan policies S1 and EN6.

Highway Safety Considerations and Traffic Generation

- 3.24 Details of access to the site have been included with this application for outline planning permission. The access would be off the C454, which in this area is restricted to 30mph although the observed speeds were higher. The submitted Transport Assessment (TA) took into account 12 units of B1, B2 and B8 use up to 14,121sqm.
- 3.25 The trip rates have been taken from TRICS, which is a nationally accepted database. The peak rates and distributions routes are considered acceptable by the Local Highways Authority and show that the level of impact that this development will have on the local network will not be severe. Highways England has also not raised an objection on this point.
- 3.26 The details of the proposed access, including the proposed visibility splays, is acceptable in terms of highway safety.
- 3.27 There is a bus stop 400m from the site access (which is within the acceptable distance of 800m); however, there is no formal crossing point at these bus stops. The Local Highways Authority requested that a safe suitable crossing point be provided. They note that the current bus service is not ideal for normal working hours but have no objection subject to a full travel plan and promotional travel vouchers to encourage sustainable forms of transport; it is considered that the requirement for the Travel Plan(s) can be appropriately secured by condition.
- 3.28 An amended access plan has been provided (dwg no. PHL-101 Rev B) showing no obstruction over 600mm in the visibility splays and the provision of an uncontrolled crossing to provide access to the existing footway to the north of the street. Subject to appropriate conditions to require the access and crossing to be provided prior to

initial use of the site this detail is considered acceptable (the applicant would need to get the relevant permissions to carry out works in the highway).

- 3.29 Parking details would be agreed at reserved matters stage; however, it will be important to ensure that adequate parking is provided and that provision is made to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The revised illustrative site plan provides details of parking numbers which are acceptable to the Local Highways Authority; whilst the Local Highways Authority has requested that this plan is included as part of the permission to ensure adequate parking numbers, as this is an illustrative plan at this stage it is not considered appropriate. However, a parking condition could carry an informative to make it clear that the reserved matters application(s) should make provision for a ratio of parking to floorspace similar to that shown on the illustrative layout plan.
- 3.30 No objections to the proposed scheme have been raised by either Devon County Council (as the Local Highways Authority) or Highways England subject to the imposition of appropriate conditions. It is considered that the proposed development would not result in a severe impact on the highway and therefore a refusal on the grounds of highway impact and traffic generation is unlikely to be able to be substantiated.

Impact on Biodiversity

- 3.31 The application site is located within the Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats (GHB). It is located approx. 6km to the Chudleigh Roost, and within 4.5km of the Haytor & Smallacombe Roost. It is 400m from Haytor Sustenance Zone and at the crossing point of two Strategic Flyways (one along the A38, the other along the Liverton Brook). Therefore the Council's Biodiversity Officer has undertaken a Habitats Regulations Appropriate Assessment in consultation with Natural England. The Appropriate Assessment has concluded that there would not be an adverse effect on the Integrity of the South Hams SAC either alone or in-combination, provided mitigation is secured as set out within the Appropriate Assessment. The Local Planning Authority, as Competent Authority, is therefore able to conclude that there will not be an adverse effect on the integrity of the European site, such that this does not constitute a reason for refusal of the development.
- 3.32 The proposed development would retain and enhance the boundary hedges with adjacent strips of woodland/scrub planting, which totals at least an extra 0.355ha of potential enhanced foraging habitat. In addition, a 1.194ha (as set out in the applicant's Ecological Report) area of wet, rough grassland is proposed to be created in the undevelopable floodplain area, adjacent to Liverton Brook and the existing woodland, where most greater horseshoe bat activity was recorded. This area will be substantially enhanced as prey generating habitat, over the current value of arable/ley. Planting of scattered shrub and boundary trees is proposed within/around this area. It should be noted that these measures are not solely for SAC bats but also to maintain a 'naturalised buffer' between the existing settlement and the proposed industrial estate. A flood attenuation pond will be created in this area; it may also act as a wildlife habitat and could potentially generate GHB prey insects.

- 3.33 The applicant has submitted a revised illustrative layout to demonstrate that the layout of the site can address the need to minimise light spill onto bat features and buffer zones; including buildings backing onto boundaries with no fenestration facing boundaries. Whilst this layout is illustrative at this time it is considered that a suitable scheme can be achieved and the Biodiversity Officer would be consulted on any subsequent reserved matters application to ensure that the layout is appropriate and accords with the measures set out in the Appropriate Assessment. A condition requiring the reserved matters to accord with the Appropriate Assessment should be imposed. This will be in addition to the imposition of conditions requiring the layout to accord with the revised Developable Area Plan and to demonstrate appropriate dark buffer zones will be secured. In addition, conditions are proposed to control external lighting, for a Landscape and Ecological Management Plan (LEMP) and for a Biodiversity Management Plan. The Biodiversity Management Plan will be required to cover measures for the protection of species including hazel dormouse, nesting birds, reptiles, and badgers as well as providing bat and bird boxes to be installed at a minimum rate of one per each unit and hedgehog holes to be incorporated into all fences.
- 3.34 The Biodiversity Officer has also requested that no lighting be installed on the road and the 30mph zone be extended. Whilst the applicant can control the provision of lighting within the application site, they could not control the installation of lighting within the public highway, although it is noted that none is currently proposed in association with the development.
- 3.35 Several other bat species were recorded using the site and otter are known to use Liverton Brook. Dormice and breeding birds may be present in the hedges and reptiles may use hedge bases. Potential impacts on these species are habitat loss, severance of habitats/flyways, pollution of the Liverton Brook and disturbance from noise, activity and, especially, light. The measures required for greater horseshoe bats will also mitigate most impacts on these other species, others can be addressed by a Biodiversity Management Plan and water pollution issues will be addressed by the CEMP. The date of the submitted surveys has been questioned in relation to the presence of otters within the area; however, it is already known that otters are using Liverton Brook, from Devon Biodiversity Record Centre records. Given that the brook itself is off-site and a wide, dark buffer zone alongside the brook is required in terms of the GHB mitigation, the proposal is also considered acceptable with regards to the otters and a further survey is not considered necessary in this instance.
- 3.36 Subject to the imposition of the conditions set out above, it is considered that the proposed development would accord with the biodiversity and protected species policies of the Local Plan (including EN8, EN9, EN10, EN11 and EN12).

