

# PLANNING COMMITTEE REPORT

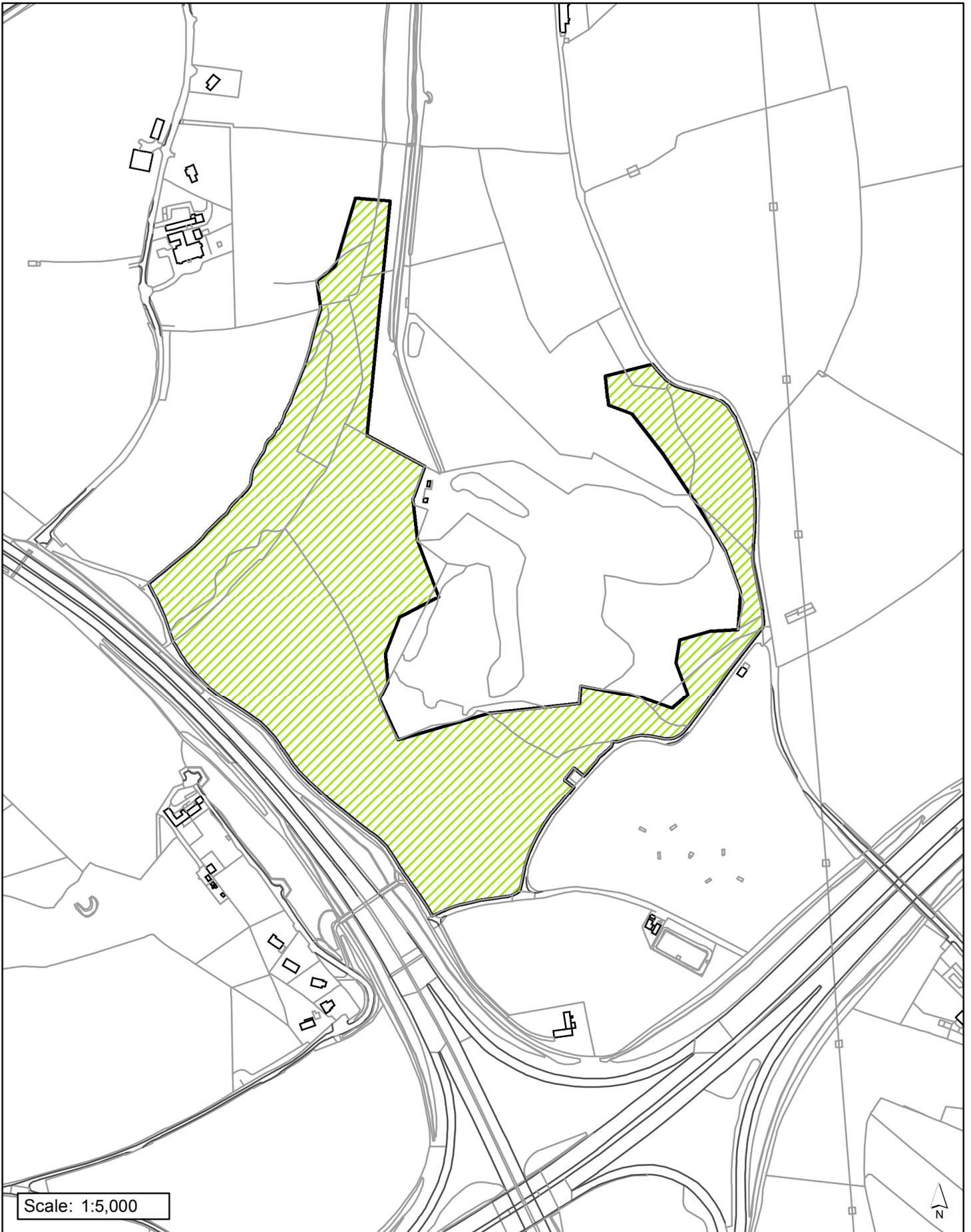
## 6 August 2019

CHAIRMAN: Cllr Mike Haines



|                                       |   |                    |
|---------------------------------------|---|--------------------|
| <b>APPLICATION FOR CONSIDERATION:</b> | <b>EXMINSTER - 19/01016/MAJ - Land West Of Old Matford Lane , Matford - Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2)</b>   |                    |
| <b>APPLICANT:</b>                     | <b>Ms E Skinner</b>   |                    |
| <b>CASE OFFICER</b>                   | <b>Claire Boobier</b>   |                    |
| <b>WARD MEMBERS:</b>                  | <b>Cllr Alison Foden<br/>Cllr Charles Nuttall<br/>Cllr Andrew Swain</b>   | <b>Kenn Valley</b> |
| <b>VIEW PLANNING FILE:</b>            | <a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01016/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/01016/MAJ&amp;MN</a> |                    |





Scale: 1:5,000

### 19/01016/FUL Land West of Old Matford Lane, Exminster



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## 1. REASON FOR REPORT

The application is made by Teignbridge District Council.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be begun within five years from the date of this permission.
2. Development shall be carried out in accordance with approved plans;
3. Development to be carried out fully in compliance with landscape and ecological management plan hereby approved including ongoing maintenance;
4. Materials relating to the development shall not be stored against existing hedges;
5. Details of proposed dog proof fencing and gates shall be submitted to the Local Planning Authority and agreed prior to installation;
6. Details of interpretation board shall be submitted to the Local Planning Authority and agreed prior to installation on site;
7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be agreed in writing by the Local Planning Authority.

## 3. DESCRIPTION

### Site Description

- 3.1 The site relates to a parcel of land referred to as parcel A1 on the submitted documentation. The site is an area of land located to the south of Matford Industrial estate and north of Exminster, adjacent to an allocated development area for 2,000 new homes. This parcel of land which is a circa 13.04 hectare area of Suitable Alternative Natural Greenspace (SANGs) land coming forward as part of a wider SANGS site expected to cover at least 38 hectares in total. The SANGS is proposed to provide an alternative destination for recreational activities that might otherwise occur within the Natural 2000 sites.
- 3.2 Teignbridge District Council has set in place a land agreement to enable them to purchase Parcel A1 land for SANGS.
- 3.3 The site is presently in agricultural use. The site is currently bound by agricultural land some of which would come forward as part of the wider SANGs provision.

### Proposal

- 3.4 The application seeks full planning permission for the change of use of the land to suitable alternative natural green space (SANGS) (Use Class D2) with minor landscaping works.
