

Forde House
Newton Abbot
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28 June 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 9th July, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution: Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chair), Bradford, Bullivant, Clarence, Colclough, D Cox, H Cox, Hayes, Keeling, Kerswell, Macgregor, Nuttall, Nutley, Patch, Parker, Peart, J Petherick, Phipps and Wrigley

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

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

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

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

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Information for the Public

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Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

A G E N D A

PART I

(Open to the Public)

1. Minutes (Pages 1 - 6)
To confirm the minutes of the last meeting.
2. Apologies for absence.
3. Agreement of the Meeting between Parts I and II.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) HENNOCK - 19/00461/FUL - Little Orchard Farm Chudleigh Knighton - Garage extension (Pages 7 - 12)
 - b) IPPLEPEN - 18/02039/FUL - Dornafeld Farm, Dornafeld Lane - Agricultural storage building and new trackway and access (Pages 13 - 22)
 - c) TEIGNMOUTH - 19/01028/FUL - Flat 1, 8 Barnpark Terrace - Replacement of uPVC front door (Pages 23 - 28)
 - d) TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas (Pages 29 - 36)
 - e) SHALDON - 19/00083/FUL - 17 Horse Lane - Demolition of existing dwelling and replacement with new dwelling (Pages 37 - 48)
 - f) KINGSKERSWELL - 18/01140/MAJ - Former Galliford Try Infrastructure Site Office, Old Newton Road - New employment development incorporating Use Classes B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with associated parking and landscaping (Pages 49 - 70)

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8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 71 - 72)

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

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

As relevant or appropriate:

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

PLANNING COMMITTEE

10 JUNE 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Keeling, Kerswell, Macgregor, Patch, Parker, J Petherick and Wrigley

Members in Attendance:

Councillors Hocking

Apologies:

Councillors D Cox, Nuttall, Nutley, Peart and Phipps

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Nick Hill, Solicitor
Angharad Williams, Senior Planning Officer
Trish Corns, Democratic Services Officer

24. MINUTES

The Minutes of the meeting held on 16 April 2019 were confirmed as a correct record and signed by the Chairman.

25. CHAIRMAN'S ANNOUNCEMENTS

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

26. DECLARATIONS OF INTEREST.

There were no declarations of interest.

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

The Committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **NEWTON ABBOT - 19/00190/FUL - Newton Abbot Centre Association, Kingsteignton Road - Roof canopy above main lobby doors**

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

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for commencement.
 2. Development to be carried out in accordance with approved plans.
- (14 votes for and 0 against)

b) **NEWTON ABBOT - 18/00012/MAJ - Land At Ngr 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 97 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build.**

The Senior Planning Officer updated members as follows:

- The receipt of two further objections received since the publication of the updates document, one of which was circulated at the meeting.
- The development proposes a total of 97 dwellings of which 5 are self build units. The site is allocated within the Local Plan under NA6. This identifies the site for at least 70 homes with 20% affordable.
- The site is within 600 metres of curlew breeding territory for which the applicant has agreed a contribution within the Section 106 Agreement.
- The proposals take account of the landscape territory. As one of the reasons for deferral at the last committee, much time has been spent between Officers and the applicant in an endeavour to overcome the concerns. The applicant has reduced the number of houses in order to allow views into and out of the site and the landscaping Officer has had discussions with the associated consultant in order to get the best outcome for the hilltop. This includes providing a number of trees, enhancement of the boundary treatments and providing full details at this stage rather than leave to condition.
- Comparing the previous scheme with the current scheme, the site layout pictures demonstrate how the houses at the far north west of the site have been reduced and how the rhythm of the street scene has improved to allow an enhanced façade. Garages allow for gaps to be formed between the properties allowing for the views. This was the result of a sightline study and ongoing discussions with officers. The reduction of the houses in this area, has also enabled a more varied streetscene to be formed, therefore creating more visual interest and subsequently a more legible development.
- The coloured site layout plan demonstrates the site is very 'green' and whilst full details of the proposed play area have been submitted, a contribution is still sought in regards to the NEAP at Ashburton Road. The play space has been well designed, in accordance with the Landscape Officer and the equipment in accordance with the Play Officer. The play space is DDA compliant and offers a varied level of play space. There is a recommended condition in respect to the boundary treatment of the play space.

- Refuse storage is provided within the boundaries of each dwelling and where the storage cannot be contained within a rear garden, the storage is to the front of the dwelling, and will be tucked behind a brick wall.
- There are no objections from the Highways Officer and there is 2.13 car parking spaces per plot including garages. The Section 106 Agreement includes provision for £500 per dwelling for travel planning and better travel outcomes.
- In response to climate emergency, the applicant is providing details of a scheme for 10% lower emissions than the prevailing building regulation requirements. This provides the flexibility to achieve the best scheme for the site.
- The recommendation has been updated from the report circulated with the agenda as set out in the updates document previously circulated.

Public Speaker, Objector – Objected on the grounds of: detrimental effect on the landscape and loss of skyline of trees; the scheme should be of an outstanding design for such a prominent site; contrary to Policies S2, EN2A and EN5; the current amended scheme is effectively similar to the original scheme, with the worst element being the bank of housing on the northern/western skyline boundary; this line should be replaced with single storey dwellings; and detrimental to the setting of the Listed ancient monument Castle Dyke.

Public Speaker, Objector – Objected on the grounds of: highway safety – the increased traffic from additional vehicles would be dangerous in the vicinity of the primary school, particularly at peak times; detrimental effect on the biodiversity and wildlife habitats of the site; a 1979 planning application was rejected on the grounds of detrimental to the landscape and skyline and bungalows only should be developed on the northern boundary of the site.

Public Speaker, Supporter – The application has been amended to address the issues the subject of the deferment of the application at the previous meeting. The site is allocated in the Local Plan. The number of units have been decreased to 97 with an affordable housing mix and layout. The development is of a high quality design. The garages along the northern boundary allow for views between the dwellings. The overall design and aesthetics of the site has been improved with a variety of boundary treatments and masonry walls for bin storage areas. 19 affordable houses would be provided. Car spaces provision has increased at a ratio of 2.13 per dwelling. The play area is DDA compliant. There are several mitigating measures. This includes a response to climate change for which there is no policy requirement but which the applicant is happy to include.

Comments from Councillors included: the site is visible from a number of public vantage points particularly from Highweek; bungalows currently predominate the view, which are below the skyline of the site leaving a view of the trees; the current proposal would destroy the skyline; bungalows only are acceptable for the skyline boundary; and little provision for on street parking.

In response to questions the Committee was advised that there is no national planning policy that skylines should not be breached with developed, or

restricting to single storey dwellings. There are limited public views of the site, and the Applicant has made efforts to overcome the reasons for deferral at the previous meeting. The garages along the skyline boundary resulting in a substantial single storey element enables views through the dwelling. The street scene and overall aesthetics of the site has significantly improved as detailed above.

Further comments from Councillors included: the housing numbers should be nearer to 70; the internal road width of 3 metres is narrow with on street parking; the landscape character assessments of 2009 and 2013 require a better development with single storey element for the northern and western boundaries to protect the landscape; and rear gardens face the play area.

The Business Manager advised that the 2009 and 2013 landscape assessments were part of the Local Plan process prior to adoption in 2014. Changes have been made to the proposal to address the landscape issues.

Additional Councillors' comments included: the site is not sensitive to the landscape or the historic setting; 10% carbon reduction is insufficient; garages are used in the calculations to result in a ratio of 2.13 per dwelling. However, garages should not be used in this calculations because garages are utilised other than for parking; reiteration of only bungalows for the northern/western boundary.

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

Resolved

The application be refused for the following reason:

1. The proposal as currently designed would have an unacceptable impact on the landscape as a consequence particularly of the number of dwellings proposed and the nature and location of the development on the northern boundary, contrary to policies of the Local Plan and the Newton Abbot Neighbourhood Plan.

(15 votes for and 0 against)

Note: The refusal of this application is contrary to the advice of the Business Manager. The Committee considered the application unacceptable for the reasons outline above.

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

The Committee noted appeal decisions made by the Planning Inspectorate. The Business Manager updated Members on costs that had been recently awarded against the Council.

29. APPOINTMENT OF SITE INSPECTION TEAMS

Resolved

Site inspection Teams be appointed as follows:

Team 1:

Chairman, Vice Chairman

Councillors Bradford, Clarence, J Hook, Keeling, Kerswell, Nutley

Team 2: Chairman, Vice Chairman

Councillors Bullivant, D Cox, MacGregor, Nuttall, Parker, Patch, Petherick,

Team 3:

Chairman, Vice Chairman

Councillors Colclough, H Cox, Hayes, Peart, Phipps, Wrigley

COUNCILLOR M HAINES
Chairman

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1. REASON FOR REPORT

The applicant's son works for Teignbridge District Council and occupies the subject dwelling house.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans

3. DESCRIPTION

- 3.1 The application site consists of a two storey detached residential dwellinghouse with associated garden space, and outbuildings to the front, side and rear. In addition, there is a significant amount of hard standing wrapping around the eastern extent of the dwelling.
- 3.2 The site sits within the Chudleigh Knighton settlement limit, and is surrounded by a mix of uses, although predominantly residential.
- 3.3 There is a Grade II listed church (St Paul's Church) west of the site, but this cannot be read in context due to distance and existing development.
- 3.4 The application seeks permission for an extension to the existing garage which sits to the rear of the host dwelling. The proposal sees the existing structure being widened from a single pitched roof garage to a double garage with a hipped roof.
- 3.5 The stone boundary wall and garden space behind is to be retained as existing, with only the garage being moved and extended to accommodate two cars. Therefore, the front of the garage is being re-orientated to face north east.

Sustainability/Principle of the Development

- 3.6 The application site is located within the Chudleigh Knighton Settlement Limit as set out in the Teignbridge Local Plan 2013-2033.
- 3.7 Policies S1A, S1, S21A and WE8 of the Teignbridge Local Plan are permissive of extensions to existing residential buildings, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.

Impact upon the immediate and wider locale

- 3.8 The garage is typical of its residential location incorporating materials to match those of the existing surroundings. The building is also set back from the road and other residential properties and would be read in context with the existing development, so as to avoid being overbearing.
- 3.9 The application seeks permission for an extension to an existing garage. The extension is not deemed to result in an increase in light, noise or pollution.
- 3.10 Overall it is considered that the proposed garage would not have a detrimental impact upon the surrounding area or subject property. The proportions of the main house have been reflected in the shape of the garage and roof angles, and the garage appears subservient in scale.

Use

- 3.11 The application seeks permission for an extension to an existing garage. Should the use of the garage change, this may require further planning submissions.

Summary and Conclusion

- 3.12 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.
- 3.13 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.
- 3.14 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 (Ancillary Domestic Curtilage Buildings)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

The application has been advertised by way of a site notice on 11 April 2019. Four letters of representation have been received, two commenting and two objecting, with the following key planning related comments:

1. Building will be overbearing and dominate the residential area;
2. Concerns it will be used as a house;
3. Number of vehicles associated with the site, concern these will be parked along the road, turning circle and parking bays;
4. Loss of wildlife;
5. No benefit to the wider community economically;
6. Concern about light pollution;
7. Development built on an un-adopted access road;
8. Garage used to service and test vehicles;
9. Noise impact.

These points of concern have been dealt with, within the main body of this report. In response to concerns about the ownership of land, this is not a planning related matter and as such there is no requirement for the planning department to engage with civil matters.

7. PARISH COUNCIL'S COMMENTS

No objections.

