

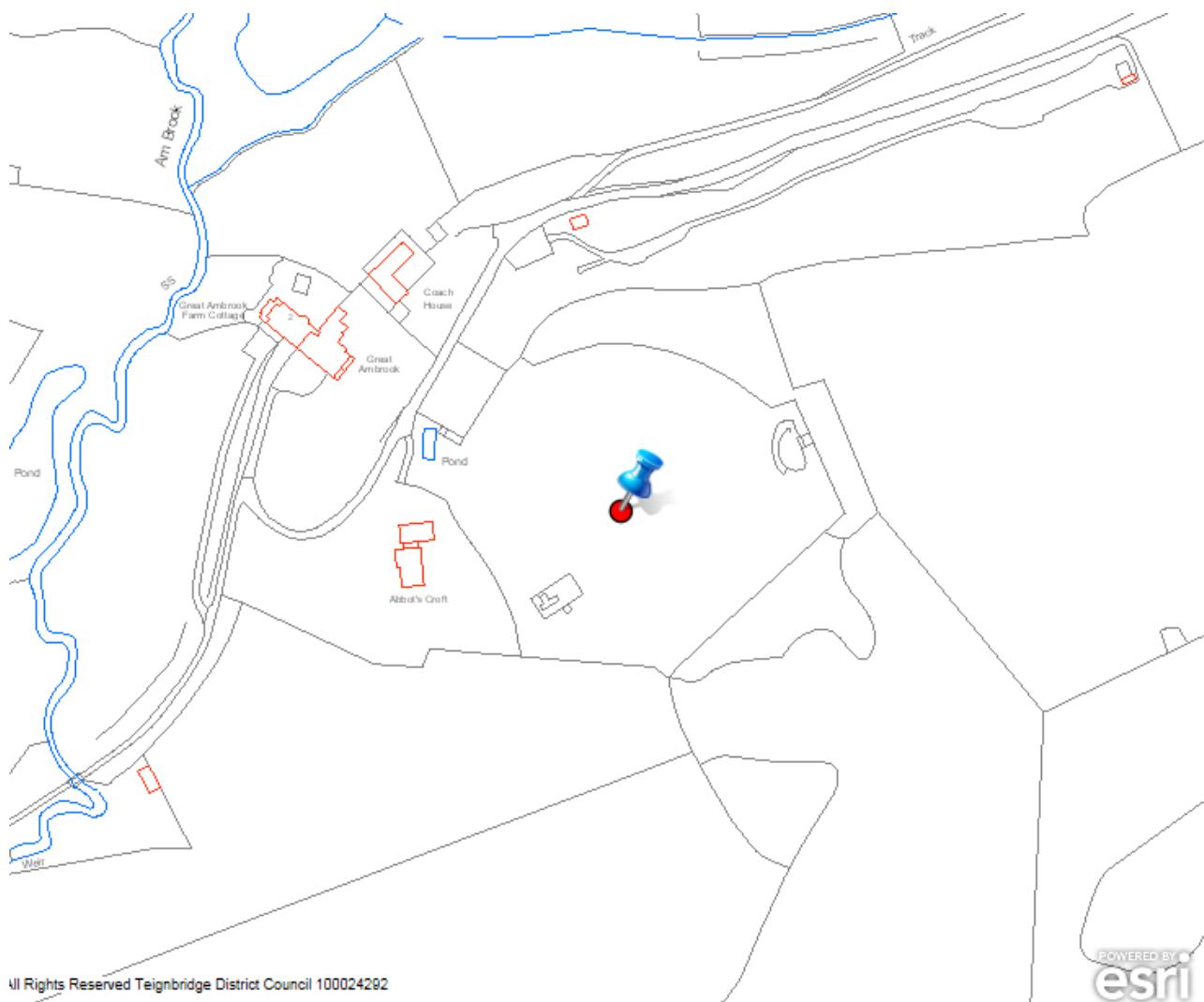
PLANNING COMMITTEE REPORT

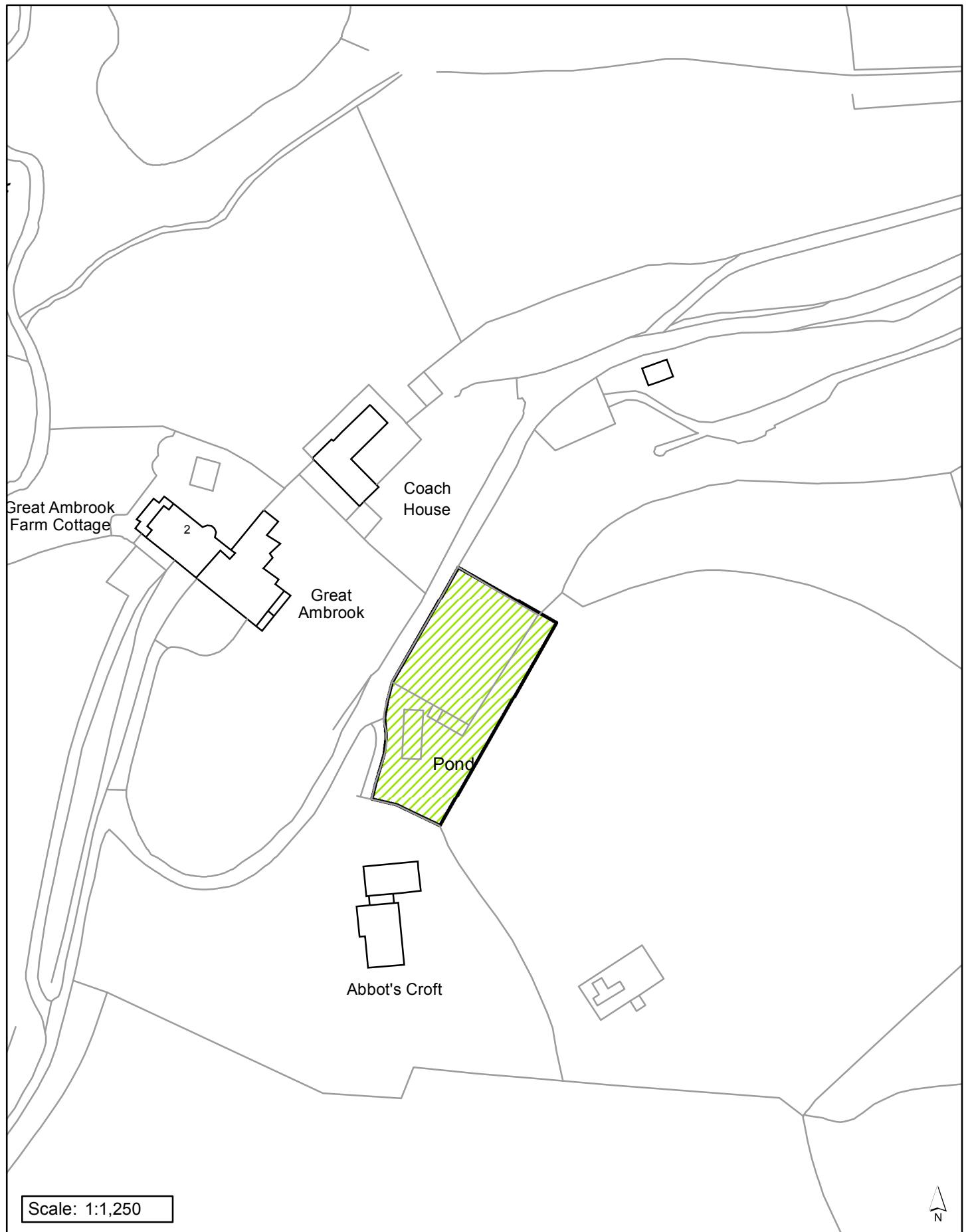
17 December 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation	
APPLICANT:	Mrs Berry and Mrs Chapman	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alistair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00672/FUL&MN	





19/00672/FUL - Great Ambrook, Ipplepen, TQ12 5UL

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1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, has requested Committee determination as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Councillor Dewhirst also has concerns as to the nature of the proposed living accommodation and considers that the Committee may wish to impose conditions relating to its use.

2. RECOMMENDATION

PERMISSION BE GRANTED

- SUBJECT TO a Section 106 legal agreement to ensure that the income generated from the holiday accommodation is used to fund the restoration of the Italian Garden and to prevent it from being sold separately; and
- SUBJECT TO Planning Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. The building hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register of occupants shall be maintained;
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority;
5. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
6. Prior to commencement including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority;
7. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
8. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
9. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
10. Prior to their installation on site, a sample of the stepping stones to be used in the private garden of the holiday accommodation and details of the material to be used for the hardstanding parking areas shall be submitted to and approved in writing by the Local Planning Authority;
11. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
 - Doors
 - Windows, including cills

- Gates and threshold
- Timber lintels
- Loggia

The building details shall be installed in accordance with the approved drawings; 12. No external lighting shall be installed on, or in association with, the new building, unless otherwise agreed in writing by the planning authority;

3. DESCRIPTION

The Application Site

- 3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.
- 3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

** Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; * Designer: as the only surviving garden created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; * Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; * Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; * Planting: a number of mature trees and plants survive from the original planting scheme; * Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; * Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

History of the Italian Garden

- 3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of Ilsington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also

worked at Castle Drogo.

Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.

The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carriageway pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.

Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when the estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is protected as a designated asset.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m

to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

The Application

- 3.6 The application seeks permission for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a quiet contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this could cause for the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

Planning History

- 3.8 Relevant site history:

- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
- 19/00976/LBC: Construction of building for use as holiday accommodation and associated works. Awaiting determination.

Main issues

- 3.9 The main issues for consideration are:

- The principle of the development/sustainability;
- Impact upon heritage assets;
- Impact upon the character and visual amenity of the area/open countryside
- Impact on residential amenity of surrounding properties;
- Impact on ecology/biodiversity;
- Impact on trees;
- Flood and drainage impact of the development;
- Highway safety;

- Carbon reduction.

Principle of the development/sustainability

- 3.10 Policy S22 (Countryside) of the Teignbridge Local Plan notes that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aim of Policy S22. These uses include tourist uses.
- 3.11 Policy S12 (Tourism) of the Local Plan details that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors by supporting:
- new tourist attractions in locations where the scale of visitor and employee trips is commensurate with the public transport, cycling and walking accessibility and environmental constraints;
 - enhancing the environment and local distinctiveness including heritage and landscapes and supporting other local improvements which will increase the attractiveness of the areas to visitors; and
 - increased visitors to heritage and nature conservation assets where this maintains and enhances the quality of the asset and supports environmental enhancements.
- 3.12 Policy EC11 (Tourist Accommodation) of the Local Plan details that outside of settlement limits, tourism accommodation will be acceptable in principle where it provides innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.
- 3.13 Given that the application site falls within the open countryside and the proposal would provide an innovative and unusual form of holiday accommodation which would widen and enhance the tourist offer of the area and importantly would enhance the quality of heritage assets, the proposal is considered to accord with Policies S22, S12 and EC11. As such, the principle of the proposed development is deemed to be acceptable.

Impact upon heritage assets

- 3.14 One of the main issues of this proposed development is its impact on designated heritage assets. These include:
- The Italian Garden - Grade II, Registered Park and Garden; and
 - Great Ambrook House - Grade II, Listed Building.
- 3.15 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.
- 3.16 Policy EN5 (Heritage Assets) of the Local Plan states 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, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other*

archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.

- 3.17 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.18 Furthermore, 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. In addition, Paragraph 196 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.
- 3.19 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration. However, it is considered necessary that any approval would need to be strictly controlled by a Section 106 agreement to ensure the holiday accommodation is not sold off separately and the income stream lost to the garden. In addition, a condition would be included with any permission which states that the proposed building shall be occupied for holiday purposes only to ensure that the holiday accommodation is not used for permanent residential accommodation.
- 3.20 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.21 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.

- 3.22 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
 - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
 - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.
- 3.23 It is considered that the development proposal would result in less than substantial harm at the lower end of the spectrum to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.
- 3.24 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new building would not be visible from Great Ambrook House or any part of the immediate landscape.
- 3.25 The Local Planning Authority is mindful of the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.
- Impact upon the character and visual amenity of the area/open countryside
- 3.26 The new building would be located within the walled garden at Great Ambrook and part of the proposal includes the construction of a replacement limestone wall on the south east elevation of the garden which would be built to encompass the building design. Parking for the proposed holiday accommodation will be provided on the existing hardcore drive entrance.
- 3.27 Given that the proposed building would be contained within the existing walled garden and there is an existing hardcore parking area within the Italian Garden, it is considered that the proposal would not adversely affect the character of the wider landscape. The proposed new gates to the entrance of the Italian Garden are also considered to be appropriate for the setting. TDC's Landscape Officer has commented that the development lies within an existing developed area and is of a scale and character that will assimilate well into its context. As such, the Landscape Officer has raised no objections to the proposal and it is deemed that the proposal would accord with Policy EN2A (Landscape Protection and Enhancement) of the Local Plan.

- Impact on residential amenity of surrounding properties
- 3.28 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion which includes

nuisance arising from the proposed development, including from associated traffic. The Italian Garden is accessed from the public highway via Great Ambrook Avenue, a single track private driveway, approximately 0.9 km in length and with only two passing places.