- 3.5 This application is submitted by Teignbridge District Council, together with another application also to be considered at this planning committee for a smaller parcel of referred to as parcel K (Planning Application reference: 19/00710/MAJ) to be used as part of wider SANGS site.

## Background

- 3.6 Teignbridge Council has a legal duty to look after the Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These areas are afforded the highest protections under British and European wildlife laws, and the Council work to secure these valuable and vulnerable habitats and species from harm. The Council also has to strike a sensitive balance between providing the homes people need, safeguarding businesses and jobs and delivering the adopted Local Plan and other planning policies.
- 3.7 The European protected sites in this case is the Exe Estuary Special Protection Area (SPA) which includes the Warren National Nature Reserve. The SPA is designated for its populations of over-wintering waterfowl which feed on the estuary mudflats and wetland.
- 3.8 Teignbridge has worked with Exeter, East Devon and Natural England to understand how to fully mitigate any impacts and ease the effects of new and future developments, to ensure that the Councils can meet local needs for homes, employment and new facilities and protect the environment.
- 3.9 The three Councils have jointly produced a mitigation strategy which has particular regard to the legal framework (The Conservation of Habitats and Species Regulations 2010) which places an onus on authorities to work together to safeguard these areas. This involves agreeing with Natural England a suite of measures to off-set impacts on protected areas suffering from increased recreational use. Such measures are funded by the developments whose effects are being mitigated, and provide (amongst other matters) alternative recreation sites for people to use. These sites are commonly known as Suitable Alternative Natural Green Space (SANGS). Members may recall granting planning permission for a similar facility to the north of Dawlish that has now been successfully delivered as a countryside park. The SANGS forms one part of a package of mitigation measures the Local Authority are proposing in order to ensure the highest protection is given to the SAC and SPA areas – ensuring no effect on their integrity as a result of the development activity that has been approved nearby.
- 3.10 The Local Plan allocates a number of sites for proposed residential development. Policy SWE1 of the Local Plan allocates approximately 92 hectares to the south west of Exeter for a mixed use urban extension. Policy SWE1 seeks to provide suitable green space and infrastructure in association with this policy.
- 3.11 In accordance with these policies, the following consents have already been granted:
- 14/03400/MAJ – Outline consent for mixed use development comprising circa 230 residential dwellings, one single form entry primary school, retail floorspace, together with associated public open space and highway infrastructure (approval sought for access).
  - 15/01331/MAJ - Hybrid application comprising: Full application for conversion of the existing threshing barn and associated lincay to form three dwellings and erection of 16 new dwellings with associated landscaping and access and outline application