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

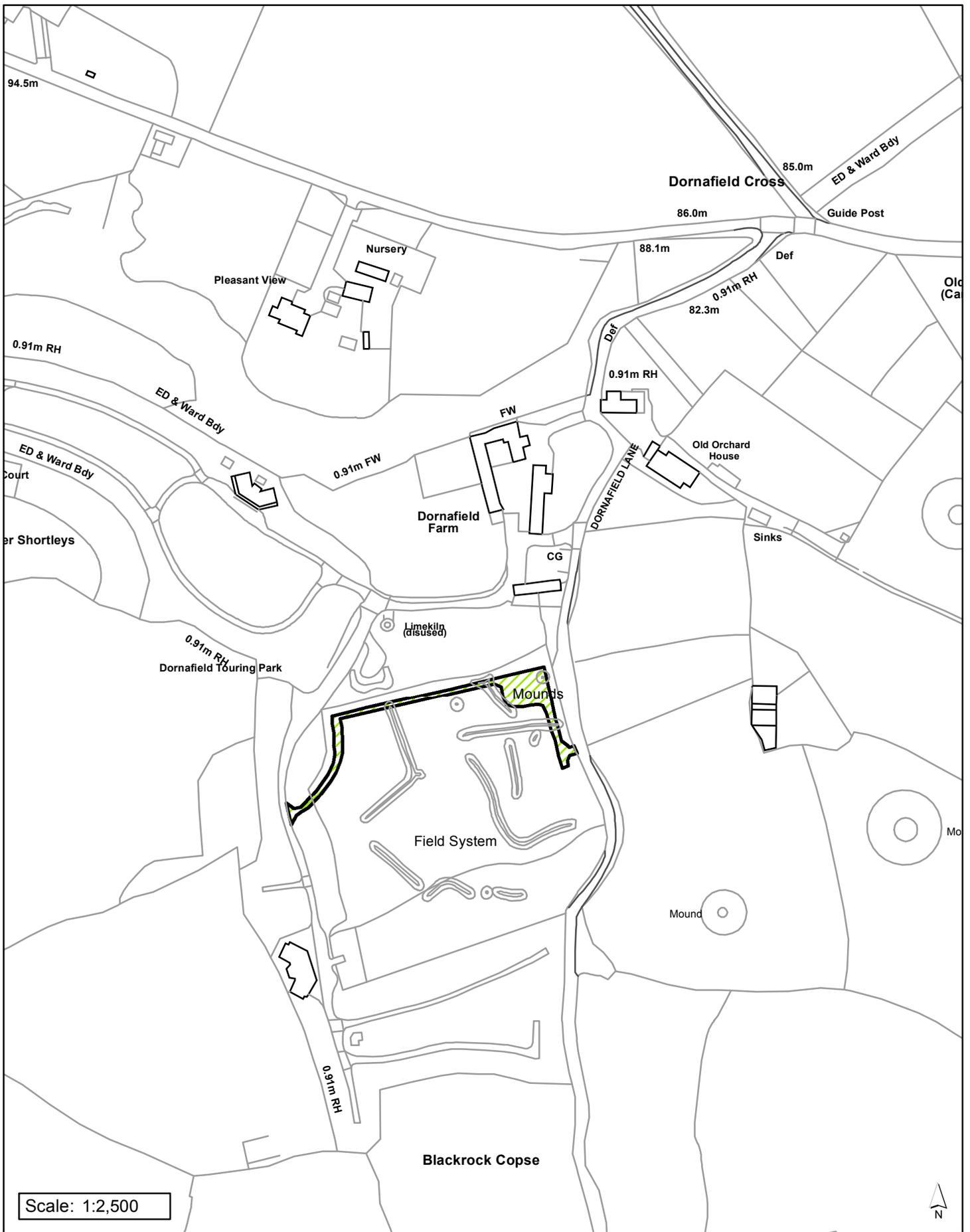
9 July 2019

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|-----------------|
| APPLICATION FOR CONSIDERATION: | IPPLEPEN - 18/02039/FUL - Dornafield Farm, Dornafield Lane - Agricultural storage building and new trackway and access | |
| APPLICANT: | Mr S Dewhirst | |
| CASE OFFICER | Eve Somerville | |
| WARD MEMBERS: | Cllr Dewhirst | Ipplepen |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02039/FUL&MN | |





18/02039/FUL Dornafield Farm, Dornafield Lane, Ipplepen, 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 and track would adversely affect the character and appearance of the historic landscape of the scheduled monuments, and the historic setting of the Grade II* listed building, Dornafield Farm contrary to Policies EN2A and EN5 of the Teignbridge Local Plan 2013-2033, the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
2. Insufficient information has been submitted to confirm that the proposed grounds works would not result in damage to archaeology, and the known prehistoric field boundary contrary to Policies EN2A and EN5 of the Teignbridge Local Plan 2013-2033 and the NPPF.

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 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. The setting makes a very significant contribution to the historic character of Dornafield Farm, and has been identified within the previous application 17/01883/FUL by the Conservation Officer as "*an integral part of its significance*".
- 3.2 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.
- 3.3 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

- 3.4 The application seeks permission for an agricultural storage building and a new track leading from the building to a new access to be created to the west of the site which leads to existing caravan pitches.

Building

- 3.5 The proposed building is 18.8 metres in length, 7.5 metres in height and 13 metres in width, finished with steel cladding polycarbonate roofing over steel cladding and blockwork elevations and steel door. Non-opening roof lights are proposed, although the 3D image shows them opened. The building is intended to store waste from the caravan site, as identified within the application form and confirmed by the agent.

Track/Access

- 3.6 The track is to wind from the eastern extent of the field to the western, and overall cover approximately 1,074.19m² of land (inclusive of hard standing for the building). It would be finished with gravel. The new access leads to the existing caravan site, which would suggest that the layout of the caravans will need to be addressed. No access details have been submitted to suggest how this is to be finished, 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

- 3.7 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. Thus, the principle of development can be acceptable, subject to compliance with policy.
- 3.8 There may be in principle support for agricultural use within the open countryside, however, the proposed building is not considered to be for agricultural use due to the use being for the storage of waste for the caravan business. The meaning of agricultural building within planning clearly states "*agricultural building*" means a building...used for agriculture and which is so used for the purposes of a trade or business..." The use of the building for the storage of waste for the rural caravan site is not considered to comply.
- 3.9 In addition to the non-compliance with policy, it is not clear what agricultural use is being carried out on site, as the history of the business and locale is geared to the well-established tourist accommodation. No mention is made to the agricultural use.

There is also an imbalance between the scale of the building in context with the subject field and suggested existing agricultural enterprise.

3.10 Notwithstanding the proposed agricultural use, it would appear the building is intended to be used in connection with the existing established tourist use, for the storage of waste. Policy S22 supports development and investment within the open countryside, where it is “*attractive*”, and responds to the “*distinctive characteristics and qualities of the landscape character*”. 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.

3.11 Policies S22 and EC11 would suggest there could be support for tourist development. However, whether the building is intended to be used in connection with an agricultural enterprise or the existing tourist use, the proposed building in its current position, scale and design does not protect or enhance the landscape of the area, as it is not sympathetic to the conservation of the historical significance of the area, therefore cannot satisfy Policies S22, or EC11.

Conclusion

3.12 In summation, there is in principle support for agricultural buildings on agricultural land where there is an agricultural enterprise taking place. However, the proposed use is not considered to be agricultural, with no clear agricultural enterprise taking place, such as “*trade or business*” from the site. There is also principle support for tourist use, however, Policy S22 also advises that development cannot be supported where there is harm to the wider landscape and legally protected structures.

3.13 There was pre-application discussion regarding this proposal, which raised concerns regarding the impact upon the landscape, heritage assets and archaeology.

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 The site lies within an area of narrow lanes and historic farmsteads with a 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 Dornafield Farm, a Grade II* listed building. 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.
- 3.16 The site also lies within the Denbury Down Landscape Character Area, a sensitive landscape recognised by Teignbridge 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”.*
- 3.17 The proposed development is also considered to represent harm to the nearby listed structures, which are protected. Although, no heritage statement has been submitted with the application, to indicate that the applicant has fully assessed the visual impact and to ensure that the scheduled monuments and listed buildings have informed the design, setting and works. Although, following discussion with the agent, it would appear that no assessment has been considered necessary or carried out.
- 3.18 Whether the building is intended to be used in connection with an agricultural enterprise or existing tourist use; the proposed building in its current position, scale and design does not protect or enhance the landscape of the area, as it is not sympathetic to the conservation of the historical significance of the area.
- 3.19 The track and creation of a new access sees the loss of valuable landscape and potentially archaeological interest, which is not supported by policy, or the overall ethos of Ipplepen which, as a village, has taken extensive steps to preserve the village’s historical features.

Conclusion

- 3.20 In summation, there have been insufficient details submitted in relation to the impact upon the listed buildings and scheduled monuments. Officers however consider that the proposed works as a whole are considered to have a detrimental impact upon the immediate and wider historical character of the area.

- 3.21 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 and by generating trade for local waste services and facilities. However the benefits of the building would inevitably be modest.
- 3.22 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 refused.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

EC3 (Rural Employment)

EN2A (Landscape Protection and Enhancement)

EN5 (Heritage Assets)

Listed Buildings and Conservation Areas Act 1990

Subsection (l) 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

5. CONSULTEES

Landscape Officer - The scale and character of the proposed would erode the historic landscape character of the scheduled monument and the historic vernacular setting of a Grade II* listed building. Mitigation measures have been suggested, however, these are not considered to minimise the harm to the scheduled monuments.

Historic England - The proposal to erect a large agricultural building on archaeologically sensitive ground containing potentially nationally important remains cannot be supported and fails to meet the requirements of the National Planning Policy Framework. There has been no attempt to consider the direct or indirect (setting), impact of the development on buried archaeology on site and the adjacent Scheduled Monument.

The application is supported by a geophysical survey undertaken in 2016, which identified and confirmed the existence of buried archaeological remains, however, the results of this survey would indicate the need for further archaeological investigation as only one method of survey was used and the results were not either augmented with a resistivity survey or ground truthing. We would note that this geophysical survey report is *not* an archaeological report as stated in the supporting statement.

Conservation Officer - I concur with Historic England.

Tree Officer - No objections

Devon County Archaeology - I am concerned that the application involves a greater impact on heritage assets than was discussed.

Devon County Minerals - No objections

6. REPRESENTATIONS

The application was advertised by way of a site notice on 31 January 2019, no letters of representation have been received.

7. PARISH COUNCIL'S COMMENTS

- a. There is no substantive information to prove that there is an agricultural need for the proposed storage building.
- b. No consideration has been given to vision splays at each of the proposed entrances off the highway.
- c. No Design and Access Statement has been provided as to the reasons for the application

8. 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.

9. 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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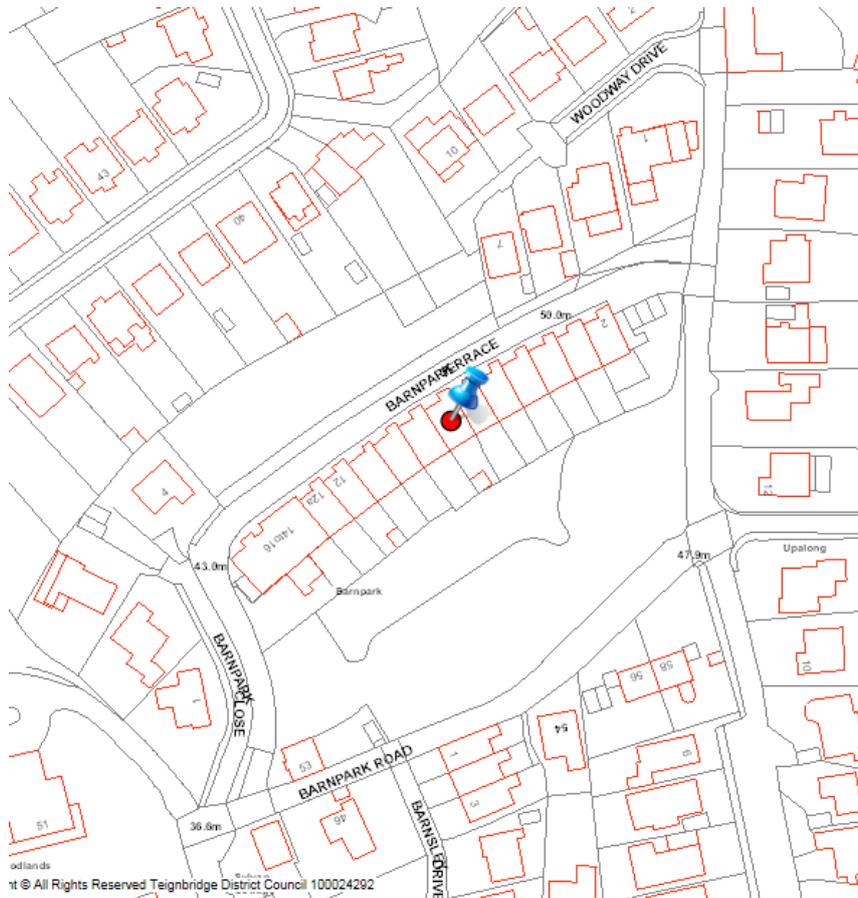
PLANNING COMMITTEE REPORT

9 July 2019

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|------------------------|
| APPLICATION FOR CONSIDERATION: | TEIGNMOUTH - 19/01028/FUL - Flat 1, 8 Barnpark Terrace - Replacement of uPVC front door | |
| | TEIGNMOUTH - 19/01029/LBC - Flat 1, 8 Barnpark Terrace - Replacement of uPVC front door | |
| APPLICANT: | Teignbridge District Council | |
| CASE OFFICER | Claire Boobier | |
| WARD MEMBERS: | Cllr Robert Phipps Cllr Sylvia Russell | Teignmouth East |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01029/LBC&MN | |





19/01028/FUL Flat 1, 8 Barnpark Terrace, Teignmouth, TQ14 8PS



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1. REASON FOR REPORT

The property the subject of this application was leased by Teignbridge District Council in 2014 and the application is made by the Teignbridge District Council Housing Department. In accordance with the scheme of delegation the application is referred to Planning Committee for determination.

2. RECOMMENDATION

Subject to no objection representations being received raising issues that have not already been addressed as a result of the consultation process which runs until 5 July 2019:

PERMISSION BE GRANTED subject to the following conditions:

1. The development shall begin before the expiry of three years from the date of the permission;
2. The development shall be carried out in accordance with the approved plans

LISTED BUILDING CONSENT BE GRANTED subject to the following conditions:

1. The development shall begin before the expiry of three years from the date of the permission;
2. The development shall be carried out in accordance with the approved plans

3. DESCRIPTION

Site description and proposal

- 3.1 The application relates to Flat 1 in 8 Barnpark Terrace, Teignmouth which along with the other properties in Barnpark Terrace forms a group of Grade II listed buildings.
- 3.2 Planning consent is sought for a replacement front door to the building (north west-facing). The door would be of timber construction.
- 3.3 By way of background during the leasing of the property by Teignbridge District Council the front door was replaced after damage was caused to the original door, with a uPVC door of a different design/material to the original door.
- 3.4 Listed Building consent is now sought to install a replacement door designed to mirror the original door as closely as possible in design and would be of timber construction.
- 3.5 A new timber frame would be installed to accommodate a new 2032mm x 813mm Richmond Glazed Door. A new top light in toughened obscure glass in a timber frame would be installed and letter box would also be installed to the door along with door knocker and number.