Heritage Assets

- 3.37 Having considered the potential for the proposed development to have an impact on the setting of heritage assets, including the grade II listed Old Benedicts Bridge and milestone, located to the northwest of the application site, it is considered that the proposal would not result in an unacceptable impact on the setting of these heritage assets.
- 3.38 Of greater consideration for the proposed development is the potential for archaeology within the application site itself. The Historic Environment Team at

Devon County Council has reviewed the submitted archaeological field evaluation. This work has demonstrated the presence of Bronze Age activity on the site, in the form of a ditched enclosure as well as possible structures within the enclosure. In addition, an area of medieval, or later, tin streaming has been identified. These heritage assets are not of such significance that preservation in situ is required. Subject to a pre-commencement condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation, the proposed development is considered acceptable with regards to archaeology.

- 3.39 Subject to the imposition of a condition for an appropriate programme of archaeological work to investigate, record and analyse any deposits in advance of any development of the site, the proposed development is considered acceptable with regards to local plan policy EN5.

Land Drainage/Flood Risk

- 3.40 Liverton Brook flows along the northeast boundary of the application site. Flood zones 2 (medium probability) and 3 (high probability), including zone 3b (functional floodplain), follow the line of the brook and extend into the northern corner of the application site for a sizable area. This area is also susceptible to surface water flooding. The remainder of the site falls within flood zone 1 (low probability).
- 3.41 Local Plan policy EN4 sets out that there will be a sequential approach to new development which guides development to areas at lower risk of river and coastal flooding and that where possible developments should be sited in flood zone 1. Also, that development should use sustainable drainage systems (SuDS) and make adequate provision for surface water drainage and disposal.
- 3.42 The application is accompanied by a revised Flood Risk Assessment (FRA) dated October 2019 and a Developable Areas Plan. The developable area is shown to be located within flood zone 1. The part of the site within flood zones 2 and 3 is excluded from the developable area and is identified as land for flood zone and soft landscaping.
- 3.43 As the developable area is located within flood zone 1 and provision of safe access and egress to the site is also shown located within flood zone 1, the proposed development passes the Sequential Test. Excluding appropriate works to the flood plain (such as any appropriate and approved landscaping works), the developable area should be clearly limited to that shown in the submitted plan only and not the entire site within the red line.
- 3.44 In addition to the above, it is also important that the scheme incorporates a surface water drainage management plan which ensures that the development will be safe throughout its lifetime and that it does not increase flood risk elsewhere. The surface water drainage will need to include appropriate mitigation measures so that existing greenfield runoff rates are either replicated or reduced.
- 3.45 The submitted FRA sets out that the surface water drainage strategy has been developed to account for runoff in up to the 100 year critical storm event, with 40% allowance for climate change. Given site conditions the use of soakaways would not be suitable and therefore the proposal is for on-site attenuation, combined with off-site discharge. Runoff would be managed through a series of sub-catchments

which would utilise a private drainage network to route runoff to a geo-cellular storage attenuation tank with hydraulic control to restrict the peak rate of discharge. This will merge towards a series of new detention basins and conveyance swales to provide attenuation storage whilst also offering water quality enhancement. The peak rates of discharge from the basins will be managed by a series of hydraulic controls with the restricted outflow being discharged through a new conveyance swale, towards the Liverton Brook. All sub-catchment discharges to pass through a bypass/oil separator prior to being discharged to the detention basin or conveyance swale. Within the appendices to the FRA (at Appendix F) there is a preliminary drainage layout showing the provision of storage tanks within areas of hardstanding within the developable area and the provision of two detention basins located within flood zone 2.

- 3.46 The proposed surface water drainage strategy has been assessed by Devon County Council as Lead Local Flood Authority (LLFA) and is considered compliant with Devon County Council's SuDS Guidance (2017). The strategy will attenuate water in a combination of underground storage tanks and detention basins discharging at 10.3l/s into Liverton Brook. Storage tanks are considered accepted in this instance due to the site constraints caused by flood zone 3. As the detention basins are in flood zone 2 SuDS features will need to be inspected following a flood event and maintenance carried out as required. The scheme meets the SuDS pollution hazard index as water that is stored in the tanks will pass through bypass/oil interceptors and both the detention basin and swale before it is discharged to the watercourse.
- 3.47 Therefore, subject to the imposition of the pre-commencement conditions requested by the LLFA, the proposed development complies with Local Plan policy EN4.