for dwellings including four gypsy and traveller pitches and public open space (approval sought for access).

- 15/00708/MAJ - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1, B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

3.12 The permission and delivery of the proposed permanent SANGS is therefore necessary to ensure that the recreational pressure on the protected site does not increase as an outcome of the above residential development and that of the wider area. The delivery of the SANGS will ensure that a key element of the joint mitigation strategy is secured.

#### Principle of the development/sustainability

3.13 The site falls outside of the defined settlement limit of Exminster as defined by the Local Plan Proposal Map. It is within the perimeters of Local Plan allocation SWE3. Whilst not contained within the application site, a Scheduled Monument lies close to the application site to the north and the treatment of this monument is being given particular consideration through current applications for the land to the north. The site is classified as being within the open countryside and is specifically allocated as SANGS:

#### SWE3 Ridge Top Park

An area of approximately 70 hectares is allocated to the south of the A379 at the south west of Exeter as a ridge top park. This site will be suitable alternative natural green space which will include a mix of facilities for recreation purposes.

It will be managed as a public park and may include:

- a) buildings of an appropriate scale for associated leisure, recreation and maintenance use; and
- b) suitably located ancillary car parking provision.

Any proposals for development shall be accompanied by:

- c) wildlife assessments on the impact of new structures; and
- d) assessment of the impact of any proposed lighting and potential mitigation.

3.14 Following the Adoption of the Plan, Officers have worked closely with colleagues and partners including Natural England to ensure the design of the SANGS is appropriate to meet its intended purpose – providing mitigation against potential effects on nearby European sites. It is not intended that the Ridge Top Park replaces open space within the associated / adjoining residential developments, rather it is additional to it and serving a different purpose.

3.15 The purpose of the proposed development is to provide high quality recreation space with the intention of attracting recreational use away from nearby internationally important wildlife sites including the Exe Estuary SPA. It is therefore concluded that the proposal would accord with both the relevant policy and the Plan overall.

- 3.16 It is the intention for the SANGS to be a country park, with people using the site for a range of recreational activities, including walking, running and dog walking. Therefore, it is in the interests of the SANGS development to provide a feeling of wild countryside and wilderness, conserving and enhancing where appropriate the distinctive characteristics and qualities of the landscape.
- 3.17 Policies S1A and S1 seek to ensure that development proposals are sustainable and are accessible by walking, cycling and public transport. Development proposals should not cause impact on the residential amenity of existing dwellings and, (amongst other matters), should maintain or enhance the character and appearance of affected landscapes, seascapes, settlements, open spaces, trees and other environmental assets.
- 3.18 Whilst such matters are discussed in detail below, it is considered appropriate to outline that the proposed development is considered to be in accordance with the requirements of these policies. The site is easily accessible and is within walking distance of the allocations in the Local Plan.
- 3.19 The nature of the SANGS is not significantly dissimilar to that of the current use as the site will remain open. The fields will become enhanced with appropriate planting of native species, with wild flower mixes which will need to be managed and maintained accordingly as set out in the submitted Landscape & Ecological Management Plan (LEMP) which it is recommended be secured by condition if minded to approve.