Principle of development/sustainability

- 3.6 Policies S1A, S1 and WE8 of the Local Plan are permissive of alterations to existing residential properties, subject to policy criteria being met. Therefore, in this

instance, the principle of development can be acceptable, subject to compliance with policy.

Impact upon setting of listing buildings and the character and visual amenity of the area

- 3.7 The proposal relates to a Grade II listed property which forms part of a terrace of Grade II listed buildings.
- 3.8 In coming to this decision the Council must also be mindful of the duty as set out in Section 16 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.
- 3.9 Furthermore, as the application has the potential to impact on the setting of adjacent 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.
- 3.10 The Council's Conservation Officer has been consulted and raises no objections to the proposal. The replacement is considered to be sympathetically designed to replicate as much as possible the original door and is assessed to be an improvement in comparison to the UPVC door that was installed at the property.
- 3.11 No objection is therefore raised on heritage grounds.
- 3.12 Whilst the colour of the door is not specified in the application, it is not considered necessary to condition for this colour to be agreed given the variation in front door colours in the terrace.

Impact on residential amenity of surrounding properties

- 3.13 The proposal is not considered to give rise to any unacceptable loss of amenity to neighbouring dwellings.

Conclusion

- 3.14 Officer recommendation is one of approval subject to no additional objection representations having been received during the consultation period.

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, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. CONSULTEES

Conservation Officer - No objections

6. REPRESENTATIONS

No representations received.

7. TOWN COUNCIL'S COMMENTS

No representations received to date.

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

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PLANNING COMMITTEE REPORT

9 July 2019

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|---|
| APPLICATION FOR CONSIDERATION: | TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas | |
| APPLICANT: | Mr D Matthews and Mr M Bunney | |
| CASE OFFICER | Claire Boobier | |
| WARD MEMBERS: | Councillor Jeffries Councillor Cox | Teignmouth West (02/05/2019) |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00779/FUL&MN | |





19/00779/FUL 25 & 27 Mill Lane, Teignmouth, TQ14 9AZ



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1. REASON FOR REPORT

Councillor Cox has requested that this application be referred to Planning Committee if the Case Officer recommendation is one of refusal. The reason given for this request is that it is considered that other properties in the same area have been granted permission for similar changes.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed dormers to the front of 25 and 27 Mill Lane would result in unsympathetic additions to the dwellings which would have a negative impact on the character and appearance of the street scene and appear as incongruous additions to the properties which fail to respect the character of the dwellings. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework; and,
2. The proposed dormers to the rear of 25 and 27 Mill Lane are of a bulky design which do not sit comfortably within the roof slope and they represent an obtrusive development which would appear as an incongruous addition to the properties which fails to integrate well with the existing dwellings. Furthermore, given the proximity of the proposed clear glazed windows in the dormers to 4 Kingsdown Road to the rear of the site, the proposal would result in an unacceptable level of overlooking and loss of privacy to the occupiers of this property to the detriment of their residential amenity. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

3. DESCRIPTION

Site Description and Proposal

- 3.1 The application relates to an unlisted Victorian semi-detached pair of properties on Mill Lane within the settlement limit of Teignmouth.
- 3.2 The application is a joint application with front and rear dormers proposed for both 25 and 27 Mill Lane, a three storey side extension proposed for 27 Mill Lane only and new parking areas proposed to the front of the properties.

Principle of the development/sustainability

- 3.3 The site is located within the settlement limit of Teignmouth where Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013-2033 would support development within the settlement limit where it is consistent with the provisions and policies of the Local Plan.

3.4 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 would also support in principle domestic extensions to these existing dwellings provided that the design and materials are complementary to the existing building, the scale is appropriate to the existing building and would not result in the overdevelopment of the site and that the proposal would not adversely impact on the amenity of the occupiers of neighbouring properties. In this case it is not considered that the development accords with this policy as set out in the sub-headings below.

3.5 Development must also perform well against Policy S1A (Presumption in Favour of Sustainable Development) which advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case, it is considered that the adverse impacts of granting permission outweigh the benefits of the development for the reasons set out in the sub-headings below:

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

3.6 The site is not in a Conservation Area and there are no listed buildings in the vicinity of the site that would be harmed by the development.

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

3.7 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 advises that, subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against the following criteria, taking account of the social, economic and environmental benefits of the proposal, its scale and magnitude of impact, the status of any legally protected features affected and any associated mitigation:

g) maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets.

3.8 It is considered that the development is in conflict with this Policy as the provision of the proposed front and rear dormers would fail to enhance the character, appearance and historic interest of this semi-detached pair or the street scene. No objection is given to the proposed side extension or parking areas which are considered to be compatible with the property and would not undermine the character of the street scene given that there are a number of parking areas that have been created to the front of properties on Mill Lane.

Were these proposals to come forward in isolation it would be recommended that if minded to approve a condition be applied for material samples for the side extension to be agreed prior to first use to ensure that the finish of the extension is compatible with 27 Mill Lane.

3.9 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 advises that new development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider

context and the surrounding area, creating a place with a distinctive character and taking account of the following objectives:

- a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment, particularly affected heritage assets;
- c) create clearly distinguishable, well defined and designed public and private spaces which are attractive, accessible and safe and provide a stimulating environment;
- g) the buildings exhibit design quality using materials appropriate to the area, locally sourced if feasible;
- k) respect the distinctive character of the local landscape and seascape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines.

3.10 It is considered that the development is in conflict with this Policy as it would fail to enhance the area by reason of the design and appearance of the rear dormers to the two properties which would result in a development that would appear overly bulky and obtrusive on the roof slope of these properties by virtue of the dormers being designed in a manner which does not sit comfortably within the roof slope. Whilst it is recognised that there are other box dormers in the area on the rear of properties, I can find no record of any planning consent having been granted for this and would therefore have to assume that they fall within permitted development allowances for which planning permission would not be required and which would be outside the control of the Local Planning Authority or alternatively have been erected without the benefit of planning consent and therefore should not be considered as a material planning consideration in the determination of this application. The rear dormer is concluded by virtue of its design to result in an incongruous addition to the property which fails to represent quality development and fails to integrate well or enhance the character of the semi-detached pair.

3.11 Furthermore, equally the dormers proposed to the front of the property fail to enhance the area by reason of their design which again result in a development which fails to integrate with the existing dwellings and fails to respect the historic character of the semi-detached pair. As a result the proposed dormers to the front of the properties would have a negative impact on the character and appearance of the street scene contrary to Policy S2 of the Teignbridge Local Plan 2013-2033.

3.12 No objection is raised to the proposed side extension to 27 Mill Lane on visual amenity grounds subject to the recommended condition if minded to approve for the materials to be used on the external surfaces to be agreed prior to first use on the extension to ensure that they integrate well with the host property.

3.13 In addition, no objection is raised on visual amenity grounds to the proposed parking areas to the front of the properties as, whilst this would alter the character of the front of the properties, there are other examples of similar parking areas with the benefit of planning consent, on Mill Lane and as the proposal would be read against these existing parking areas it is not considered that it would have an adverse impact on the character and appearance of the street scene.

Impact on residential amenity of the occupiers of surrounding properties

3.14 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 advises that:

To ensure that existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:

- a) the design and materials are complementary to the existing building;
- b) in Conservation Areas the design and materials are also complementary to the character of the area;
- c) the scale is appropriate to the existing building and would not:
 - i. overdevelop the site or result in the provision of insufficient amenity space
 - ii. result in the undue loss of outlook or light to habitable rooms of neighbouring properties
 - iii. reduce the level of privacy enjoyed by occupiers of neighbouring properties
 - iv. have a dominant or overbearing impact on neighbouring properties or the street scene.

3.15 It is considered that the proposed rear dormers to the properties are in conflict with this Policy as the proposed clear glazed windows to the dormers would result in an unacceptable level of overlooking/loss of privacy to the occupiers of 4 Kingsdown Road to the rear of the application properties.

3.16 Whilst the applicant's agent has suggested that they could fit the dormer windows with obscure glazing this is not considered a suitable resolution to the overlooking concern in this case, as the dormers include bedrooms and this would create a poor quality residential environment for the occupiers of the bedroom.

3.17 No objection is raised on residential amenity grounds to the proposed side extension, parking areas or front dormers.

Impact on ecology/biodiversity

3.18 An ecological survey has been submitted with this application. This concluded that the properties are not considered to support bat roosts and that the proposed works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of local bat populations. No signs of use by bats were identified at the properties.

3.19 In addition, no former bird nest sites were identified in association with the properties.

3.20 The report however does recommend the provision of ecological enhancement measures to provide biodiversity gain in the form of 1 no. inbuilt bat roost unit per dwelling; 1 no. bird nesting provision per dwelling and one 1 no. bee brick per dwelling. It is recommended that these ecological enhancement measures be secured by condition if Members are minded to approve.

Flood risk

3.21 The site is not in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms the site is a suitable site for residential development.

Highway safety

- 3.22 The proposed parking areas are not assessed to raise highway safety concerns.

Conclusion

- 3.23 No objection is raised to the proposed side extension and parking areas and these would gain Officer support. Support is not provided for the proposed rear and front extensions.
- 3.24 This has been discussed with the applicant's agent and they have been given the option to omit the dormers for Officers to be able to issue a positive determination on the application: however they have decided not to pursue this option and therefore as a split decision cannot be issued for planning applications, for the reasons given above the Officer recommendation is one of refusal.

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, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

None received

7. TOWN COUNCIL'S COMMENTS

No objections

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 102.3 square metres. 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 0. The CIL liability for this development is £17,069.22. This is based on 102.3 net m² 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