Minerals

- 3.48 The application site lies wholly within the Mineral Safeguarding Area for the ball clay resource, which is noted within the Devon Minerals Plan (DMP) as being of national importance. Policy M2 (Mineral Safeguarding Areas) of the Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other development, but it does allow for such development to be permitted in specific circumstances. This policy reflects paragraph 206 of the NPPF. The Bovey Basin Strategy, published by Devon County Council in 2000 to provide a long-term strategy for development of the ball clay resource, includes the application site as part of a 'candidate clay working area' for the 2042 to 2100 time horizon. While the DMP looks to 2033, it is critical to take a longer-term perspective in the case of a nationally-important resource such as ball clay in order to avoid the permanent sterilisation of clays that may be required in the future when new sources of specific grades of clay are required. Given the national importance of the ball clay resource, criterion (d) (that there is an overriding strategic need for the non-mineral development) sets a high bar for non-mineral development to be capable of overriding that importance.
- 3.49 Devon County Council, as the relevant Minerals Planning Authority (MPA), originally objected to the application as contrary to DMP Policy M2. Following this objection the applicant submitted a Ground Investigation Report dated October 2019, which concluded that the Bovey Formation ball clay deposits appears to be of significant thickness beneath the site. DMP policy M2 criterion (a) sets out that non-mineral development can be permitted if it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that

the mineral resource or infrastructure concerned is not of current or potential economic or heritage value. Devon County Council has had further discussions with Sibelco on the timescale for future mineral extraction in the area south of Liverton. Sibelco referred to potential extraction at the application site being at a 100 years' time horizon in response to the Ground Investigation Report; however, they have subsequently re-evaluated the ball clay resources in the Bovey Basin as a whole and now place a 250 years' time horizon on the resource south of Liverton. In these circumstances the MPA has withdrawn its objection as it does not consider that an objection under criterion (a) of DMP policy M2 can be substantiated as the likelihood of the resource being of economic value is too far in the future to be material to the current planning application.

- 3.50 Given the 250 years' time horizon now placed on the ball clay resource south of Liverton it is considered that the current application would not be contrary to Devon Minerals Plan policy M2 and that a refusal on the grounds of sterilisation of the minerals resource could be not substantiated.

Summary and Conclusion

- 3.51 In terms of the planning balance, whilst the site is not designated as employment land in the Local Plan, significant weight should be given to the delivery of employment units in the face of significant under-delivery, in the interests of strategic Policy S3. In addition, Policies S22 and EC3 allow for the delivery of employment uses outside of settlement boundaries. The delivery of a balance between jobs to working population is a key element of sustainable development. Whilst undoubtedly the proposed development would result in a change to the character and appearance of the site, the proposed landscaping scheme and wet / floodplain area will appropriately mitigate the impact.
- 3.52 Subject to the imposition of the conditions set out above, the benefits of the proposed development are considered to outweigh the impacts. Therefore, the Officer recommendation is for conditional approval of outline planning permission.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A: Presumption in favour of Sustainable Development

S1: Sustainable Development Criteria

S2: Quality Development

S3: Land for Business, General Industry and Storage and Distribution

S5: Infrastructure

S7: Carbon Emission Targets

S9: Sustainable Transport

S22: Countryside

EC3: Rural Employment

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

Devon Waste Plan 2011-2033

Devon Minerals Plan 2011-2033

M2: Mineral Safeguarding Areas

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. **CONSULTEES**

Spatial Planning and Delivery – Supportive in principle subject to impacts on landscape, heritage, flooding and ecology.

The site lies outside the settlement limit of Liverton but at its closest is approx. 40 metres from the boundary. The spatial planning team is supportive of this proposal, as it appears to be deliverable in a reasonably short timescale. This view takes account of recent very low rates of employment development, the overall targets contained within the Teignbridge Local Plan and the accessible location of the proposal. This support is also subject to impacts on landscape, heritage, flooding (drainage) and ecology and also receipt of satisfactory comments from Devon County Council as Minerals Authority.

The local plan strategic policy S3 sets an overall target of about 3 hectares per year of employment land to provide about 300 jobs per year in relevant economic sectors. Unfortunately this level of development has not been approached since the local plan was adopted, despite very significant work and promotional activities by Teignbridge Council corporately. While it was to be expected that some time would elapse before employment sites came forward, a number of years have elapsed since the plan's adoption. The review of the local plan (and the GESP) is underway but their adoption dates are several years away. In overall terms, therefore it is becoming necessary to look beyond the confines of local plan allocations to meet our short and medium term development requirements, pending development occurring on those allocated sites and the various plan reviews. It is important that the planning system is sufficiently flexible to take account of emerging and changing circumstances in this way. Both the previous and recently published revised NPPF express the need for the planning system to support economic growth and productivity and to be "flexible enough to accommodate needs not anticipated in the plan....and to enable a rapid response to changes in economic circumstances." (para. 81 of the revised NPPF).

The site is in a good location, adjacent to the trunk road network within easy reach of Exeter and with good links to Newton Abbot, Bovey Tracey, Heathfield, Exeter and beyond. The business units would help to deliver much needed employment land and to create jobs, and would contribute to the 15 hectares of employment land that S3 aims for.

The site lies within the countryside, but is close to the settlement boundary of Liverton.

In more specific policy terms, the proposal is for an expansion of an existing business/employment site, which Policy EC3 permits, subject to the level of accessibility of the site in relation to its scale, impacts on the South Hams SAC and subject to compliance with policies relevant to landscape, ecology, heritage and flooding.

The site lies within easy walking distance of the settlement of Liverton, within easy reach of Newton Abbot and Bovey Tracey via bus or bicycle and would improve the balance of jobs to working age population in the immediate vicinity. As such, subject to impacts on landscape, heritage, flooding and ecology, the proposal could accord with Policy EC3.

Economy and Assets – Supports this application.

While the site lies outside any development boundary as identified in the Local Plan, it is a good location for new employment premises due to its proximity to the Strategic Road Network of the A38 between Exeter and Plymouth, and also the A382 between Bovey Tracey and Newton Abbot.

The site is also close to Heathfield, which is the largest employment estate in the district, where demand for employment space remains high but available land is low.

Current demand v supply:

We are currently aware of demand for new employment space of around 250,000sqft (23,000sqm) from existing businesses across Teignbridge looking to grow. The true number is likely to be higher, as not all businesses make us aware of their space demands. The majority of the known demand is for freehold ownership.

To put that figure into context, since the Local Plan was adopted in 2014 there has been a net increase of 34,000sqm net new employment space, equivalent of 6,800sqm per year, below the 12,000sqm per year Local Plan target.