- 3.29 The application originally sought permission for the use of the proposed building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance this could cause upon the existing residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.
- 3.30 Whilst it would be preferable if additional passing places could be installed along Great Ambrook Avenue, given that the land either side of Great Ambrook Avenue is not owned by the applicant's, it has not been possible to request that additional passing places are provided. It is acknowledged that the proposed holiday accommodation on its own would still result in a small increase in the amount of traffic using Great Ambrook Avenue and consequently could result in some minor disturbance for the four residential properties that are accessed via Great Ambrook Avenue. However, given that Great Ambrook Avenue already serves four existing residential properties and the owners of the Italian Garden have a right of access to use Great Ambrook Avenue to visit the garden, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application.
- 3.31 Due to the distance between the proposed new building and the neighbouring residential properties, and as the new building would be contained within the walled garden, it is deemed that the proposal would not result in any significantly detrimental impacts in terms of noise and disturbance upon the amenity of surrounding properties.

Impact on ecology/biodiversity

- 3.32 The application site falls within a Landscape Connectivity Zone in association with the South Hams Special Area of Conservation (SAC) for greater horseshoe bats and the submitted bat survey details that seven species of bat were recorded at the site, including greater horseshoe bats. As the footprint of the proposed building is of a relatively limited scale, the proposal is considered to be 'minor development' under the SAC guidance. The proposed development would result in the permanent loss of garden area to the holiday accommodation building and there is further potential disturbance to bats from lighting. Whilst the applicant has suggested options to alleviate the potential light spill disturbance from the proposed development e.g. downlighters for external lighting and shutters for blocking internal lighting from windows, the proposal would bring some extent of extra lighting which was not present previously within the Landscape Connectivity Zone.
- 3.33 In order to mitigate for the loss of bat foraging or commuting features within the walled garden, the applicant has suggested an enhancement of an equivalent area elsewhere within the Italian Garden. TDC's Biodiversity Officer has commented that the grassland and other habitats affected by the proposal could be offset by a smaller area of a different habitat type within the site which has potential to be

richer in bat prey. An ecology mitigation plan has been submitted which includes bat prey generating habitats in the form of 10 sq m of willow, 10 sq m of ivy and an 8 sq m log pile.

- 3.34 The Biodiversity Officer has noted that providing there is some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, the suggested ecology mitigation plans could be a solution. As such, subject to a condition requiring the submission of a landscape management plan which provides management / planting scheme details for the offsetting mitigation for the garden area the proposals are acceptable in this regard. In addition to the offsetting mitigation features for the garden area, the proposal includes various enhancements towards biodiversity gain in the form of bat and bird boxes, retention of ivy and of cracks in masonry for crevice roosting bats, log piles and a green roof on the proposed building. These details will be secured by a condition.
- 3.35 The site falls within an overwintering zone for Cirl buntings and part of the walled garden area falls within a breeding territory for Cirl buntings. No significant adverse impacts would be anticipated on Cirl buntings, though there may be opportunities to include landscaping enhancements which can support Cirl buntings and these details can be included within a landscape management plan.
- 3.36 As such, it is deemed that the proposal would not result in any adverse biodiversity impacts.

Impact on trees

- 3.37 Although the Italian Garden is subject to a group Tree Preservation Order and an objection has been received with regards to the impact of the proposal on trees, TDC's Senior Arboricultural Officer has commented that he has no arboricultural objections to the proposal as he considers that no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affect by the proposal. As such, it is deemed that the proposed development would not result in any adverse impacts.

Land drainage/flood risk

- 3.38 The applicant has detailed that the surface water drainage from the proposed development would be via a soakaway. TDC's Drainage and Coastal Manager has commented that the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change and further details are required. However, it is considered that these details can be secured via a condition with any approval.

Highway safety

- 3.39 The impact of the proposal upon Great Ambrook Avenue has already been covered in the impact on residential amenity section of this report. In terms of the impact of the proposal upon the public highway, given the wide entrance into Great Ambrook Avenue from the public highway, it is considered that there is a sufficient level of visibility for vehicles entering and existing Great Ambrook Avenue and the proposal would not result in any adverse impacts in terms of highway safety upon the public highway.

Carbon reduction

- 3.40 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 42% from 2009 levels by 2030. 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.
- 3.41 The proposed building would feature a meadow grass roof and includes the provision of solar PV generators on the roof of the proposed building. Acknowledging that the site is only realistically accessible by private car (or committed cyclists), it would make a small positive contribution to enhancing the local sustainable tourism offer overall.