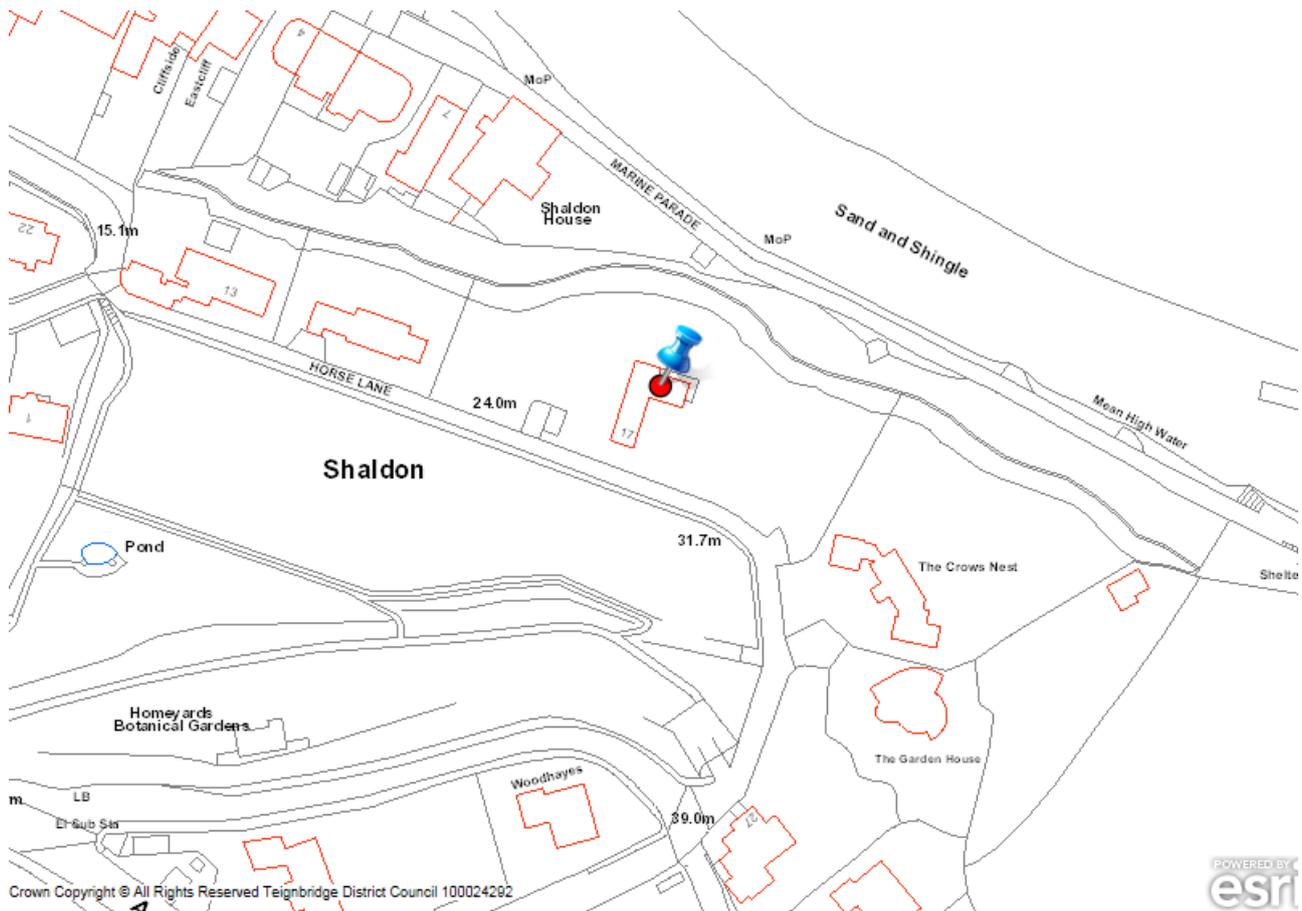
PLANNING COMMITTEE REPORT

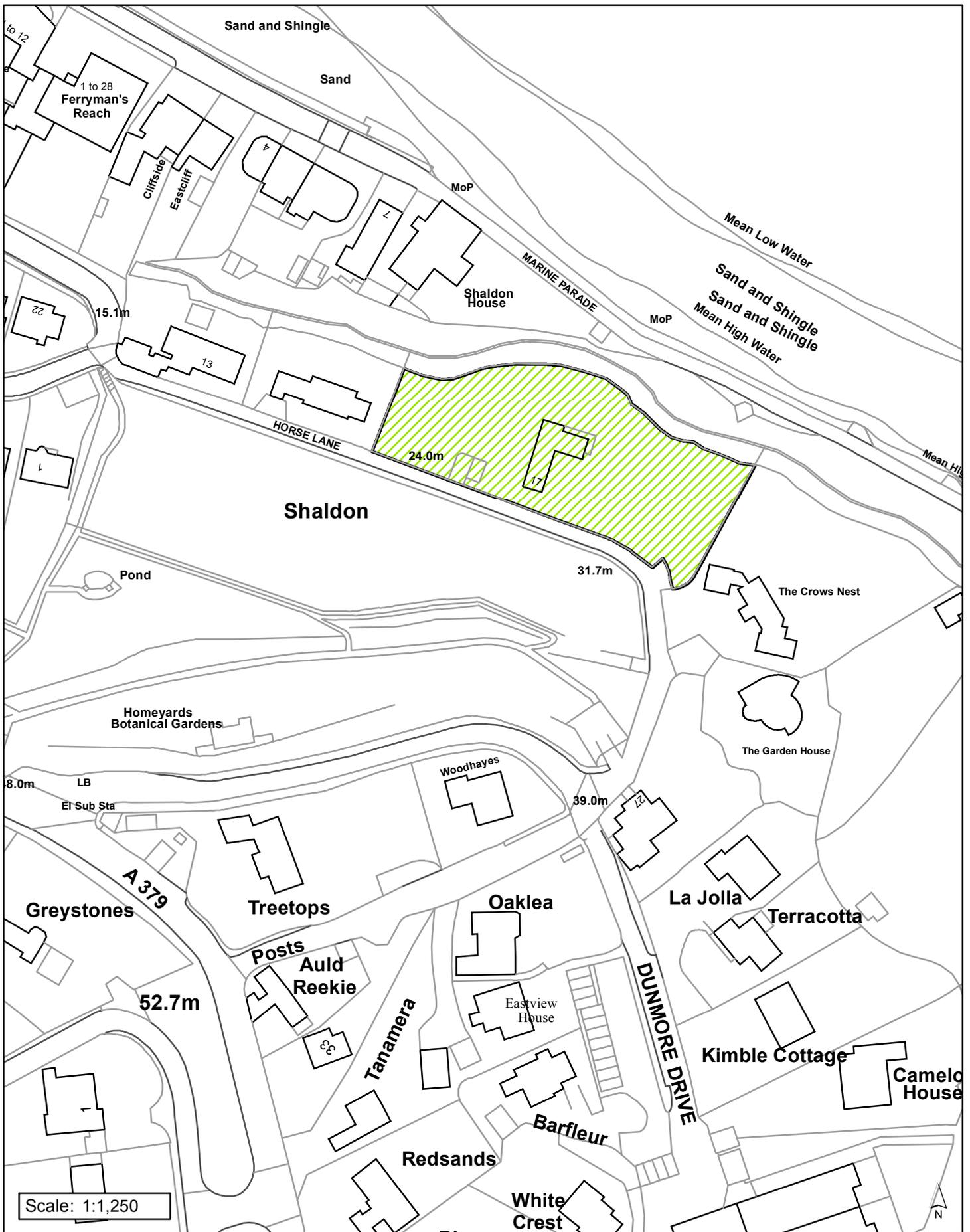
9 July 2019

CHAIRMAN: Cllr Mike Haines



| | | |
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| APPLICATION FOR CONSIDERATION: | SHALDON - 19/00083/FUL - 17 Horse Lane - Demolition of existing dwelling and replacement with new dwelling | |
| APPLICANT: | Mr P Cousens | |
| CASE OFFICER | Estelle Smith/Claire Boobier | |
| WARD MEMBERS: | Councillor Clarence | Shaldon And Stokeinteignhead |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00083/FUL&MN | |





19/00083/FUL 17 Horse Lane, Shaldon, TQ14 0BH



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1. REASON FOR REPORT

Councillor Clarence requested that this case be referred to Planning Committee for determination if the Case Officer is recommending approval for the following reasons:

- Unacceptable design on the basis of using a flat roof;
- Building although not in a Conservation Area, nevertheless in a prominent position adversely affecting the character and charm of the village.

2. RECOMMENDATION

PERMISSION be GRANTED subject to the following conditions:

1. 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority. If additional works are required to stabilize the slope a slope stabilization scheme including a scheme for the management of vegetation on the cliff shall be submitted to and approved by the Local Planning Authority;
4. All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time;
5. All external material samples shall be submitted and approved prior to first use on the dwelling and garage;
6. Sample of reclaimed stone to be used for the new wall to the access shall be submitted and approved prior to first use;
7. Tree protective measures shall be put in place as per the approved tree protection plan prior to commencement of development and retained for the duration of the build;
8. On-site parking provision shall be provided prior to first use of the dwelling and shall be retained thereafter;
9. Landscaping details to be agreed;
10. 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.

3. DESCRIPTION

Site Description and Proposal

- 3.1 This application relates to the demolition of an existing villa in residential use off Horse Lane in Shaldon. The property is located in a prominent position and is of a Mediterranean design located in close proximity to a cliff edge. The property is clearly visible from many locations including the centre of Shaldon, Marine Parade, the beach below, the Teign Estuary and from across the river in Teignmouth.
- 3.2 The building is not listed and is not in a Conservation Area but does lie adjacent to the Shaldon Conservation Area which applies to properties on Marine Parade to the north of the site and also lies within reasonable proximity to a group of listed buildings located on Marine Parade.

- 3.3 Planning consent is sought for the demolition of the existing dwelling on site and for its replacement with a new dwelling of a contemporary design.

Principle of the development/sustainability

- 3.4 The site is located within the settlement limit of Shaldon where there would be in-principle support for development in this location including a replacement dwelling under Policies S1A, S1 and S21 of the Teignbridge Local Plan 2013-2033.

Impact upon setting of listed buildings, the character and visual amenity of the area and the Conservation Area

- 3.5 The site is not in a Conservation Area however the Shaldon Conservation Area does lie to the north of the site, and, whilst the dwelling to be demolished is not itself listed, there is a group of buildings in reasonable proximity to the site on Marine Parade which are listed.
- 3.6 As the property lies immediately adjacent to the Conservation Area, in coming to this decision the Council must be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.7 Furthermore, given that the planning application could affect the setting of listed buildings, in coming to this decision the Council must also 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.
- 3.8 It is clear from the representations received for this application that there is a mix of views locally on the existing dwelling and on the design of the proposed replacement dwelling with some seeing the existing dwelling as worthy of retention whilst others welcome its replacement.
- 3.9 The site is in an elevated position detached from the principal settlement by virtue of its height and its location beyond the main built environment of the village. The terrain falls steeply at times to the cliff edge above Marine Parade. The area above the site to the south is defined by the landscape of the Botanical Gardens which also defines the context within and around the site which consists of heavy and mature landscaping and trees. The gardens of the site are also well established and contain a number of significant trees some of which are subject to a Tree Preservation Order. The existing building is a villa which has a Mediterranean style.
- 3.10 The existing property is clearly a focal point in the village and from views across the Teign Estuary, given its prominent location, and any change here will be noticeable both locally and from wider views across the estuary. The existing building itself is not locally distinctive and is also visually prominent and of no architectural or historic merit itself, although it is noted that there is some historic interest as noted in the representations relate to former occupiers of the dwelling.

- 3.11 The Council's Conservation Officer has been consulted and considers that the demolition of the existing building on the site would have a positive impact on the setting of the nearby heritage assets of Shaldon Conservation Area and the listed buildings on Marine Parade, particularly in long views across the estuary. It is considered that the building currently detracts from the setting of the heritage assets and that a replacement dwelling provides the opportunity to respond more positively to the site itself and to the architecture of the area.
- 3.12 It is not considered that the resistance of this application on the basis of the loss of the existing dwelling on the site in this case could be justified given that it has little architectural merit and is not worthy of being listed.
- 3.13 The proposed replacement dwelling provides a property over three floors, consistent with the principal accommodation in the existing dwelling and is designed in a manner to make the most of the views across the river and along the coast.
- 3.14 The proposed dwelling is at a reduced height compared with the existing dwelling, is sited further back from the cliff edge than the existing dwelling and has a more fragmented façade design to reduce the visual impact of the dwelling when viewed across the estuary compared with the existing dwelling which currently dominates views of this part of Shaldon when viewed from across the Estuary. The mixed palette of materials proposed, including a mixture of steel cladding, white render, aluminium and local red breccia sandstone, would further help to break up the façade compared with the existing building which has a purely rendered finish.
- 3.15 It is considered that the reduced scale and massing and design result in a replacement dwelling which would appear more subservient in its setting and would be less dominant than the existing dwelling which would ensure that the dwelling would not detract from the heritage assets on Marine Parade.
- 3.14 The Council's Conservation Officer has been consulted and advised that she broadly welcomes the proposed contemporary architectural approach to the design of the replacement dwelling and does not object to the scale, massing or design approach taken by the proposed replacement dwelling. Some reservations are however given to the proposed use of materials and how these will weather in this prominent site which will be clearly visibly as the backdrop to the heritage assets when viewed from the Teignmouth side of the estuary. These reservations are made as it is considered that it would be unfortunate particularly in relation to the cladding proposed if this were to end up detracting from the appearance of the building as a result of rusting.
- 3.13 Whilst the concern about the cladding is noted and this choice of materials has been discussed with the applicant's agent, this is the material that the applicant wishes to pursue the Corton cladding has been chosen as a visually regressive material with the rusted patina of the material being chemically fixed and constant to present an autumnal hue of earthen colours. This has, the applicant's agent advises, been chosen in order to seek to diminish the mass of this element of the building into the landscape. It is not considered that the Council would be justified in refusing the application on the basis of this use of material without evidence that the cladding would rust and if so that this would be in an unsympathetic manner. In conclusion, it is considered that the Council has no substantive evidence that the proposal would result in harm to the listed buildings or adversely impact on the character and appearance of the Conservation Area to an extent that would justify a

refusal. It is, however, recommended that before all external materials for the dwelling and garage are installed samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority and that a sample of the reclaimed stone for the new wall to provide the access into the site be provided prior to first use and agreed to ensure that this would not harm the visual amenity of the area or setting of the heritage assets.

- 3.14 With these conditions in place it is not assessed that there would be a justified reason to refuse the application on heritage or visual amenity grounds and it is considered that the more subservient nature of the design is more compatible with its setting.

Impact on residential amenity of the occupiers of surrounding properties

- 3.15 The dwelling would be a detached residence located centrally on a large plot as a result the proposed dwelling would not, given the separation distance to the nearest neighbours, result in harm to their residential amenity in terms of being overbearing or resulting in loss of light, nor does it raise overlooking/loss or privacy concerns from the dwelling itself or from the proposed terraced areas.
- 3.16 No residential amenity objections are therefore raised to the proposed replacement dwelling.

Impact on ecology/biodiversity

- 3.17 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/> .
- 3.18 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) such that this does not constitute any reason for refusal of the development.
- 3.19 A preliminary bat and nesting bird survey report has been prepared and has been submitted with this application.
- 3.20 The building to be demolished was found to have no/negligible roosting potential and therefore it was concluded that bats do not pose a constraint to the development. Furthermore, no signs of bird use were noted on the building itself although the vegetation on the walls of the courtyard has potential for use by nesting birds and therefore the report recommends measures to avoid harm to nesting birds in Appendix 4 of the document. Also in accordance with the NPPF it recommends ecological enhancement measures in the form of two bird nest boxes to be erected on the new building or a tree on site and a bat box to be installed on site. It is recommended that if minded to approve, the safeguard and mitigation measures in the report be conditioned to be following including the installation of the

recommended ecological enhancement measures in the interests of biodiversity protection and enhancement.

- 3.21 Subject to this condition being applied no ecological objections are raised to the application.

Impact on trees

- 3.22 The Council's Arboricultural Officer has visited the site and advises that, subject to the submission of an Arboricultural Method Statement and Tree Protection Plan, there would be no arboricultural objections to the proposal.
- 3.23 This documentation has since been provided and the Arboricultural Officer has confirmed that the documentation is acceptable. It is recommended that, if minded to approve, these form part of the approved documents and it is also recommended that a condition be applied that the tree protective fencing be installed prior to development of the site (including site clearance) and retained on site for the duration of the works and until all machinery and materials are removed from site in the interests of protecting the retained trees from harm during construction works. The plans submitted also show the established landscaping being retained and new hard and soft landscaping details being proposed but do not provide specific details of the proposed new hard and soft landscaping including planting plans. It is recommended that this be secured by condition.