The distribution of that space is set out in the table below, alongside the Local Plan's strategic targets. It will be noted that the majority of delivery has been in rural areas, which are made up of many small scale developments.

Deliverability:

In addition to the delivered employment space mentioned earlier, since 2014 around 123,000sqm of net new employment space has been approved but is yet to be implemented, some of which are Local Plan sites.

The barriers to bringing these sites forward include the opening up costs, particularly relating to road access and power supply, and developer interest in bringing the site forward.

Following the submission of additional information, I can confirm I am satisfied with the additional information within the supporting Planning Statement (p11), relating to the timescale for delivery and whether the site will be sold as freehold or retained and leased. I don't believe either of these can be covered by a condition of

approval, but they do provide reassurance that the site will be brought forward to meet current demand. At a time of significant economic uncertainty, the commitment shown to delivering much needed new employment land is welcomed.

Carbon emissions:

Part of the Council's vision for future economic growth, as set out in the Economic Development Plan, is 'to prosper within our ecological limits and to enhance the circular economy'. Having looked through the submitted information I couldn't see any reference to carbon emission targets (as per Policy S7) or a carbon reduction plan (required for major developments as per Policy EN3). It would therefore be beneficial to see this information.

Following the submission of additional information, I am very pleased to see the commitment in the agent's covering letter to accepting conditions relating to carbon reduction plans on reserved matters applications.

Environmental Health – Raises no objections subject to conditions.

Air Quality: I have looked at the application, in particular transport assessment and the AADT growth calculations, and they seem to be a reasonable prediction. With regard to the specific concern about HGVs moving up hill, under strain, and therefore generating relatively more pollution near to the school I also observe that this would be occurring in the order of 85-100m from the boundary of the school, thus providing plenty of opportunity for the dispersal and dilution of pollutants. In short, based on these two elements the impact on local air quality is not going to be significant.

Noise: Due to the close proximity of residential dwellings to this proposal, complaints of noise nuisance are likely to be received. Therefore, recommend conditions for: details of a noise control scheme to be submitted and approved; and, that the rating level of the noise emitted from each of the units proposed for the site shall not exceed the existing background noise level (LA90) prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor.

Biodiversity Officer – No objection subject to conditions.

South Hams SAC:

This application, together with two adjacent applications, are within the Landscape Connectivity Zone of the South Hams Special Area of Conservation. They are also in the junction of two Strategic Flyways – along the A38 and Liverton Brook. Appropriate Assessments of the three applications, considering 'alone' and 'in-combination' effects recommend a suite of measures required to avoid impacts on greater horseshoe bats associated with the SAC. The revised plans are acceptable and I consider this requirement of the Appropriate Assessment has been satisfied, although various conditions will also be required.

Legally Protected Species:

Several other bat species were recorded using the site and otter are known to use the Liverton Brook. Dormouse and breeding birds may be present in the hedges reptiles may use hedge bases. Potential impacts on these species are habitat loss,

severance of habitats/flyways, pollution of the Liverton Brook and disturbance from noise, activity and, especially, light. Fortunately, the measures required for greater horseshoe bat will also mitigate most impacts on these other species, others can be addressed by a Biodiversity Management Plan. Water pollution issues will be addressed by the CEMP.

Highways Issues:

The Highways lighting and speed limit requirements should be discussed with DCC Highways Officer to ascertain i) whether additional street lighting will be necessary on the main road near the likely bat crossing points. If lighting is required, the most bat-friendly lighting must be agreed, including: locate lamps as far as possible away from the (proven or most likely) bat crossing points (Liverton Brook and small stream at southwest corner of site); use the lowest light intensity/output that will be effective for safety purposes; turn lights off during quieter periods of the night; and use a colour temperature of 3000 Kelvin or less, light wavelength above 550 nanometers, and with no UV component. And ii) whether the 30mph speed limit zone might be extended further west (especially if permission is granted for 'in-combination' application 18/01428/MAJ for affordable housing).

Landscape Officer – No objection.

This application was considered at pre-application enquiry stage, at which point I was content with the landscape and visual impact assessment (LVIA), in particular, the impact on Dartmoor National Park.

The site lies in an area that is of low sensitivity to large scale development.

In addressing the likely adverse effects identified in the LVIA, I was keen to ensure that the site was well screened from the neighbouring highways, in a way that reinforced the landscape character of the area, and minimised the perception of the site.

I am disappointed that my desire to make changes to the proposal in order to help reinforce a sense of place to the area has not been adopted, however I appreciate that this is due to other concerns and constraints.

The proposed development has embraced a strategic landscape approach, making use of bold, plantation style, boundary planting, reflecting the character of the forestry plantations found in the close vicinity of the site. This will help ensure that the use of the site, for employment, is minimised and not easily perceived by the users of the neighbouring highways and wider landscape - in particular, the setting of Dartmoor National Park.

I am content with the landscape details.

Tree Officer – No objections to the proposal as no significant trees within or adjacent to the site will be adversely affected by the proposal.

Waste Team – No comments; there are no waste and recycling implications for the authority.

Devon County Council, Minerals Planning Authority – No objection.

The application site lies wholly within the Mineral Safeguarding Area for the ball clay resource, which is noted in Table 8.1 of the Devon Minerals Plan (DMP) as being of national importance. Policy M2 of the Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other development, but it does allow for such development to be permitted in specific circumstances. This policy reflects paragraph 206 of the NPPF.

The Bovey Basin Strategy, published by Devon County Council in 2000 to provide a long-term strategy for development of the ball clay resource, includes the application site as part of a 'candidate clay working area' for the 2042 to 2100 time horizon.