As such, it is considered that this proposal represents a sustainable development which meets the aims of the NPPF and Policies S7 and EN3.

Conclusion

- 3.42 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. It is also acknowledged that the proposed holiday accommodation would result in an increase in the amount of traffic using Great Ambrook Avenue and consequently would result in some nuisance upon the four residential properties that are accessed via Great Ambrook Avenue. However, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application. Subject to a Section 106 agreement which ensures that the income generated from the proposed holiday accommodation is used to help fund the restoration of the Italian Garden and the conditions stated at the beginning of this report, the officer recommendation is one of 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
- S12 Tourism
- S22 Countryside
- EC11 Tourist Accommodation
- 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

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

TDC Landscape Officer:

Comments dated 13 May 2019

In principle, I am of the opinion that the benefits of the proposal outweigh the harm.

I have some minor concerns regarding the depth of the building, external levels, external detailing and door and hardware detailing and believe that improvements could be made that would further reduce the harm.

Should these minor concerns be satisfactorily addressed, I believe that the proposals will comply with the Teignbridge Local Plan policies EN5 (Heritage Assets), S2 (Quality Development) and EN2A (Landscape Protection and Enhancement).

I am of the opinion that the proposed holiday unit will offer a close and private experience of the Italian Garden and in doing so will fulfil Teignbridge Local Plan

policy EC11 to (g) “provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area”.

Comments dated 30 May 2019

I previously raised concern regarding: the width of the building and terrace; the position of the entrance; and the doorway detailing. Following receipt of the amended drawings and explanation, I confirm that I am satisfied with the changes that have been made to the terrace and doorway detailing and content that the depth of the building and the position of the entrance are justified, as previously proposed.

There is consequently no landscape objection.

TDC Biodiversity Officer:

Comments dated 10 May 2019

The following biodiversity matters will need to be addressed:

- The site falls within a Strategic Flyway from Natural England planning guidance for the South Hams SAC. The development footprint is of relatively limited scale, so that the proposal might be ‘minor development’ under the SAC guidance. There would be permanent loss of garden area to building(s) and potential for disturbance from lighting. For external lighting, downlighters are noted, and shutters for blocking internal lighting from windows (though a question would be how readily these shutters would be used by holiday residents). Holiday accommodation would bring some extent of extra lighting which was not present previously within the Strategic Flyway. As for 18/01033/PE, it is suggested a suitable lighting modelling survey is carried out to show levels of light spill.
- For the South Hams SAC, following European Court decision People over Wind and Sweetman vs Coillte Teoranta, April 2018, mitigation measures cannot be considered at screening Assessment of Likely Significant Effect stage and an Appropriate Assessment will be required, with Natural England consultation. Please allow time for this
- Under Policy S22, there must be no net biodiversity loss and a biodiversity gain should be sought (also consistent with NPPF 2019 para.s 170 and 174 and Local Plan policies EN8 and EN11). Currently it is not clear whether net loss would be avoided and a gain achieved. One of the emerging biodiversity off-setting calculators could be used for this (for example DEFRA or Warwickshire models, suitably adjusted to reflect local conditions). The green roof is noted and could contribute to these calculations. Among other opportunities, the site falls partly within a breeding territory for Cirl buntings
- Reasonable likelihood of bat presence is identified, but there has been no further bat activity survey as would typically be required, particularly for a site in open countryside subject to TDC Local Plan Policy S22. Greater consideration of bats within the walled garden area is needed, namely further information on extent of bat foraging (for example around orchard trees which are to be removed), as well as

potential for roosting sites in ivy or in cavities among any gaps and loose masonry in wall structures

- Potential is identified for legally protected reptiles and amphibians to be present in the log pile which will be removed (Target Note 2 in the ecological report). There has been no follow up reptile/amphibian survey. Details of safeguards to avoid threat of harm, and proportionate mitigation for loss of habitat, would be needed

Some more information is needed before I will be able to carry out the Appropriate Assessment. For this and for other biodiversity matters, please ask for further information covering:

1. Bat activity survey, following standard BCT guidelines
2. Lighting modelling survey
3. Safeguards to prevent threat of harm to protected species (*i.e.* reptile/amphibian safeguards and mitigation plan, clarification and / or survey of wall structures for potential presence of cavity roosting bats)
4. Clarification that all net biodiversity loss will be compensated (such as via one of the biodiversity off-setting calculators, as referred to above)
5. Opportunities towards achieving biodiversity gain (which might include the green roof, also through landscaping planting and maintenance schemes, incorporation of integral nesting and roosting features and other measures)

Comments dated 15 November 2019

The new ecology mitigation axonometric view document is noted.