Cliff stability and drainage

- 3.24 Concern has been raised in representations received and in the Council's Engineer response about the proximity of the proposal to the cliff edge and an initial geotechnical appraisal and opinion has been submitted by the applicant with the application. This refers to recent interventions directly below Altamura (17 Horse Lane) within the adjacent property together with the layout of the replacement dwelling being set back from its existing position. This matter will need to be fully investigated before works progress to ensure that the stability of the cliff would not be compromised by any development. The Council's Engineer is satisfied that this can be dealt with by way of a suitably worded condition for a detailed geotechnical investigation to be submitted prior to the development commenting to inform the appropriate design of the foundations of a new dwelling, assessing rock (or soil) strength and drainage in the cliff. All of which should inform a slope stability analysis to assess the impact of the new building loads which will surcharge the steep coastal slope. With such a condition in place and also a condition to ensure that all surface water and foul drainage is directed to the public sewer and no surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time it is considered that this issue should not preclude development being granted at this stage as these safeguarding conditions are recommended in the interests of ensuring the stability of the cliff during both demolition and rebuild works.

Flood risk

- 3.25 The site is in an elevated position and is not in a high risk flood zone (i.e. flood zone 2 or 3) according to the Environment Agency flood risk maps and therefore in flood control terms would be a suitable site for residential development. No objection is therefore raised on flood risk grounds.

Highway safety

- 3.26 The site would be accessed off Horse Lane with an improved visibility splay compared with the existing. The application proposes a replacement dwelling and therefore there would be no net gain in units on the site as a result. It is not anticipated that the proposal would greatly increase the vehicular movements to and from the site (excluding the construction phase) as a result it is not assessed that the proposal would pose any greater highway safety risk for users of Horse Lane than the existing residence. Furthermore, the proposal makes allowance for on-site parking which it is considered is adequate to serve the proposed dwelling and is recommended to be secured by condition to be provided prior to first occupation of the new dwelling if minded to approve.
- 3.27 No highway safety objections are therefore raised to the proposed development.

Conclusion

- 3.28 Whilst design can sometime be considered subjective, Officers, having carefully considered the proposal, can find no reason that could be sustained at appeal to recommend refusal of this application. The 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)

S21 (Villages)

S21A (Settlement Limits)

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

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. CONSULTEES

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

Drainage and Coastal Engineers - Following discussions with the Agent/Engineer concerning the proposals and the adjacent recent development it is clear the principle of development in the area of this cliff is viable without significant

intervention. The submitted Geotech report refers to recent interventions directly below Altamura, within the adjacent property, together with the layout of the replacement dwelling being set back from its existing position. Therefore it would be appropriate in this instance that a suitably worded condition is included on any approved application for a detailed geotechnical investigation to be submitted prior to the development commencing. This will inform the appropriate design of the foundations of any new dwelling, assessing rock (or soil) strength and drainage in the cliff. All of which should inform a slope stability analysis to assess the impact of the new building loads which will surcharge the steep coastal slope. Therefore we have no further objection to the application providing the following conditions are included on any approved application:

- No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority, to demonstrate any potential impact of the works on cliff stability. If additional works are required to stabilise the slope (should any instability be confirmed); a slope stabilisation scheme should be submitted to, and approved by, the Local Planning Authority. This shall include a scheme for the management of vegetation on the cliff. The development shall proceed in accordance with the approved scheme.

REASON: In the interests of the stability of the cliff.

- All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time.

REASON: In the interests of the stability of the cliff.

Arboricultural Officer - I confirm the tree protection plan and arboricultural method statement are acceptable.

Conservation Officer - I have no objection in principle to the proposal.

The demolition of the existing building on the site will have a positive impact on the setting of the nearby heritage assets of Shaldon Conservation Area and the listed buildings on Marine Parade, particularly in long views from across the estuary. The existing building is of no architectural or historic merit, is visually prominent and detracts from the setting of the heritage assets.

I broadly welcome a contemporary architectural approach to the design of a replacement dwelling. The site offers potential for a new building to make a positive contribution to the architecture of the area. I do not object to the scale, massing, or design approach.

However, I do have reservations about the proposed materials, in particular the proposed use of corten steel. In this visually prominent coastal location I have reservations about its use above areas of white render. I am concerned that there is a risk of extensive rust staining which, given the prominence of the site, is likely to be clearly visible as the backdrop to the heritage assets when viewed from the Teignmouth side of the estuary.

If there had been any pre-application discussion on this application, I would have taken the opportunity to discuss the proposed palette of materials with the architect. Given the level of public discussion/dispute about the acceptability of contemporary architecture in Shaldon in recent years, it would be unfortunate if the cladding materials selected end up detracting from the building's appearance.

6. REPRESENTATIONS

18 representations have been received.

1 comment has been received which advises that the ecology report makes no reference to the 2 Lesser Horseshoe Bat roosts nearby. These are not common knowledge, but their very close proximity means that this will be part of their territory.

6 objection representations have been received which raise the following summarised points (see case file for full representations):

1. This is a large inappropriate modern development;
2. This brutalist modern design is inappropriate in the context of its failure to integrate into the traditional buildings that go to make up this much loved village;
3. Concern is raised about safety of occupiers given the proximity to the cliff edge and also for users of Horse Lane immediately adjacent and a key access road at the foot of the cliff;
4. The existing building an iconic villa has been an attractive focal point above the Teign Estuary, the proposal is to erect yet another glass fronted elongated box shaped building. The existing dwelling compliments the character and historic charm of the village of Shaldon and the conservation area immediately beneath. The proposed replacement build has no elements of the traditional character of the village style that its prominent position should reclaim;
5. The applicants seem to have no sense of history as the existing building was the former home of the Morgan-Giles family who had significant historical influence in the development of the Teign Estuary and Teignmouth's contribution to World War 2;
6. The building from the elevations appears as a solid block building which is very featureless;
7. To replace the existing iconic building with an 'ugly' square box is detrimental to the conservation area below and the character of the village; The house should be remodeled on the inside and an extension added if required to be larger;
8. Concern about the impact on Horse Lane during building works;
9. Unsuitable design for this location;
10. The current villa sitting beneath the tall trees, adds a flavour of the Mediterranean to the vista from Teignmouth which would be missed if replaced by a soulless glass box.

11 representations of support have been received which raise the following summarised points (see case file for full representations):

1. The design of the proposed new property is as you would expect, a mixture of architect and owner's choice;
2. Proposed replacement dwelling is fully supported;
3. Proposal is a beautiful-looking home;

4. Often I have thought that the current house that stands there needs enhancing. I really like the plans that have been put forward and believe that the building fits far better into the surroundings. Surely this type of property will enhance all around it;
5. Proposal is a huge improvement on what is already there and will compliment other recent developments in the area;
6. I have seen other development schemes by Godfrey & Partners Architects and subsequently built by the applicant. One in particular at the top end of Bishopsteignton near to Colway Cross which was put forward for several awards, and well deserved to be. I think this current application will be of the same calibre and will sit well within this prominent position and would enhance the beautiful village of Shaldon;
7. Proposal will enhance the area and sit better in the landscape than what is there at the moment;
8. Plans submitted are innovative, attractive and architecturally bold given the extremely challenging aspects of the site;
9. The new building is infinitely preferable to the existing dwelling not least because of its lower and therefore more discreet profile within the surroundings;
10. The proposed development represents a huge investment and commitment to the village and should therefore be encouraged – particularly in this instance where it is clear that the present building will very soon become uninhabitable if left in its current precarious condition;
11. The choice of materials and elevation design facing the harbour allow the property to blend into the site and its surroundings;
12. I can see the property in question clearly from my house. I feel the new design fits well into the area and will look less obtrusive than the existing house, being set back and lower.

7. PARISH COUNCIL'S COMMENTS

Mr Horsey the architect presented to Councillors and members of the public.

“This building is set back from the cliff edge by 5 metres therefore ensuring the footings are safe. There will be a new vehicle access which allows for a garage and it will be safer for pedestrians. The topography is modern in design, we have been sensitive with materials, floor plan is greater, but the foot print is smaller.”

All Councillors expressed concerns about how the new building would be “at odds” with the common architectural elements of the village. Viewed from the Teignmouth side of the estuary, this site is extremely prominent and is a beacon that marks the edge of the village. There are only 2 flat roofed dwellings visible in the village and most of Ringmore, so this proposed building would create a complete disconnect with the typical visual clues that typify Shaldon houses. The architect calls out in the heritage statement that the design has been chosen as it sits comfortably in the confines of the site. It is disappointing then, that no attempt has been made to link it with the character of the village. Based on villager reactions to previous modern builds, it is clear that there are serious concerns about losing the traditional character of Shaldon. We want to insist that the design incorporates a pitched roof with grey slate tiles to match the predominant Shaldon housing stock.

OBJECT 5/5

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 759.3. 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 0. The CIL liability for this development is £115,759.98. This is based on 435.01 net m² at £200 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