The DMP does not allocate new sites for ball clay extraction. Ball clay is a highly variable resource, as indicated in paragraph 4.2.2 of the DMP, with over 100 different grades of clay having been identified in the Bovey Basin. While the existing planning permissions within the Bovey Basin provide extensive reserves in total, specific grades of clay will be more constrained and may require their ongoing supply to be achieved through extension of an existing pit or development of a new site.

As it was difficult to predict the requirements for development of new resources at the time of adoption of the DMP in 2017, the Plan took a positive approach through Policy M4 to allow for maximum feasible exploitation of clays within defined Mineral Working Areas, while providing for future development of new sites through a partial review.

While the DMP looks to 2033, it is critical to take a longer-term perspective in the case of a nationally-important resource such as ball clay in order to avoid the permanent sterilisation of clays that may be required in the future when new sources of specific grades of clay are required. As mentioned above, the Bovey Basin Strategy takes such a long-term perspective, looking ahead beyond the expiry of the existing planning permissions in 2042 to 2100. The availability of ball clay reserves for the DMP period is only part of the context – the Mineral Planning Authority has to ensure continued supply of this scarce and highly variable mineral for many decades to come.

Given the national importance of the ball clay resource, as indicated in Table 8.1 of the DMP, criterion (d) sets a high bar for non-mineral development to be capable of overriding that importance. Paragraph 3.3.10 indicates that allocation of a site for non-mineral development in an adopted Local Plan "will normally amount to 'an overriding strategic need' for the purposes of criterion (d)" as such an allocation will have been the subject of consultation with the Mineral Planning Authority and other stakeholders, thereby allowing the potential sterilisation of the mineral resource and the merits of the proposed allocation to be properly considered.

The key issue for the County Council as mineral planning authority is whether there is a need for employment development at this specific site that is capable of overriding the national and international importance of the underlying ball clay resource.

Following the submission of a Ground Investigation Report in October 2019 and further discussions between the Minerals Planning Authority and Sibelco:

Sibelco referred to potential extraction at the application site being at a 100 years' time horizon in their response on the applicant's ground investigation report. However, they have subsequently re-evaluated the ball clay resources in the Bovey basin as a whole, and now place a 250 years' time horizon on the resource south of Liverton. In these circumstances, I do not consider that an objection under criterion (a) of Policy M2 of the Devon Minerals Plan can be substantiated as the likelihood of the resource being of economic value is too far in the future to be material. I therefore confirm that Devon County Council does not object to application 19/00122/MAJ in its role of mineral planning authority.

Devon County Council, Local Highways Authority – No objections subject to conditions for: a Construction Management Plan (CMP); and, for dwg no. 051 Rev B to be included as part of the permission to ensure adequate parking numbers

The access will be off the C454 which in this area is restricted to 30 MPH although the observed speeds were higher. The number of personal injury collisions which have been reported to the police in this area between 01/01/2013 and 31/12/2017 is none although there were 2 slight and one serious. There has been a reported collision on the C454 outside Benedicts Cottage which involved a large goods vehicle, but the data will not come through our system until May 2019.

Transport Assessment:

The Transport Assessment (TA) has taken in to account 12 units B1, B2, B8 use up to 14,121sqm.

Liverton Road in parts is up to 9m wide, there is a bus stop 400m from the site access, the acceptable distance is 800 metres. Although there looks to be no formal crossing point at these bus stops. As part of this application the Highway Authority would like to see a safe suitable crossing point proposed; drawing number PHL-101-Rev B has been submitted showing the informal crossing points. The bus that uses this stop is the X38, 178 and 193 and these services are not ideal for normal working hours as the peak journeys. The X38 is designed around travel to Exeter from Plymouth this route has also been considered for a reduced service. The 39 also would drop of at Drumbridges which in practice is not easily accessible to the site as the 1.5 km walk from Drumbridges is not very attractive, the road towards Liverton is not lit and so not very desirable in the dark.

The speeds in the area are higher than the restriction of 30 MPH. The proposed visibility splays of 2.4 m x 120 metres in both directions is acceptable although the drawing will need to show that there will be no obstructions over 600mm high within these visibility splays.

The Trip Rates for this type of use has been taken from TRICS which is a nationally accepted database. These peak rates and distribution routes are accepted and they show the level of impact this development will have on the local network will not be severe. Although this impact should be agreed also by Highway England.

A full travel plan and promotional travel vouchers to encourage other forms of transport should be secured through a S106 Agreement.

Parking levels are to be agreed at Reserved Matters stage. It is important to ensure that adequate parking is provided to ensure there will be no impact on the existing highway and the site to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Drawing number 051 Rev B has been submitted which shows adequate parking for this size of Industrial Estate.

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

Devon County Council, Lead Local Flood Authority – No in-principle objections subject to pre-commencement conditions regarding: detailed design of the proposed surface water drainage management system for both permanent and construction phases; and, details of adoption and maintenance arrangements.

Following previous consultation response, dated 11th July 2019, the applicant has submitted additional information in relation to the surface water drainage aspects. The applicant has produced a surface water drainage strategy which is compliant with Devon County Council SuDS Guidance (2017). The strategy will attenuate water in a combination of underground storage tanks and detention basins discharging at 10.3l/s into Liverton Brook. Storage tanks are accepted in this instance due to the site constraints caused by flood zone 3. As the detention basins are in flood zone 2 SuDS features will be inspected following a flood event and maintenance carried out as required. The scheme meets the SuDS pollution hazard index as water that is stored in the tanks will pass through bypass/oil interceptors and both the detention basin and swale before it is discharged to the watercourse.

Devon County Council, Archaeology – No objection subject to condition for the implementation of a programme of archaeological work.

The proposed development lies in an area of archaeological potential, occupying a large area within a landscape known to contain extensive evidence of medieval and post-medieval tinworks which lie to the north and south-east of the application area. These heritage assets are of regional importance with regard to the county's industrial heritage.