The bat survey found use of the walled garden area, including by horseshoe bats: this does not suggest to me that there is no or negligible bat use of the garden area. There has been no lighting modelling survey to show levels of light spill, or that there would be sufficient dark areas in the garden retained to allow continued bat use. Bat roosting features are noted but these are not mitigation for loss, or safeguarding of, foraging or commuting features, and I think count more as 'enhancements' than mitigation (and are welcomed as such). Where they, and the green roof, are located in the garden area, these are going to be subject to the same light spill disturbance.

I suggested if there is no detailed info about light spill, an alternative approach could be to take the area of the walled garden and enhance a comparable / equivalent area and habitat type elsewhere within blue line ownership.

The walled garden is approx. 735 sq m; I would say the grassland and other habitats affected could be offset by a smaller area of a different habitat type which has potential to be richer in bat prey.

In terms of bat prey generating habitats, the new further proposals comprise:

10 sq m of willow
10 sq m of ivy
8 sq m log pile

Long term status of the Dell (500 sq m) is a bit uncertain: it sounds to be an existing (reptile) habitat which would be left unmanaged, so could be anticipated to produce

some bat prey for a period, depending on which plant species colonise, and if the feature would ultimately succeed to dense ornamental shrub. But it does seem to offer a good opportunity to mitigate impacts in the walled garden area. I think if there could be some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, this could be a solution.

For bat prey generating plant species there could be options. Native shrubs typically support invertebrate species, and there would be particular night-scented moth attracting flowers.

If there can be details of longer term management for The Dell (such as might go in a landscaping plan), I think this could cover what's needed. Or if this info is not available prior to determination, there could be a carefully worded condition, if it can be certain that suitable long term maintenance of The Dell can be secured, and whereby management / planting scheme details are submitted for written approval.

The various bat boxes, retention of ivy and of cracks in masonry for crevice roosting bats, green roof, and log piles are very much welcomed as enhancements towards biodiversity gain.

With these two elements included – offsetting mitigation for the garden area, and the proposed biodiversity enhancement features – I think this would meet biodiversity requirements.

TDC Senior Arboricultural Officer:

There are no arboricultural objections to the proposal as no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affect by the proposal.

It is understood pre-applications discussions have been undertaken with the Council's Conservation Officer prior to submission.

TDC Drainage:

Although the applicant has undertaken infiltration testing and proposed the design of a soakaway to be provided onsite, the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change.

The proposed surface water drainage system should be designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

A surface water drainage operation and maintenance schedule is required to demonstrate that all components will remain fully operational throughout the lifetime of the development. Details to include who will be responsible for implementing the on-going management and maintenance of the proposed surface water drainage system serving the dwellings and the access road.

DCC Highways:

Refer to Standing Advice.

DCC Archaeology (in response to the consultation request for associated application 19/00976/LBC):

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20th century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19th century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18th century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house.

Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

Historic England:

No comments.

Garden History Society:

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

The Gardens Trust:

Support the proposal.

6. REPRESENTATIONS

A site notice was erected at the entrance to Great Ambrook Avenue. 12 letters of objection and 2 letters of support have been received.

The letters of objection raised the following planning issues:

- The proposal conflicts with Policy S22 of the Teignbridge Local Plan.

- Increase in traffic along Great Ambrook Avenue and inconvenience to local residents.
- Impact on trees.
- Harm to the setting of heritage assets.
- The presence of permanent or semi-permanent occupiers of a house within the gardens would be extremely intrusive to the peaceful experience of the garden for others.
- Impact on landscape character.
- No justification for a dwelling on the site.
- Not a building plot
- Size of the proposed building.
- Limited number of visitors and no additional employment.
- Lack of car parking.
- Lack of water supply.
- Lack of foul drain connection.
- Increased access by construction vehicles and increased visitor numbers would increase the wear and tear to Great Ambrook Avenue as well as causing increased nuisance to the residents.
- Public road access to Great Ambrook Avenue is poor.
- The restoration of the Italian Garden is achievable through other means e.g. grants.

The letters of support made the following comments:

- The Italian Garden should be around for future generations to enjoy.
- The proposed holiday let would supplement the restoration of the garden.
- The rebuilding of the missing wall would regain the significance of the kitchen garden.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

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