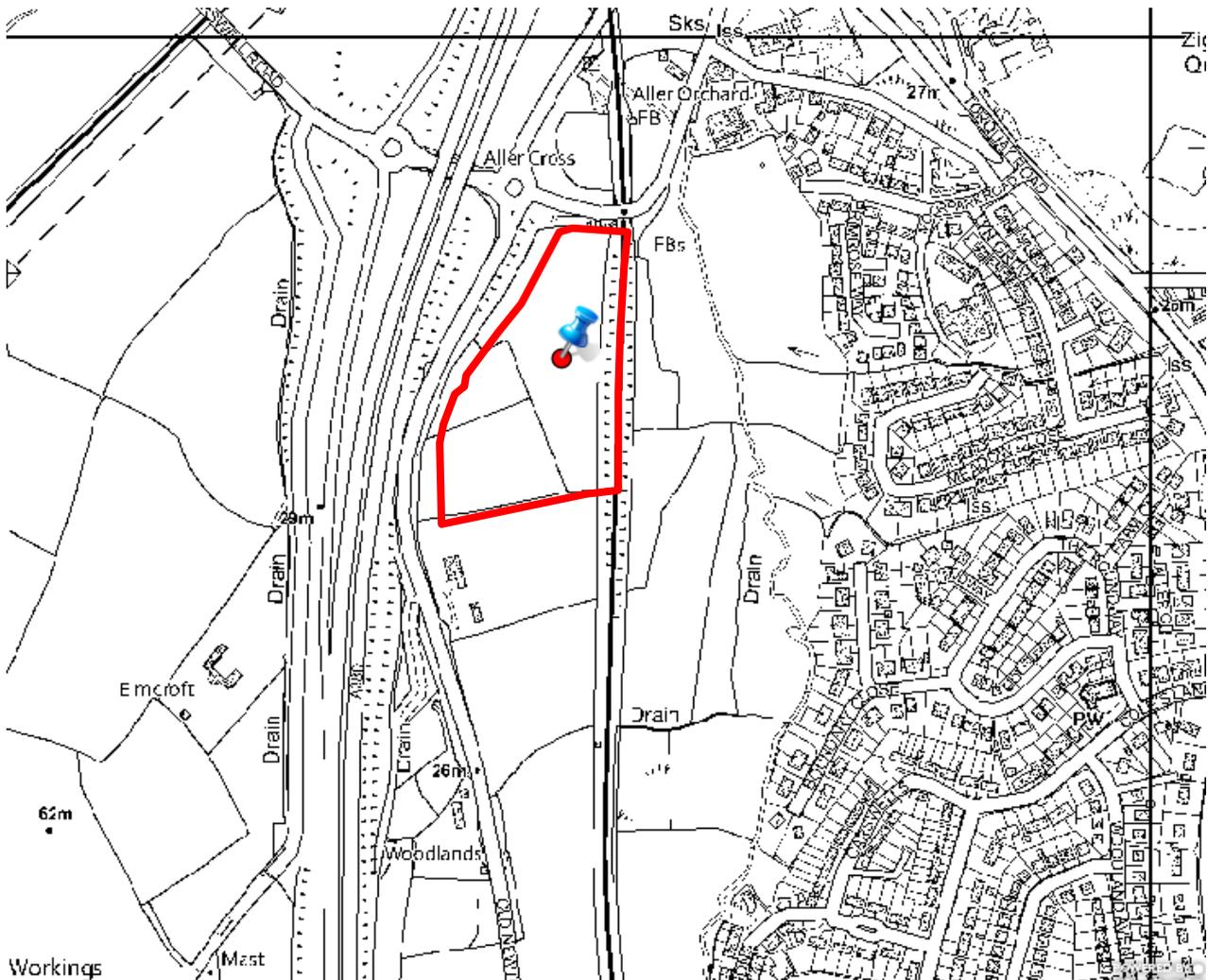
PLANNING COMMITTEE REPORT

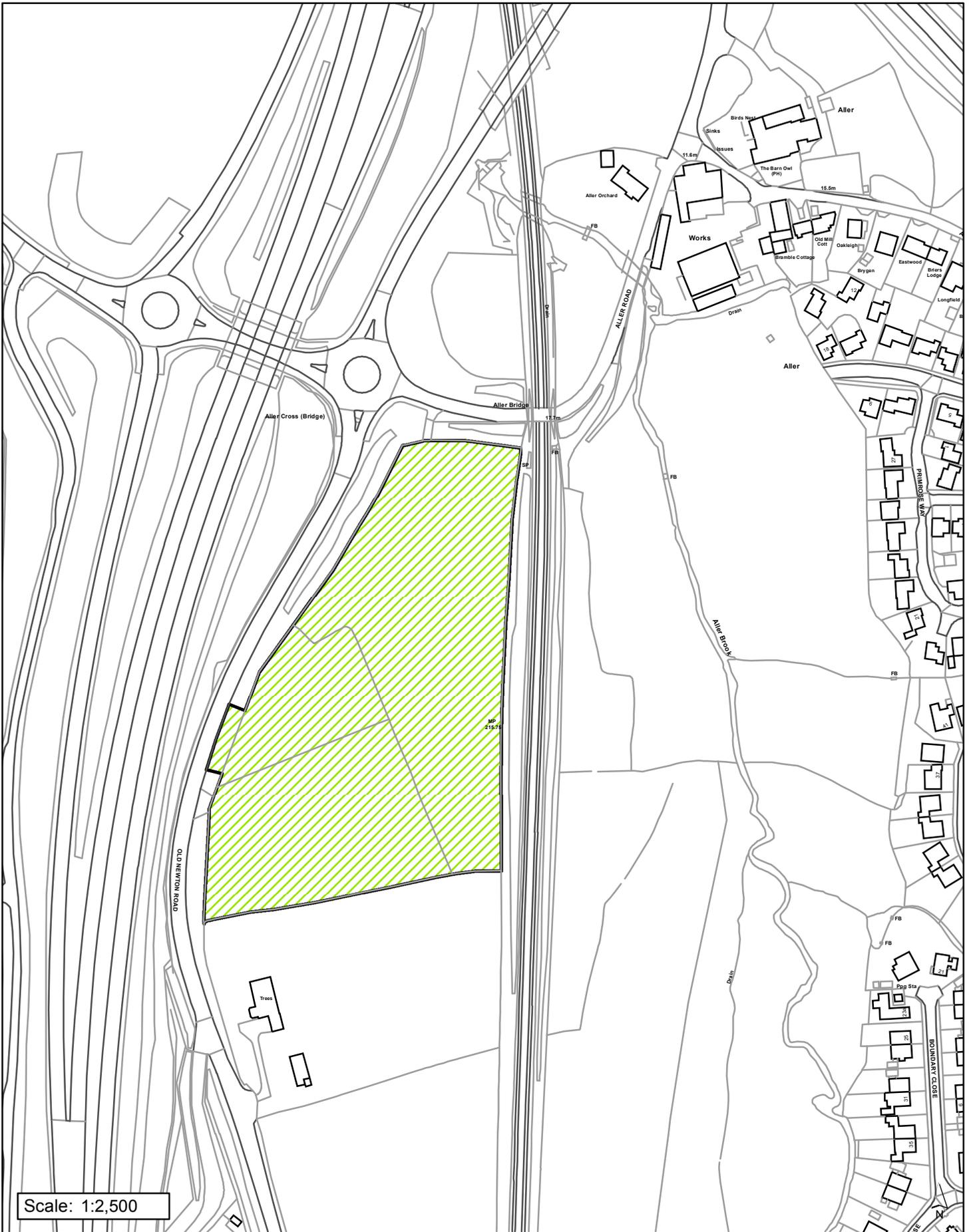
9 July 2019

CHAIRMAN: Cllr Mike Haines



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|---------------------------------------|---|----------------------------|
| APPLICATION FOR CONSIDERATION: | KINGSKERSWELL - 18/01140/MAJ - Former Galliford Try Infrastructure Site Office, Old Newton Road - New employment development incorporating Use Classes B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with associated parking and landscaping | |
| APPLICANT: | Whiteway-Wilkinson Property Services Limited | |
| CASE OFFICER | Anna Holloway | |
| WARD MEMBERS: | Councillor Haines Councillor Cook | Kerswell With Combe |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01140/MAJ&MN | |





18/01140/MAJ Former Galliford Try Site Office, Old Newton Road,
Kingskerswell, TQ12 5LB



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1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are that it is a major application which is a Departure from the Local Plan and there have been objections which include Local Plan issues.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Use of each building;
4. Construction Management Plan (CMP) to be approved prior to commencement;
5. Permanent surface water drainage management system to be approved prior to commencement;
6. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
7. Details of exceedance pathways and overland flow routes to be approved prior to commencement;
8. Tree protection measures to be approved prior to commencement;
9. Development to strictly accord with recommendations and habitat mitigation and enhancement measures as set out within the Ecological Appraisal;
10. Full details of bat and bird boxes including their design and location to be approved prior to commencement;
11. Detailed planting plan including additional tree planting to be approved prior to construction;
12. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;
13. Details of lighting to be approved prior to installation and only lighting approved to be installed;
14. Carbon Reduction Strategy to be approved prior to construction;
15. Noise arising from the site shall not exceed background sound level by more than 5dB when measured at 1 metre from nearest residential window;
16. 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;
17. No HGV deliveries or collections to Block 1 outside the hours of 7 a.m. to 7 p.m.;
18. Hours of operation;
19. No overnight lorry parking except in the location shown on the Block Plan;
20. Acoustic fence to be installed prior to initial occupation and permanently retained and maintained;
21. Substation details to be approved prior to construction;
22. Full waste storage details to be approved prior to construction, installed prior to initial occupation and thereafter retained and maintained;
23. No external storage;
24. Access and parking to be laid out prior to initial occupation and thereafter permanently retained;
25. Pedestrian/cycle access off Aller Road to be provided prior to initial use and thereafter retained for use by occupiers and visitors to all units;
26. Full cycle parking details to be approved and implemented prior to initial use and thereafter retained and maintained;
27. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding.

3. DESCRIPTION

The Site and Proposal

- 3.1 The site is the former Galliford Try construction compound for the new Kingskerwell bypass as part of the A380 South Devon Highway improvement works. Following the completion of the bypass the land has been reinstated in accordance with condition 4 of planning permission 05/05432 for the restoration of ancillary land following the construction of the road. The site covers an area of 2.48 hectares. It is located on the western side of Kingskerwell on land bounded by the Old Newton Road to the west (with the A380 beyond), the railway line to the east, Aller Road to the north, and the residential property known as 'Trees' to the south.
- 3.2 The development consists of one office building (Use Class B1(a)) located adjacent to the proposed vehicular access to the development, which would be served by a separate 26 space car park and covered cycle parking. The proposed two storey office building would contain approximately 720m² of floorspace. It would have a height of 7.4 metres to the eaves and 9 metres to the ridge.
- 3.3 The proposal also includes seven light industrial (B1(c))/storage and distribution (B8) units with a combined floorspace of 5,190m² (excluding mezzanines). These units are speculative and have been designed so that can be potentially subdivided into a maximum of 36 units of various sizes. The units have first floor windows to facilitate a first floor mezzanine across the front of the unit if required by future occupiers. The units would mostly have mono-pitched roofs with a minimum height of approximately 5 metres and a maximum height of approximately 7.8 metres. The units would be served by 139 parking spaces plus access and turning space for HGVs. Cycle racks would be provided for each unit.
- 3.4 The existing access on Old Newton Road would be relocated by approximately 30 metres to the north and would provide the main access to the development. The existing access off Old Newton Road would be reformed and re-used as combined pedestrian and cycle path. The scheme also includes a 25 metres diameter turning circle for HGVs which would double as overnight lorry parking. Refuse storage would be contained within the individual units or sited in enclosed compounds.
- 3.5 The scheme also includes the retention of existing oak trees within the site and the planting of new hedgerows and trees as well as areas of species rich meadow grass including open greenspace adjacent to Aller Road. Bat and bird boxes are also to be installed on retained trees and new buildings.

Principle of Development

- 3.6 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 with some 60% plus of employment development within the Heart of Teignbridge (Kingskerwell, Kingsteignton and Newton Abbot). 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.

- 3.7 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. In addition that there are financial constraints to bringing such sites forward and that there is a demand for the proposed units. Therefore it is becoming necessary to look beyond the Local Plan allocations to ensure that balance of jobs, as set out in Policy S3, is achieved.
- 3.8 The application site is located adjacent to the settlement of Kingskerswell between the railway line and South Devon Link Road, within the Heart of Teignbridge which is the collective name for Newton Abbot, Kingsteignton and Kingskerswell and the adjoining urban area. The 'Heart of Teignbridge' reflects the important role the area plays in the functioning of the district as a main area for employment, culture and community facilities in Teignbridge.
- 3.9 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. The site is outside but within about 100 metres of the settlement limits of Kingskerswell and therefore can be considered sufficiently close to meet the definition of adjacent set out in Policy EC3. Consideration of the site in terms of impacts on transport, landscape, wildlife, heritage assets and flooding are set out below.
- 3.10 Policies HT3 (Heart of Teignbridge – Green Infrastructure) and KK4 (Aller Valley Country Park and Aller Valley Trail) set out the creation of an Aller Valley Country Park at Kingskerswell including pedestrian and cycle links to Newton Abbot and Torbay. This is to address an under-provision of open space within the village. The site does fall within KK4 and is therefore designated as Other Green Infrastructure on the Local Plan Map. The policy seeks the creation of a country park along Aller Brook to meet existing and future recreational needs in Kingskerswell and sets out that the park shall include 6 hectares of formal and informal recreation area as well as a safe cycle and walking link between Kingskerswell, Torquay and Newton Abbot.
- 3.11 The proposed development would result in the loss of part of the land within the KK4 designation. However, the proposal would take up about 2.5 hectares of the total 75 hectares indicated in the Local Plan proposals map for the country park and would result in the loss of a parcel of land which is relatively self-contained and separate from the majority of the designation.
- 3.12 The Key Diagram for the Heart of Teignbridge identifies the proposed location of the aspirational secondary cycle routes through the green infrastructure area between the railway line and the existing edge of Kingskerswell. Therefore, the aspirational location for a secondary cycle route is on the opposite side of the railway line from the application site. Whilst the potential for the proposed development to contribute towards the provision of a new pedestrian/cycle crossing over the railway line has

been considered, in the absence of a specific project coming forward for an additional railway crossing in this area and that the crossing of the railway will include land outside of the applicant's control, it is not considered reasonable for a contribution to be sought as an obligation on this development.

- 3.13 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, in principle the benefits of the proposed development proposed would demonstrably outweigh the loss of land designated as green infrastructure in this instance. The proposed development is therefore acceptable in principle.

Sustainable Development/Carbon Reduction

- 3.14 Although located outside of the settlement boundary the site is located adjacent to Kingskerswell and is within the Heart of Teignbridge. 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.
- 3.15 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. Therefore, a Carbon Reduction Statement has been requested to set out the proposed strategy including the provision of electric vehicle charging points and renewable technologies. The requested Statement is expected imminently and an update will be provided to Committee on this matter. However, a condition is proposed requiring the submission of a detailed carbon reduction plan prior to construction of any unit, to show in detail how the 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

- 3.16 The site is visible from a number of public and private areas and from the road and rail network. The scale and nature of the development and the sloping nature of the site therefore raise concerns about the impact on the landscape and the character and appearance of the area. The proposed development has been amended to provide more space for soft planting and a landscape scheme has been submitted which is considered to provide an acceptable basis for sufficient screening and soft landscaping to mitigate the visual impact of the development.
- 3.17 The layout has been amended to create more space for soft landscaping on the boundaries of the development as well as internally. The frontage along Old Newton Road would include areas of new hedging and trees and a new hedgebank is proposed to the internal road at the entrance. This, in addition to the existing

grass bank (which is outside the site), will create a soft landscaped boundary of between 8-16 metres width along Old Newton Road. To Aller Road an area of soft landscaping will be retained with estate railings proposed to replace the existing chain link fence and a new hedge bank adjacent to Unit 8 and associated car parking area. This space will include the existing mature oak tree and a pedestrian/cycle entrance via the existing access off Aller Road. This will create an approximately 0.3 acres area of open space within the site adjacent to Aller Road. Including the verge outside of the application site, the proposal would retain an approximately 35 metres wide buffer of soft landscaping adjacent to Aller Road. Along the eastern boundary of the site the amended plans include a tree and shrub belt with a minimum width of 5 metres. The southern boundary, with the residential property, includes the provision of a 3 metres high acoustic screen and areas of soft landscaping including native tree and shrub thicket planting and a proposed hedgebank. At the narrowest point there would be a soft landscaping buffer of approximately 7 metres which would increase to some 12 metres between the car parking for Unit 1 and the southern boundary (which is the closest point to the dwelling). The scheme also includes the retention of a length of existing hedgerow and trees within the southeast part of the site.

- 3.18 The site slopes from west to east from Old Newton Road down towards the railway and the proposed development includes elements of cut and fill to provide level bases for the proposed buildings. The proposed office building (Unit 5) would be cut into the existing slope by a maximum of approximately 1.5 metres; Unit 5 would have a ridge height of 9 metres (which would be approximately 7.5 metres above the existing bank along Old Newton Road). The other units within the proposed scheme would have ridge heights of approximately 7.8 metres. The spaces for car parking would be largely screened by the proposed buildings, landscaping and level changes.
- 3.19 The development should be considered in terms of its wider landscape setting and in terms of its location at an entrance to Kingskerswell. In the more immediate context the proposed area of open space adjacent to Aller Road and the retention of the oak tree within this area adjacent to the roundabout would maintain the existing open and green character at this entrance point to Kingskerswell. In terms of the wider context, it is not considered that the proposal would result in a significant impact in terms of maintaining the physical separation between Kingskerswell and Newton Abbot and it is noted that the site does not fall within a strategic open break.
- 3.20 Undoubtedly the proposed development would result in a change to the character and appearance of the site: however, the proposed planting scheme and retention of existing trees and hedgerows in addition to the use of the level changes across the site would soften the appearance of the development and provide a level of screening which would mitigate the impact on the landscape.
- 3.21 When considered in terms of both a local and wider landscape setting the proposal, subject to the implementation of the soft landscaping scheme, is considered acceptable with regards to Local Plan Policies S1, S2 and EN2A. The level of change to and the impact on the landscape is considered to be outweighed by the significant economic benefits of the proposed development.