The Historic Environment Team has now received a copy of the archaeological field evaluation of the above site that has been undertaken in support of this planning application. This work has demonstrated the presence of Bronze Age activity on the site, in the form of a ditched enclosure as well as possible structures within the enclosure. In addition, an area of medieval, or later, tin streaming has been identified. These heritage assets are not of such significance that preservation in situ is required, but they will be impacted on by the development of the site and, as such, the Historic Environment withdraws its previous objection and would recommend that the impact upon these regionally significant heritage assets should be mitigated by a programme of archaeological work to investigate, record and analyse the deposits in advance of any development of the site.

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

Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the NPPF and the supporting text in paragraph 5.17 of Local Plan Policy EN5, that any consent is subject to a condition for the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted and approved prior to commencement of development.

Environment Agency – Raises no objections subject to conditions.

The development will be acceptable provided that conditions will be included within any permission granted to ensure:

- The approval of all development (i.e. landscaping, earthworks etc.) within flood zones 2 or 3;
- the construction compound is not located within a flood zone; and
- a Construction Environmental Management Plan (CEMP) is agreed.

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. We note that the submitted information states that the new business units themselves will be located within Flood Zone 1, which is acceptable. This shows that a sequential approach has been taken to the layout of the site. However, the illustrative site plan indicates that a flood attenuation pond may be located on the edge of the floodplain. We consider that the above mentioned conditions will be sufficient to ensure that the design of the pond and any other landscaping/earthworks are appropriate and will not increase flood risk to others. They will also ensure that any temporary compounds and storage avoid the floodplain.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Natural England – Raises no objections regarding the South Hams SAC providing that all mitigation measures are appropriately secured.

South Hams Special Area of Conservation (SAC): Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Having considered the appropriate assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Natural England notes the concerns of the Council's biodiversity officer regarding the age of the surveys and provides additional general guidance and advice on biodiversity resilience, landscape, green infrastructure, best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, access and recreation, rights of way, access land, coastal access and national trails, and that the local planning

authority has a duty to have regard to conserving biodiversity as part of its decision making. [Note: there is no ancient woodland on the application site nor rights of way crossing the site.]

Highways England – Recommends that conditions should be attached to any planning permission that may be granted.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policy of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the DCLG National Planning Policy Framework (NPPF).

The proposed development site is located to the west of Liverton, bordered to the south by the A38(T) and to the north by the former A38. Drumbridges roundabout is located approximately 1.5km east of the site and provides access to the A38(T) and the A382. The development proposals make provision for 12 industrial units under B1/B2/B8 use, with a total GFA of approximately 14,121sqm. The exact quantum of each use class is unknown at this stage, with the final development mix to be agreed through the Reserved Matters process. The TA and accompanying masterplan however assumes that the development would predominantly comprise B2 use. Whilst it is accepted that the exact development mix is yet to be determined, Highways England has based its assessment on the quantum broadly indicated in the masterplan, and should this change significantly we would expect the applicant to revise the TA accordingly for re-consultation at Reserved Matters stage.

At present the site has minimal vehicle movements, therefore all trips are assumed as being new to the network. The applicant has utilised TRICS to estimate the predicted trip generation for the proposed development and supplied the relevant outputs as part of the TA. The assessment uses the 02 Employment/D Industrial Estate category which comprises B1, B2 and B8 sites, and in line with TRICS guidance should be used where “a number of industrial buildings occupy the same site” and “where B2 is the predominant activity at the site”. Therefore its use within the TA to calculate predicted trip generation is accepted on the basis of the development proposals as set out in the masterplan.

The masterplan mix of B1/B2 and B8 trip rates are set out in the AWP TA, and include 0.500 arrivals, 0.282 departures and 0.782 two-way trips in the AM peak hour, between 08:00-09:00. The PM peak includes 0.235 arrivals, 0.454 departures and 0.689 two-way trips (per 100sqm) between 1600-1700.

Referencing the most sensitive AM peak period, the proposals (14,121sqm) would generate 71 arrivals and 40 departures. Using mode split data from 2011 Census Travel to Work Area (TTWA) of Teignbridge 007 the TA identifies that the majority of traffic (96%) accesses the site via the A38 (T) Drumbridges roundabout, which equates to 106 two-way vehicle trips between 08:00-09:00 and 94 two-way trips between 16:00-17:00. These figures include all vehicular movements generated by the development across all arms of the junction, and as above equate to approximately two additional vehicles trips routing via the Drumbridges roundabout per minute in the peak periods. Highways England has undertaken an exercise to assess the trip rates contained within the TA and whilst we are unable to replicate them exactly, the difference is not considered material.

The TA limits its consideration of the impact of development traffic on the SRN to the flows expected to use the Drumbridges roundabout at the junction of the A38(T) and A382, which as above is assumed to be 96% of the total development traffic. This is the single unsignalised junction arm of the gyratory which is subject to a give way arrangement.

To assess the impact of the development traffic on the SRN, a growth factor of 14% derived from TRADS traffic counts on the A38(T) to the west of Drumbridges between 2011-2018 has been applied existing flows from a 2011 survey undertaken for the Ilford Park development to the south of Drumbridges. When the development traffic is applied this results in an overall increase of traffic at A38(T) Drumbridges roundabout of 1.97% in the AM peak and 2.44% in the PM peak respectively. As expected, the A382 south has the greatest increase in traffic, at 3.8%. It should be noted that Highways England does not support the use of percentages as a means of calculating traffic impact because these may mask the actual impact of traffic movements at a junction. However when considered against the existing flow data, supporting survey data and calculations contained within the TA it is accepted that these increases could be considered to fall within the natural daily variation at the A38(T) Drumbridges roundabout. Our Road Safety Team have confirmed that based on the available data there is no significant safety issue at the roundabout or is likely to arise through the predicted intensification of use at this junction arm.