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

- 3.20 The application seeks a change of use from agricultural land to SANGS.
- 3.21 The site falls within an Area of Great Landscape Value. Policy S22 requires consideration to be given to the distinctive characteristics and qualities of the Landscape Character Area, and Policy EN2A seeks to protect the landscape and, where possible, seek that developments enhance the landscape.
- 3.22 The application is supported by an appraisal of the landscape and visual amenity of the proposed SANGS which outlines that the site lies within a farmed landscape.
- 3.23 The Council's Landscape Officer has considered the proposal and concludes that the amended scheme respects the surrounding cultural and historical landscape context of the site, would conserve and enhance the characteristics of the AGLV and the setting of Exeter and is concluded to have no adverse effect on views from the M5 and A30 which lie within the vicinity of the site. As a consequence, no objection is raised on visual amenity grounds to the proposal.
- 3.24 However, it will be important to ensure that the landscape details follow through with the approach identified in the appraisal and therefore details of dog proof fencing, interpretation boards and gates are recommended to be secured by condition to ensure that appropriate detailing and positioning is used to ensure that it responds sensitively to the landscape.
- 3.25 The site is presently open in character and is bordered by hedges. The nature of the proposal will evidently result in the land changing from that of agricultural to a recreational use which will increase the public footfall on the land. Given this

intention, the proposal includes enhancements in vegetation and planting of native woodland planting to the south-western part of the land parcel to reinforce existing woodland, existing hedgerows will be reinforced with new native planting and the grassland will be managed as a wildflower rich meadow with some areas of native wildflower mix to support the biodiversity value of the site in addition to adding interest and enhancing the appearance of the site. The site will therefore remain open and the network of paths will not be of a nature that is considered to cause intrusion of the landscape.

- 3.26 Overall, therefore it is considered that subject to suitably worded conditions to manage the landscape the proposal can be accommodated on this site without having an adverse impact on the wider landscape.

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

- 3.27 In line with Policies S1A and S1 it is important to consider the impact of the proposed development on the residential amenity of existing and committed dwellings, particularly in respect of privacy, security, outlook and natural light.
- 3.28 The nearest current residential development is that around Matford Home Farm and Matford House to the north east of the site.
- 3.29 In assessing the impact of the proposal on the amenity of the above properties it is considered that the nature of the proposal is not one which would give rise to any significant residential amenity concerns particularly given the separation distance between the site and these properties.

#### Flood and drainage impact of the development

- 3.30 The site is in an elevated position and is in Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of flooding in any year). In flood control terms it is therefore a suitable site for development.
- 3.31 Devon County Council Flood and Coastal Officers have been consulted on the proposal, and have raised no objection to the application on flood risk grounds. There will be limited hard surfacing at the site and no offsite impacts on drainage.

#### Impact of the proposal on biodiversity

- 3.32 Policies EN8, EN9 and EN10 of the Local Plan seek to protect and enhance biodiversity taking into account the importance of any affected habitats or features. EN10 looks specifically at the European Wildlife Sites and stipulates that any development that is likely to have a significant effect on the integrity of a European Wildlife Site will be subject to assessment under the Habitats Regulations 2010 (Now 2017).
- 3.33 As outlined above, the purpose of the application is to provide essential mitigation against the residential development that is anticipated to come forward through the Local Plan allocations, namely that allocated under Policy SWE1. The intention of the SANGS is to provide alternative recreational space to detract current/future occupiers of dwellings away from the Exe Estuary. With this in mind, the proposed SANGS development constitutes the mitigation that is required under Policy EN10

for the future residential developments that is necessary to sustain the growing population in Exminster and the wider area.

- 3.34 In considering Policies EN8 and EN9, it is vital to ensure that development proposals will not have an adverse impact on biodiversity, including protected species. The nature of the proposal is that which is considered to enhance the biodiversity of the area, given the additional planting and vegetation that will be incorporated as part of the SANGS establishment.
- 3.35 The application is therefore considered to satisfy Policies EN8, EN9 and EN10 of the Local Plan, subject to appropriate conditions being applied.