Residential Amenity Considerations

- 3.22 The site is located approximately 170 metres from the residential properties to the east in Kingskerswell, which are separated by the railway line and the open space adjacent to Aller Brook. However, immediately to the south of the site is the residential property known as 'Trees'. It is therefore important that any development on the application site does not result in an unacceptable impact on the amenity of the occupiers of neighbouring and nearby residential properties.
- 3.23 There is sufficient separation between the proposed buildings and residential properties to prevent an impact from loss of outlook or privacy; although an appropriate boundary treatment would be required along the southern boundary of the site with 'Trees'. Concerns have been raised within the public representations about the impact of the proposed development on private views from residential properties; whilst the impact on outlook is a material consideration, the impact on private views is not. 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.
- 3.24 An Environmental Noise Assessment has been submitted by the applicant and reviewed by Teignbridge's Environmental Health officers. The Assessment included an on-site ambient sound survey which was undertaken across 6 days in March 2019. The findings of the assessment resulted in a reduction of the number of units on the site and a greater buffer between the proposed units and the residential southern boundary. The proposed mitigation measures include the introduction of an acoustic screen (in the form of a 3 metres high acoustic fence) and conditions limiting noise from the site to no more than 5dB over prevailing levels and limiting HGV delivery and collection hours to the closest units to between 7 a.m. and 7 p.m. The ground between the acoustic fence and the southern boundary has been designated as a 'bat corridor' and is proposed to be planted with native trees; this will provide a further level of visual screening of the development. The noise limiting condition would control both fixed plant and commercial activity noise.
- 3.25 A condition for a construction management plan to be submitted and approved prior to the commencement of development has been agreed with the applicant; this is considered to provide sufficient mitigation of temporary impacts during construction.
- 3.26 Therefore, subject to the imposition of appropriate conditions relating to noise levels, acoustic fencing and soft landscaping as well as a construction management plan, the proposed development is considered acceptable with regards to Policy S1 and residential amenity.

Highway Safety Considerations

- 3.27 The existing access on Aller Road would be re-used as a combined pedestrian and cycle access; there would be staggered/off-set barriers at the head and base for safety. The existing access off Old Newton Road would be closed and a new access created approximately 30 metres to the north.
- 3.28 The submitted plans include each block divided into a number of smaller units; however, the proposal is for there to be flexibility to allow the blocks to be divided

into fewer larger units depending on the business needs of future occupiers. Blocks 1–3 are shown divided into 7 small units of approximately 90m² (or 1,000 square feet). Car parking for 19 vehicles is shown to the front of Block 1 plus additional space to the front of each unit which could also be used for access and parking clear of the manoeuvring and turning space required. Blocks 2 and 3 would front onto one another, they are shown divided into a maximum of 7 units each and would have car parking for 18 vehicles plus additional space to the front of each unit.

- 3.29 Block 4 is shown as a stand alone unit of approximately 340m² (or 3,600 square feet) with car parking for 14 vehicles. Blocks 6 and 7 are shown divided into a maximum of 7 units each of approximately 190m² (or 2,000 square feet); both of these Blocks would have car parking for 28 vehicles plus space for manoeuvring and access of a HGV. Block 8 is shown divided into two units of approximately 245m² (or 2,600 square feet) with car parking for 32 vehicles plus HGV turning circle and overnight lorry parking.
- 3.30 The Office building (Block 5) would consist of two floors of 360m² (or 3,900 square feet) each including the service core (excluding the service core each floor would provide approximately 285m² of office floorspace). The Office building would be served by a 26 space car park.
- 3.31 Overall the proposed development would be served by 165 parking spaces which includes 21 disabled spaces plus additional space for HGV access and turning. The scheme also indicates the provision of cycle parking within each unit.
- 3.32 No objections to the proposed scheme have been raised by either Devon County Council (as the Local Highways Authority) or Highways England. It is considered that the scale of the proposed development and the access and parking details provided are acceptable subject to conditions for a construction management plan, for the parking to be laid and retained, for the cycle and pedestrian access off Aller Road to be provided and retained, and for each unit to provide and retain covered and secure cycle parking. In addition, a condition restricting any overnight lorry parking to the location shown on the Block Plan.

Impact on Biodiversity and Trees

- 3.33 The application is accompanied by an Ecological Appraisal undertaken by Devon Wildlife Consultants and dated March 2018. Devon Wildlife Consultants were initially commissioned by Teignbridge to undertake an Ecological Appraisal and a suite of surveys were undertaken for Teignbridge from August to November 2016. Surveys then continued from April to August 2017. The surveys confirmed that the site was used by breeding birds; however, whilst curlew buntings were recorded on site in 2016 they were not there in 2017. The hedgerows, tree and grassland habitats within the site provide commuting/foraging routes which are of value for bats, including the greater horseshoe bat. Common lizard, grass snake and slowworms were identified within the tall ruderal/grassland field margins. The Appraisal sets out a number of recommendations during the construction phase and biodiversity mitigation and enhancement measures.
- 3.34 The majority of bat activity recorded within the site is associated with the eastern and southern boundaries. The proposed mitigation and enhancement measures include the provision of a minimum of ten bat roosting units/tubes into the buildings

proposed for the site at a minimum height of 3 metres and on a southerly aspect, in proximity to vegetation corridors and six further units to be installed on retained trees. Lighting has been minimised and a grant of consent should include conditions removing permitted development rights for the installation of windows to the south and east elevations closest to these boundaries and also requiring all external lighting to be approved prior to installation; this is to retain a dark corridor along the eastern and southern boundaries.

- 3.35 It is considered that the site no longer supports a breeding territory for curlew due to loss of transient habitat. A minimum of ten general purpose bird bricks/boxes are also recommended to be incorporated into the buildings, on a northerly-easterly aspect, in proximity to vegetation corridors and further boxes should be installed on retained trees.
- 3.36 The mitigation and enhancement measures also include species-rich hedgebank planting with associated species-rich wildflower meadow/grassland which will be planted adjacent to the site boundaries. Habitat compensation at the site provides for a stretch of hedgerow which is greater in length than that which will be lost and an area of grassland which would be of a higher species diversity than the grassland habitats which would be lost. The hedgerow and grassland habitat will need to be managed in perpetuity for the benefit of commuting/foraging bats, badgers, birds and reptiles and a condition would be required for the approval of a landscape and ecological management plan (LEMP).
- 3.37 The proposed development includes the retention of existing oak trees and hedgerows on the site, including a section of the existing hedgerow which transects the site. Subject to suitable protection of these during construction works (which can be conditioned) and their incorporation within the LEMP, the proposal is considered acceptable with regards to the existing trees and hedgerows.
- 3.38 The site is within a Strategic Flyway for the South Hams Special Area of Conservation. The application is therefore subject to Regulation 63 of the Conservation and Habitats and Species Regulations 2017 and an Appropriate Assessment is required. The Appropriate Assessment has been undertaken and 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 including permission being conditional on compliance with the submitted Ecological Appraisal and lighting details. The Local Planning Authority, as Competent Authority, is able to conclude that there will be effect on the integrity of the European site such that this does not constitute any reason for refusal of the development.
- 3.39 Subject to the proposed biodiversity mitigation and enhancement measures as set out in the submitted Ecological Appraisal, a landscape and ecological management plan, and control over external lighting and additional openings, 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

- 3.40 Whilst there are a number of listed buildings within the surrounding area, there are none in close proximity to the site (the nearest being the Barn Owl public house). Aller Railway Bridge is not listed. Having considered the potential for the proposed development to have an impact on the setting of heritage assets, including the

grade II* listed Church of St Mary (Kingskerswell) and St Augustines Priory, it is considered that the proposal is acceptable due to the scale and nature of the development, the intervening structures and the distance to the listed buildings.

Land Drainage/Flood Risk

- 3.41 The development is located within flood zone 1 and is therefore an acceptable location for development in terms of flood risk. It is however important to ensure that surface water drainage is dealt with in an appropriately sustainable manner. Additional information about the proposed drainage system has been provided including a proposed maintenance strategy. Soakaway tests have been undertaken in accordance with BRE365: the results indicate that the ground has a relatively low permeability and is not suitable for the use of soakaway drainage. Therefore the proposal is for the installation of an attenuation system in the form of cellular tank storage, so that the total discharge from the site mimics the theoretical greenfield run-off rates; the design also takes into account an allowance of 40% for increased rainfall from climate change.
- 3.42 The proposed system has been assessed by Devon County Council as Lead Local Flood Authority and the proposed development is considered acceptable subject to the imposition of the pre-commencement conditions requested by County.

Summary and Conclusion

- 3.43 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 planting scheme and retention of existing trees and hedgerows in addition to the use of the level changes across the site would soften the appearance of the development and provide a level of screening which would mitigate the impact on the landscape.
- 3.44 Subject to the implementation of the proposed soft landscaping and the biodiversity mitigation and enhancement measures, the benefits of the proposed development are considered to outweigh the impacts. Therefore, the Officer recommendation is for conditional approval.

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)

S16 (Kingskerswell)

S22 (Countryside)

EC3 (Rural Employment)
WE11 (Green Infrastructure)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN5 (Heritage Assets)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)
HT1 (Heart of Teignbridge – Movement)
HT3 (Heart of Teignbridge – Green Infrastructure)
KK4 (Aller Valley Country Park and Aller Valley Trail)

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTEES

TDC Spatial Planning and Delivery – Supportive of this proposal, which appears to be highly 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. Local Plan Policy S3 sets an overall target of about 3 hectares of employment land per year to provide about 300 jobs per year. Unfortunately this level of development has not been approached since the local plan was adopted, despite very significant work and promotional activities by Teignbridge District 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 adoption of the Plan. 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 the emerging and changing circumstances in this way.

This site could provide the short term economic boost. It is in a good location, close to the major Heart of Teignbridge urban area, right by the newly-built South Devon Highway and accessible or potentially accessible by walking, cycling and public transport from a large residential area, including proposed new homes.

In more specific terms, the site is outside but within about 100 metres of the settlement limits of Kingskerswell. It can therefore be considered sufficiently close to meet the definition of 'adjacent' as set out in Policy EC3. This assessment takes account of the overall size of the Heart of Teignbridge which influences what can be considered 'adjacent', the significant urbanisation in the area arising from the completion of the South Devon Highway since the plan was adopted and the

proposal that land in the vicinity including land between this site and the urban edge is proposed to be converted to open space/parkland use.

The site lies within land identified in Policy KK4 as Aller Valley Country Park and Aller Valley Trail. The aim of this policy is to meet an under-provision of open space within the village of approximately 6 hectares. It seeks to create a country park along the Aller Brook to meet the recreational needs of Kingskerswell and to provide an off-road cycle and pedestrian link between Torquay/Kingskerswell/Newton Abbot. The proposal would take up about 2.5 hectares of the total 75 hectares indicated on the Local Plan proposals map for the country park. It would therefore be appropriate to consider how this proposal can help to bring forward elements of the country park, including any associated cycle provision. This would have the additional benefit of improving cycling and walking access to the site. In this regard, it is understood that a new cycle/pedestrian crossing of the railway is under consideration and it may be appropriate for the site to make a proportionate contribution to that.

Economy and Regeneration – Supports this application. The development will enable those seeking workspace to move into new units in a sought-after location between Newton Abbot and Torbay. This location also sits well with the Local Plan strategy of focusing growth in the Heart of Teignbridge. It also helps to deliver the Council's aspirations set out in the 'Investing in Prosperity' project in the Council Strategy, which in turn has informed the 'Ventures' in the emerging Economic Development Plan in particular 'Driving Productivity' and 'Catalysing Growth'.

We measure demand for employment space and currently have on our books approximately 18,500m² of demand. While there are properties available, there are a number of reasons why they are not suitable such as location, building condition, type of tenure, etc. There are also those businesses looking for space who do not contact us, so we assume that the figure is higher than quoted.

Although there are sites earmarked for employment in the Local Plan, they are some years off being developed. The Local Plan seeks to deliver 12,000m² of new employment floorspace per year, but as set out in the Authority Monitoring Report (page 9) this figure has never been achieved. We believe that more employment sites are required, particularly where there is a willing and committed landowner.

The majority of landowners would prefer to sell to a residential use as it reaps a much higher value than employment. Once investigations have looked at access, ground conditions, cost of putting power and main services to the site along with ecology, many of the allocated sites will be deemed too expensive to develop. Any future employment land as allocated in the Local Plan is several years off coming to market.

We would hope that there will be a significant number of new jobs created through the granting of this permission. Around 800 young people leave school in the District each summer. If we do not continue to open up new sites for employment purposes, the chance of these school leavers to get a job locally is diminished. The high cost of renting and the hurdles young people face in buying their own home means finding a job close to home is essential for many.

Highways England – No objections.

Devon County Council Highways – The site is accessed off the C162 County Route which is restricted to 60 m.p.h. The Transport Assessment general content and conclusions are accepted. The parking proposed should be sufficient for the size of the development. The amount of additional vehicles that the proposed development will generate, including HGV movements will not result in unacceptable conflict or congestion, nor would they prejudice the existing condition of highway safety. Although the development is not located ideally with respect to accessibility by sustainable transport modes, the highway authority accepts the conclusions drawn in the Transport Assessment. Therefore, the Highway Authority has no objections to the application but recommends that a Construction Management Plan be conditioned.

Devon County Council Flood – Following the receipt of additional information, our objection is withdrawn and we have no in-principle objections to the application assuming that pre-commencement planning conditions are imposed on any approved permission for: the detailed design of the proposed permanent surface water drainage management system designed in accordance with the principles of sustainable drainage systems; a temporary surface water drainage management system during construction; and details of exceedance pathways and overland flow routes.