Highways England also notes that the development proposes to implement a comprehensive Travel Plan comprising implementation, management, measures and monitoring which is welcomed by Highways England to reduce vehicular trip generation and promote sustainable journey alternatives.

Based on the proposed development mix quantum as laid out in the masterplan and transport analysis presented in the TA, Highways England concludes that the proposals are unlikely to have a severe impact on the safe and efficient operation of the A38(T) Drumbridges roundabout as defined by NPPF.

We have viewed the supporting 504/01 'Landscape Strategy Plan' which shows a section B-B through the southern boundary with Highways England. This section does not show any existing or proposed physical boundary feature between respective ownerships, and Highways England requests that any existing or proposed physical positioning of such fencing (or similar) is clarified on the plan. We also seek confirmation from the applicant as to whether there is intention to replace or enhance the boundary feature, and what mitigation will be included to prevent damage to existing trees on the Highways England estate. We intend to deal with this by planning condition via the request that a boundary treatment plan is provided for our review and approval.

In respect of planting, Highways England requests that none of the below species are planted within 15m of our boundary;

- Douglas fir *Pseudotsuga menziesii*
- European aspen *populus tremula*
- Scots pine *Pinus sylvestris*
- Common dogwood *Cornus sanguinea*

We will therefore be recommending, via planning condition, that a detailed planting schedule be provided for our review and approval.

6. REPRESENTATIONS

110 representations in objection have been received to the application including from the CPRE Devon and Love Liverton Community Group. The representations raised the following summarised concerns/objections (see case file for full representations):

1. Adverse impact on local wildlife. The ecological report is out of date. The site contains an ideal feeding area for bats, cirl buntings, goldfinches, long-tailed tits and other species and the adjoining coppice provides home for badgers and foxes with slow worms living in the grassed margins. There are also reports of otters currently in Liverton Brook.
2. What CIL can be applied to this development? Would like to see improvements made in respect of road safety, especially pedestrian footpaths and crossings and speed limit enforcement.
3. Increased traffic and congestion. The road through Liverton has become increasingly busy especially with development of Little Liverton Business Park, surrounding properties and what seems like an increasing level of school traffic. There will be increased traffic through Liverton village to the east and Bickington village to the west. Increased traffic on Drumbridges roundabout.
4. Concerned that parking will spill out onto the main road and nearby smaller residential roads. School traffic already reaches as far as the junction next to Benedicts Bridge Garage and overspill parking from the garage can also be seen along the road opposite the proposed entrance.
5. Highway safety; including the safety of children walking to Blackpool Primary School. Currently the site entrance cannot be seen clearly by traffic travelling down the hill towards the village. There has been a recent accident when a heavy plant vehicle caused damage to a local property as the driver was driving too fast and had to swerve to avoid a parked car. There is no street lighting on the main road, the pavements are fairly narrow in parts and on one side for a short distance there is no pavement at all. Traffic calming measures are required and / or street crossing.
6. Provision needs to be put in place to enforce 30mph speed limit though the village as vehicles already drive too fast.
7. As this will significantly change the nature of the village more publicity needs to be done and it should be brought to the attention of all the residents of the village.
8. Impact on Benedicts Garage.
9. Field should be compulsory purchased and planted with deciduous trees to help combat climate change.
10. Flooding. The extent of recent flooding on this site was significantly greater than the worst case predicted by the Environment Agency.
11. Does not comply with the Local Plan. The wording of S21 states that any development for employment purposes will be 'limited' and should protect the rural nature of the village. The proposal represents roughly a 23% increase in the developed area of the village, which is not 'limited'.
12. The submitted Ground Investigation Report states that "The site is located in the immediate vicinity of local residence and businesses and will have an adverse effect on the surrounding community" and so if they cannot extract ball clay for

that reason, why should they be allowed to build an industrial site with all the noise, pollution and highways implications?

13. Pollution risk from HGVs pulling themselves up the hill past the school.
14. Loss of valuable farming land.
15. The existing Little Liverton Business Park is relatively small and contained. The proposal would expand the existing employment site, but at a 450% land area growth it would better be described as a new self-contained medium-sized industrial estate.
16. The proposal is beyond an extension or expansion allowed under policy EC3. Liverton is a small village on the edge of Dartmoor National Park which lacks infrastructure and services to support a site of this size.
17. Size of development is disproportionately large compared to the size of Liverton.
18. No proven need and market oversupply. Teignbridge has allocated appropriate employment land in its Local Plan. There is around 37,000sqm of employment land coming forward at BCT, an allocated site of circa 15,000sqm at Stover and another 35,000sqm of commercial space coming forward locally. A further 8700sqm of existing B1, B2 and B8 accommodation in units of 5000sqft and above currently on the market for let within this same area. There are vacant units on Heathfield Industrial Estate. The application site will fundamentally jeopardise the sale and development of preferable employment sites. Low overheads on this greenfield site would undermine the other existing premises and allocated sites.
19. The proposal is distant from population centres and is poorly served by public transport.
20. Contrary to Minerals Local Plan that safeguards ball clay resources.
21. Development of greenfield site, outside the settlement limit in a rural location.
22. Impact on residential amenity.
23. Noise pollution and vibration. Will it be 24/7?
24. Air pollution. Effects on children attending Blackpool primary school.
25. Light pollution.
26. Loss of visual amenity.
27. Impact on the rural character of the area.
28. Very close to Dartmoor National Park.
29. There should be an Environmental Impact Assessment.
30. Loss of carbon sink.
31. Impact on water quality. Hardstanding will impact on drainage in the area and could cause pollution and damage to biodiversity from run off into the hedges and streams.
32. Development should be on brownfield sites first.
33. Impact on house values [note: this is not a material planning consideration].