#### Consideration of the Habitat Regulations

- 3.36 Nearby residential development has been Appropriately Assessed under the Habitat Regulations during its consideration. The subject proposals are considered likely to, if anything have a positive impact on the protected sites.
- 3.37 No Assessment is considered necessary for the subject proposals. For completeness, however, consideration of Likely Significant effects has been made, which concluded:

*“Teignbridge District Council concludes that a Significant Effect on the Exe Estuary SPA is NOT Likely, either ‘alone’ or ‘in-combination’ with other plans and projects and in the absence of mitigation measures.*

*An Appropriate Assessment of the proposal will NOT therefore be necessary.”*

#### Conformity with Local Plan allocation

- 3.38 the subject application site falls within land allocated under Policy SWE3 (Ridge Top Park). Essentially, the purpose of the policy is to provide mitigation against development coming forward under Policy SWE1 by providing suitable alternative natural green space which is to be managed as a public park. Land use which may be included under this policy comprise buildings of an appropriate scale for associated leisure, recreation and maintenance use, together with suitably located ancillary car parking provision.
- 3.39 The application proposes the change of use of land to suitable alternative natural green space (SANGS) (Use Class D2)
- 3.40 The application is submitted in pursuance of mitigation for approved development under 15/00708, which also approved the principle of the use of this land as SANGS. The provision of the SANGS will contribute to the delivery of leisure and recreational use associated with the approved mixed use development. The application is therefore considered compliant with Policy SWE3.
- 3.41 The site’s specific allocation comprises land proposed for ‘Other Green Infrastructure’, which, as outlined previously, seeks to improve the natural environment in tandem with development. Clearly, the provision of SANGS is in line with the aims of this policy.

- 3.42 The site is also designated as a Strategic Open Break under Policy EN1. The primary function of a strategic open break allocation is to maintain the physical separation of certain settlements, thereby retaining the open character of defined settlements and their contribution to the settlements' setting. Development proposals on open breaks are considered against the specific criteria of this policy, which stipulates that development would not be permitted whereby it is considered that harm would be caused to the openness or landscape character of the area, including local views, settlements in the wider landscape setting, or where the proposals would lead to the loss of environmental or historical assets.
- 3.43 The proposed development is considered to be in accordance with this policy. The development will provide essential SANGS that is necessary to provide suitable mitigation for the development of land adjacent to the site. The development is not considered to cause any harm on the openness of the landscape character of the area given that the use will be of a similar nature, with green infrastructure, habitats and plant species provided.
- 3.44 The topography of the site has been taken into consideration by the applicant, with the incorporation of pathways laid out upon the natural contours, thereby providing suitable grading for walking. The development will not cause any nearby settlements to merge and will continue to function as a space which provides physical separation between the nearest settlement and that of the emerging South West Exeter Urban Extension.
- 3.45 The proposed development is therefore considered to be in accordance with the relevant Local Plan allocations and Local Plan Policy EN2A (Landscape Protection and Enhancement).

#### Highway Impacts of the Development

- 3.46 The site would be accessible from the car park being provided as part of the wider development which would also include cycle parking provision to allow cyclists to access the development from Bridge Road.
- 3.47 Devon County Council Highways have been consulted on the application and have no objections.

#### Conclusion

- 3.48 The proposed development is considered to be in accordance with the relevant planning policy guidance of the Teignbridge Local Plan and the Exminster Neighbourhood Development Plan. The proposals are not of a nature or scale that is considered to impact on the amenity of the area or the nearby settlement.

The development is in broad accordance with the associated S.106 agreement, and will contribute towards meeting the necessary requirements of SANGS. There is therefore a recommendation to approve the proposed change of use of land to suitable alternative natural green space (SANGS) (Use Class D2) subject to the recommended conditions.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

- Policy S1A (Presumption in Favour of Sustainable Development);
- Policy S1 (Sustainable Development Criteria);
- Policy S2 (Quality Development);
- Policy S5 (Infrastructure);
- Policy S22 (Countryside);
- Policy S23 (Neighbourhood Plans);
- Policy WE11 (Green Infrastructure);
- Policy EN1 (Strategic Open Breaks);
- Policy EN2A (Landscape Protection and Enhancement);
- Policy EN5 (Heritage Assets);
- Policy EN8 (Biodiversity Protection and Enhancement);
- Policy EN9 (Important Habitats and Features);
- Policy SWE1 (South West of Exeter Urban Extension);
- Policy SWE3 (Ridge Top Park);
- Policy EN10 (European Wildlife Sites);

National Planning Policy Framework

National Planning Practice Guidance

Exminster Neighbourhood Plan 2013-2033

- Policy EXM 2 (Open Countryside);

South West Exeter Development Framework.