Teignbridge Drainage – Devon County Council is the Lead Local Flood Authority for this application.

Landscape Officer – The additional hedgebanks and tree planting shown on the revised scheme has largely addressed my concerns. Subject to minor amendments including the provision of a detailed plan and specification that includes additional trees and a landscape and ecological management plan, which can be conditioned, I am content with the latest landscape proposals.

Trees Officer – There are no arboricultural objections to the proposal subject to the submitted landscape details being made approved documents.

Biodiversity Officer – The site is within a Strategic Flyway for the South Hams SAC. The application is therefore subject to Regulation 63 of the Conservation and Habitats and Species Regulations 2017 and an Appropriate Assessment must be undertaken. The site also falls within a recorded curlew breeding territory. There should be no net loss of biodiversity and a biodiversity gain should be sought.

Greater horseshoe bat survey data does not appear to suggest significant commuting activity. Background levels of greater horseshoe bat activity indicate that low levels are associated with the site, with spikes in May suggesting foraging activity that is likely associated with individuals. Due to the distance from the key SAC designation roost, Natural England would suggest that the activity relates to local greater horseshoe bat activity that is not necessarily directly associated with designated roosts. It was considered that the development without mitigation would have no likely significant effect alone; however, it was considered that in combination with other projects the development could have a likely significant effect and therefore an Appropriate Assessment is required.

The Appropriate Assessment has been undertaken and 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 including permission being conditional on compliance with the submitted Ecological Appraisal and lighting details.

In addition to conditioning the approved plans and ecology reports, a specific condition is also recommended to control installation of additional lighting (to minimise light levels in the interest of protected bat species).

I understand cirl bunting breeding was associated with previous land use as a construction compound and that subsequent surveys have confirmed absence of the species. Strategic cirl bunting mitigation measures would therefore not apply.

Following the receipt of the amended scheme, the conclusion of the submitted Habitats Regulations Assessment still stands and no further information is required. Having checked the additional information, no objection subject to the conditioning of the submitted ecological mitigation and enhancement measures and an additional condition that no external lighting shall be installed without prior approval.

Natural England – The site falls within a greater horseshoe bat strategic flyway as identified in the Natural England guidance ‘South Hams SAC – Greater horseshoe bat consultation zone planning guidance (2010)’. As previously advised, the site is unlikely to be associated with likely significant effects upon the South Hams SAC. This is based upon the limited greater horseshoe bat activity associated with the site, the distance from the designated SAC roost, and sub-optimal habitats found on site. We agree with your Appropriate Assessment conclusion.

Environmental Control – The recommendations contained with the submitted Noise Assessment Report should be attached by way of conditions; this will serve to ensure the amenity of any nearby residential dwellings. The contents of the lighting and drainage reports should also be attached by way of conditions.

Network Rail – No objections in principle but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The development should propose landscaping within the application site and not be dependent on vegetation within the railway corridor which is to be removed imminently for railway safety reasons.

6. REPRESENTATIONS

23 letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Devon CPRE object to the application and wishes to see the implementation of Policy KK4 which will enhance the area between Newton Abbot and Kingskerswell, provide valuable green space and conserve biodiversity in the area.
2. At odds with the Local Plan. The site is within a Green Infrastructure Zone and land indicated to be used for Aller Country Park. Inconsistent with Local Plan Policy KK4. It would undermine the allocation of this site as an amenity for walking and wildlife; it should be part of the allocation of the Aller Trail. The Local Plan is clear that such a break is needed between the urban settlements.

3. Contrary to Local Plan Policy S22; this site is outside the settlement limit. Policy S22 states that particular account will be taken of the integrity of green infrastructure and biodiversity networks and the need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC.
4. Kingskerswell lost much of its adjoining green land with the building of the South Devon Highway; this land was to be returned to green field after the temporary use during the building of the new road. This is not a brownfield site, it is fields with tree-lined hedgerows which support a huge range of insects and animals. All the new housing developments and the proposed new housing developments are quite simply contributing to turning this beautiful area into one large and ugly conurbation. Will erode the green belt between Newton Abbot and Kingskerswell.
5. Require open space as below the required needs by some 6 hectares; required for health and wellbeing.
6. Will result in loss of rural character (natural, peaceful and ecologically protected) to a noisy commercial estate. Identity and character of the old village will be lost. Will be an awful entrance to what is currently a pretty village.
7. The site is too large and potentially intrusive. The site is easily visible from many properties in the village. We have already had the vista change dramatically by the building of the new road and do not wish to see industrial units (or any other development) on this space. It should be returned to fields, as it was, prior to the building of the new road. The view from our house will be ruined. The bypass itself is heavily shielded from the village by high banking and other measures. There is no way to shield the site as it is on a hillside and besides it is a beautiful area in its own right.
8. There is no evidence to support the need for industrial units on this site. There is no need for this within Kingskerswell. The empty office space is killing our towns.
9. There are a number of employment sites allocated within the Local Plan (NA1, NA3 and NA4).
10. Existing employment sites have vacant units including half of the units at Heathfield. Should redevelop brownfield sites which have passed their sell by dates and are long overdue a revamp rather than dig up the last remaining green sites. I have recently acquired a unit and most industrial sites around Torbay and Newton Abbot are not running at full capacity.
11. Will increase traffic, including more heavy traffic, to the village. The roads and infrastructure are becoming too congested and will not support the proposed new industrial development or the extra numbers of people who would move into the area due to even more building of new houses. Concerns about wayfinding from the South Devon Highway to the site.
12. Old Newton Road is a narrow single carriageway and is not adequate to deal with the increased traffic and HGVs. Old Newton Road is a designated lorry route for Stoneycombe Quarry and is also used by the lorries that service both Hanson and Zigzag. Old Newton Road and Foredown Lane are both busy roads with a steady flow of aggregate lorries and light motor vehicles; these roads could not cope with any increase in traffic and are already used as a rat run/short cut from and to Totnes Road with people ignoring the 30 m.p.h. speed restrictions.
13. Level of parking will negatively impact on the road and immediate vicinity. If there is insufficient parking within the site, they would be parking on the Old Newton Road thereby restricting the width of the road. The application states that there will be parking available for overnight stays; concerned that

refrigerated containers with their motors going all night would disturb local residents.

14. Old Newton Road is not safe for pedestrians and cyclists. There is no footpath provision to the bus stops; employees would have to walk in the road or along the normally overgrown grass banks. The area is poorly lit.
15. Will harm wildlife. The proposed site is within a Strategic Flyway of the South Hams SAC; there will be significant in-combination impacts on the greater horseshoe bats and cirl buntings from the additional light and noise. There has not been an appropriate assessment.
16. We have been subject to enough dirty roads and building sites during the road building. We do not want to go back to constant noise and light pollution.
17. It will lower the value of our property [Note: This is not a material planning consideration.]

Two letters of comment received to the application, raising the following summarised comments (see case file for full representations):

1. A gym should be included.
2. This will make the village an overspill for Newton Abbot and Torquay.

Two letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. As an Exeter-based Commercial Agent who lives in Teignbridge and has been working in the Newton Abbot and surrounding area for over 30 years, there is a significant need for additional commercial development in the Teignbridge area.
2. The development of commercial space has not kept up with the demand in the area and we now see many excellent Teignbridge-based businesses having to look outside of the area to try to secure the additional space they require. These businesses employ local people and are reluctant to relocate, but cannot allow space issues to restrict their business ambitions.
3. We are currently experiencing the lowest supply of industrial space I have seen in my 30 year career and it is essential that developments such as this are encouraged to support the extensive new housing developments that are coming out of the ground.
4. We act for a number of investors who have in excess of 20 commercial buildings each, and currently most have 100% occupation of their premises.
5. There is a need for premises in the market for new business to start and for existing businesses to develop.
6. The development is paramount to the local economy.
7. Highway access is good. The development is well served by the new road and the location between Newton Abbot and Torquay will prove popular and sustainable offering easy access to Newton Abbot and the remainder of Teignbridge.
8. The demand for commercial employment buildings for office, high tech and warehousing/manufacturing use continues unabated.
9. We are currently seeing a particularly strong demand for small industrial/office units, from 1,000 – 2,500 square feet which will be mainly taken by local start up or grow on businesses; this was well demonstrated by the scheme that Teignbridge developed themselves at Teignmouth and which was 100% let before the development was completed.
10. The site is far enough away from flood plain area to the north of the railway line (Aller Brook) not to be a potential problem for the water courses in the area; it will require a private septic tank system.

7. PARISH COUNCIL'S COMMENTS

Kingskerswell Parish Council objects for the following reasons:

1. The plan is misleading as it depicts land and road layout pre-South Devon Highway; this suggests that there is a large 'buffer' of undeveloped field around the site.
2. There is no demonstrable need for further industrial premises in the immediate area; vacant units can be found in current industrial estates at Brunel, Decoy, Milber, Heathfield and Bulleigh Barton and the Local Plan has allowed for some 50 hectares of employment land within a short distance (NA1 – Houghton Barton, NA3 – Wolborough and NA4 – Milber).
3. The development is not required by Kingskerswell (or surrounding hamlets); there are already amenities for shops and sales in the village, further units can only serve to further erode the shops already here.
4. The use of the land as the Galliford Try site was a temporary site in use while construction of the bypass was underway; it was understood that it would be returned to its former state.
5. It has been said that the land is brownfield and not suitable for agricultural use; however, the grass growing on these fields was round-bailed on 16 July 2018, so obviously this is not the case.
6. Land could have an equine use (as promoted in the Local Plan).
7. Application is at odds with the Local Plan as it will hamper the introduction of the Aller trail as per Local Plan Policy KK4 – Aller Valley Country Park and Aller Valley Trail.
8. The site is in full view when entering the village and is the default view for a number of Kingskerswell houses; the value of the land as it is far outweighs that of an industrial site. The site has hedgerows but to mask the site from view would be near impossible as it is on the side of a hill.
9. Would impact on wildlife including cirl buntings and greater horseshoe bats.
10. Flood defence would be adversely affected once this area of land is effectively concreted over.
11. Overdevelopment; 39 units and an office block is simply far too much for this site.
12. Lighting and noise would cause disruption to neighbouring properties and wildlife.
13. There will already be huge building works in the area, and huge loss of countryside. The proposed housing development at the Barn Owl, the development of the areas behind Kingskerswell School, Fluder Hill, Charles Road and indeed the commercial building at the entrance to Kingskerswell on the Torquay side of the village already represent a huge impact in the coming years. Wolborough Barton is projected to come right up to this area, meaning that this is could be one of the last areas of green before Newton Abbot.

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 proposed development would create a new business park of 2.48 hectares. 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 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 2.48 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 B1 (900m²) and B8 (5,680m²) uses with associated access roads, parking and landscaping.
- The site is located between the new South Devon Link Road (A380) and railway line.
- The site was formally used as a site compound for the construction of the road.
- The site is located within: a 500 metres wide strategic flyway for GHB, a wintering zone for Cirl Buntings and a GCN alert zone.

Whilst the site lies within the Strategic Flyway associated with the South Hams Special Area of Conservation, subject to the submission of an Ecological Impact Appraisal and appropriate avoidance, mitigation and compensation measures being incorporated within the scheme, 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.

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

CHAIRMAN: Cllr M Haines

DATE: 9 JULY 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman),
Clarence, Keeling

**DATE OF SITE
INSPECTION:** 21 June, 2019

**Kingskerswell - 18/01140/MAJ – Former Galliford Try Infrastructure Site Office,
Old Newton Road - New employment development incorporating Use Classes
B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with
associated parking and landscaping, for Whiteway-Wilkinson Property
Services Limited**

Also present: Cllr H Cox, Cllr Cook (Ward Member) and one representative of the
Parish Council

Apologies: Cllrs Kerswell and Nutley

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, the application below was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the applications without having first considered the detailed reports of the Business Manager which will be included in the Committee agenda for the next or a future meeting.

The Planning Officer reported on the proposal, the layout of the development; height of buildings and excavation of earth to lower ground levels; the tallest building would be situated along the western boundary; and the location of the proposed access off Old Newton Road.

The Site Inspection Team noted the extent of the site, the immediate surrounding area with the railway to the east and a residential house to the south, and the wider surrounding area. Members walked through the site and also viewed the site from the railway bridge on Aller Road, and from Moor Park Road.

In response to a question, the Planning Officer advised that Devon County Council Highways and Highways England had not objected to the application.

Cllr M Haines
Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 9 July 2019
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 18/00049/REF BOVEY TRACEY** - Land Rear Of Bramley Pottery Road
Appeal against refusal of planning application
18/00302/FUL - Erection of three single storey dwellings, demolition of existing double garage to Woodlea and replacement with single garage to form access

APPEAL ALLOWED (DELEGATED REFUSAL)
- 2 18/00062/REF KINGSTEIGNTON** - The Old Toll House Kingsteignton
Appeal against the refusal of planning application
18/00625/FUL - Single storey extension

APPEAL DISMISSED (DELEGATED REFUSAL)
- 3 18/00063/REF KINGSTEIGNTON** - The Old Toll House Kingsteignton
Appeal against the refusal of planning application
18/000626/LBC - Single storey extension

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4 19/00016/FAST CHUDLEIGH** - 1 Kits Close Chudleigh
Appeal against the refusal of planning permission
18/01497/FUL - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights

APPEAL ALLOWED (COMMITTEE OVERTURNED RECOMMENDATION TO APPROVE)

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