7. MP / COUNCILLOR / PARISH COUNCIL'S COMMENTS

Ilstington Parish Council objects for the following reasons:

1. The of safety of the shared entrance within the close vicinity of a primary school
2. The increasing traffic on the road, which is currently a 60mph.
3. The safety of the children going to and from school.
4. Environmental impact for the surrounding area.
5. Noise pollution.
6. Inadequate parking for the new uses.
7. Out of character within the landscape of currently a green field site in a rural location.
8. Against the local mineral policy.

9. Inadequate provision for surface water drainage which would impact the local environment.
10. The increase traffic flow would affect the currently overloaded Drumbridges roundabout.
11. It has also been noted that within the landscape and visual impact assessment it agrees that the development would have a major to moderate adverse effect on the current open field space.
12. Not within the TDC local development plan.
13. An environmental impact assessment is required, including noise, air quality and other pollutants, impact on wildlife and close proximity to Dartmoor National Park.
14. Concern regarding impact on the primary school.
15. The applicant should provide economic reasoning for why there is a need for this greenfield site to be development when it is within a small radius of the established sites of Trago Mills and Heathfield Industrial Estate, both of which are areas for employment and industry and recently approved sites such as at Kingskerswell.

Cllr Patch objects for the following reasons:

1. The ecological survey work dates back to 2014. Given the recent reports of otter activity, an up to date survey is required.
2. Concerned regarding proximity to the primary school and especially road safety (e.g. HGV traffic) and air quality / particulate pollution from HGV exhaust and any industrial processes at the proposed site.
3. The site is within the flood plain and therefore unsuitable for this sort of development.
4. The argument that there is demand for extra employment land and a lack of sites coming forward is undermined by the proposed development of the ex-BCT site in Heathfield and the recently approved application for employment units at Kingskerswell.
5. Lack of public transport.
6. Requests a site visit be made by members of the Planning Committee.

Mel Stride MP has made the following observations regarding the proposed development:

1. Greenfield site.
2. Less than two miles from established Heathfield Industrial Estate which has recently benefited from major investment surrounding road infrastructure, making access appropriate for HGVs.
3. Proposed site in Liverton would result in HGVs travelling through the villages of Liverton and or Bickington.
4. Would change the village.
5. Particularly concerned with B8 units and 24-7 operations.
6. Who would be employed there? Based on data from last census (age and employment demographics) there isn't a need for employment land / buildings for the resident population. Since last census there has been very limited housing development in the village and therefore it still provides valid indicative figures for the local population.
7. Concerned regarding parking overspill into the surround area.

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

The development falls under part 10. Infrastructure projects within Column 1 of Schedule 2 of the EIA Regulations 2017. The scheme is speculative in terms of the end users; however, the application includes B1, B2 and B8 uses. The threshold for industrial estates (10(a)) is development exceeding 0.5 hectares, whilst the threshold for urban development projects which is not dwellinghouse development (10(b)) is more than 1 hectare. At 6.68 hectares the proposed development exceeds the threshold in Column 2 for both 10(a) and 10(b) development.

In terms of the selection criteria in Schedule 3 of the EIA Regs 2017:

- The proposed development is for a maximum of 14,000sqm of B1, B2 and B8 floorspace with associated access roads, parking and landscaping.
- The site is located adjacent to the Devon Expressway (A38).
- The site is located approx. 300m from the boundary with Dartmoor National Park.
- Part of the site is located within the floodplain.
- The site is located within the landscape connectivity zone associated with the South Hams SAC for Greater Horseshoe Bats.

Whilst the site lies within the Landscape Connectivity Zone associated with the South Hams Special Area of Conservation, subject to the imposition of appropriate conditions and mitigation measures, it is considered that the proposed development would not result in any significant environmental effects. From the information submitted, there does not appear to be any other factor in this individual case in this specific location that would necessitate the requirement for an Environmental Impact Assessment.

In determining this planning application, the Local Planning Authority has taken into consideration the Archaeological Assessment, Ecological Assessment, Flood Risk Assessment, Ground Investigation Report, Landscape and Visual Impact Assessment, and Transport Assessment submitted with the planning application and also all of the consultation responses and representations received.

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 23 June 2020
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 18/00035/NONDET NEWTON ABBOT/ABBOTSKERSWELL - Land At** Wolborough Barton Coach Road
Appeal against Non-determination of planning application 17/01542/MAJ - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only)

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

COMMITTEE OVERTURNED OFFICER DECISION TO APPROVE - APPEAL ALLOWED

19/00053/ENFA NEWTON ABBOT - 32 Devon Square Newton Abbot

TEIGNBRIDGE DISTRICT COUNCIL

Appeal against grounds e and g of Listed Building Enforcement Notice against the unauthorised conversion of the basement into 2 bedrooms with en-suite bathrooms and associated works and the unauthorised installation of windows in the basement

APPEAL DISMISSED – ENFORCEMENT NOTICE UPHELD

19/00054/ENFA NEWTON ABBOT - 32 Devon Square Newton Abbot
Appeal against grounds a and b of Enforcement Notice against the unauthorised construction of a raised seating area and the unauthorised construction of a raised flower bed

APPEAL DISMISSED – ENFORCEMENT NOTICE UPHELD

20/00003/REF WHITESTONE - 2 Barton Cottages Whitestone
Appeal against the refusal of planning permission 19/02121/FUL - Change of use of part of paddock to domestic curtilage

APPEAL DISMISSED

20/00001/REF WHITESTONE - Unit 1 Rebecca Springs
Appeal against the refusal of planning permission for 19/01925/FUL - Conversion of existing commercial building (B1/B8 Use) into two dwellings and partial demolition of two single story elements and associated works

APPEAL DISMISSED – DELEGATED REFUSAL