## 5. **CONSULTEES**

### Landscape Officer:

Following a dialog and site meeting, amended proposals have been submitted.

These have addressed the major aspects of my earlier concerns and I am now satisfied that the proposals:

- respect the surrounding cultural and historic landscape context of the site;
- conserve and enhance the characteristics of the AGLV;
- conserve and enhance the setting of Exeter; and
- have no adverse effect on views from the M5 and A30.

As a consequence, I have no objections.

However, I am keen to ensure that the landscape details follow through with this approach and would like to see details for: dog proof fencing, interpretation boards, and gates, however, I would be happy if these were conditioned.

### Devon County Council Highways:

This proposal is part of the wider plan for South West Exeter and therefore The County Highway Authority has no objections.

### Historic England:

Historic England do not object to the proposals subject to the following conditions in line with our discussions with Exeter City Council and Teignbridge Council during the masterplanning process;

- Any design affecting land adjacent to the scheduled monuments or separated by public open space should be subject to the requirements of the Design Brief (upon completion), and should face onto and incorporate the monument as beneficial public amenity land.
- All open space should be subject to and funded by an overall management plan.

### Natural England:

No objection based on the plans submitted, Natural England considers that the proposed development will contribute to the mitigation of significant adverse recreational impacts on European designated sites through providing 13.4 ha of Suitable Alternative Natural Greenspace (SANG) in the first phase of mitigation (Teignbridge Local Plan policy SWE3) for the development of 2000 new homes with associated infrastructure in south west Exeter (Teignbridge local Plan policy SWE1) and has therefore has no objection.

### Devon County Council Flood and Coastal Risk Management Team:

We have no in principle objections to the above planning application at this stage.

### Devon County Council Archaeology:

The site lies in an area of known archaeology close to two Scheduled Monuments. Given the proximity to two nationally important designated heritage assets I would advise in the first instance that Historic England are consulted with regard to any comments they will have on the proposed development and the setting of the monuments.

The following comments are made without prejudice to any comments made by Historic England.

A number enclosures and ring ditches potentially dated to the prehistoric period have been identified in the SANG area, observed both on the ground and/or as crop marks from aerial photos. In addition, the southern field is named as White Burrough on the 19<sup>th</sup> century Exminster Tithe Map. The name suggests the presence of prehistoric barrows in the vicinity and may reference the ring ditches.

As such, the proposed planting schemes and excavations for surfacing any pathways have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a staged programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

*Reason*

*To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'*

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with a desk-based assessment and geophysical survey followed by the excavation of a series of targeted evaluative trenches to determine and confirm the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the SANG to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

Environment Agency

We have no objection to this application as submitted

## **6. REPRESENTATIONS**

One representation has been received raising concern that the land has been classed as very good agricultural land and with Britain only able to produce 50% of its food and with the rate at which agricultural land is swallowed up for house building, we should not be losing more food production land for 'green space'. It is a contradiction in terms.

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

Exminster Parish Council supported the application and original set of plans.

The Parish Council were consulted on revisions made during the course of the consideration of the application. However, no further comments were received.

## **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 location of the application site and its relationship to significant residential development is such that it has been subject to Screening for Likely Significant Effects on the nearby European sites. This has concluded that, subject to conditions – and subject to the content of the material submitted to discharge those conditions – there is unlikely to be any significant effect such that Appropriate Assessment of the proposals would be required.

Furthermore the need for EIA has been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and S106 Obligations as detailed in 14/03400/MAJ, will not give rise to any significant environmental effects within the meaning of the Regulations.

This matter will need to be revisited in due course when applications to discharge the conditions detailed above are made.

## **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**