

Forde House
Newton Abbot
Telephone No: 01626 215159

E-mail: comsec@teignbridge.gov.uk

22 August 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 3rd September, 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), Bradford, Bullivant, Clarence, Colclough, D Cox, H Cox, Hayes, J Hook, 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

Public Access Statement

Information for the Public

Health and safety during the meeting. In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Please report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

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

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

This agenda is available online at www.teignbridge.gov.uk/agendas five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

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 5 - 12)

To confirm the minutes of the last meeting.

2. Apologies for absence.

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

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

the following resolution should be passed:-

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

4. 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) Newton Abbot - 19/01172/FUL - The Minerva Building, Minerva Way - Installation of extract flues and biomass system (Pages 13 - 20)
 - b) Bishopsteignton - 19/01414/FUL - Michaels Field, Newton Road - Installation of a single 10m column with two LED lights for Devon Air Ambulance to use at night (Pages 21 - 26)
 - c) Newton Abbot - 19/00456/MAJ - A382-A383, Forches Cross - An improved highways link including pedestrian and cycle facilities, sustainable drainage features and landscaping (Pages 27 - 66)
 - d) Kingskerswell 19/00822/FUL - 7 Torquay Road- Erection of a dwelling in the garden (Pages 67 - 78)
 - e) Woodland - 19/01351/FUL - Sunset Cottage , Woodland - Single storey rear extension (Pages 79 - 84)
 - f) Bovey Tracey - 19/00723/FUL - 65A Fore Street, Bovey Tracey - Change of use from retail (Use Class A1) to a dwelling (Use Class C3) including replacement fenestration details and replacement of single storey rear roof (Pages 85 - 92)
 - g) Coffinswell - 19/00850/MAJ - Manor Farm, Dacombe, Use of additional land for camping purposes (Pages 93 - 110)

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.

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

PART II (Private)

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

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

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

6 AUGUST 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, D Cox, H Cox, J Hook, Jeffery, Keeling, Kerswell, Nutley, Patch, Parker, J Petherick and Wrigley

Members in Attendance:

Councillors Taylor

Apologies:

Councillors Colclough, Hayes, MacGregor, Nuttall and Phipps

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Nick Hill, Solicitor
Trish Corns, Democratic Services Officer
Claire Boobier, Planning Officer
Verity Clark, Senior Planning Officer

35. MINUTES

The Minutes of the meeting held on 9 July 2019 were confirmed as a correct record and signed by the Chairman.

36. 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.

37. DECLARATIONS OF INTEREST

Members declared interests as follows:

- 19/00461/FUL, Councillor Parker - Appendix A, Paragraph 14, and left the meeting while the application was determined.
- 19/00779/FUL, Councillor Cox - Appendix A, Paragraph 14, by virtue of the applicant being a close associate, and spoke but did not vote on the matter.

38. 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) **HENNOCK - 19/00461/FUL - Little Orchard Farm, Chudleigh Knighton - Garage extension**

Councillor Parker declared an Appendix A, Paragraph 14 interest and left the meeting while the application was determined.

Public Speaker Supporter - There are no objections to the proposal and the officer recommendation is one of approval.

It was proposed by Councillor Keeling, seconded by Councillor Bullivant 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
- (15 votes for, 0 against and 1 abstention)

b) **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**

Councillor Cox declared an Appendix A, Paragraph 14 interest by virtue of the applicant being a close associate, and spoke but did not vote on the matter.

Comments made by Councillors included: the proposal would not detract from the street scene because there are a variety of designs, and dormers; the proposed design of the front dormers would not be in keeping with the street scene; nos. 25 and 27 as a pair of semi-detached houses, and the pair either side are of a similar design, and step down in ridge height equally between the three pairs of semis. The proposal would unbalance the height equality between them; properties to the rear are overlooked with other dormer windows.

It was proposed by Councillor Clarence, and seconded by Councillor Wrigley that the application be approved, with conditions relating to the Standard time limit, and development in accordance with approved plans.

Resolved

Permission be granted subject to the following conditions:

1. Standard time limit.
 2. Development in accordance with approved plans.
- (12 votes for, 3 against and 1 abstention)

Note: Approval of the application was contrary to the advice of the Business Manager. The Committee considered the application acceptable for reasons set out below.

Statement of reasons

1. The proposed front dormers will not result in a negative impact on the character and appearance of the street scene because the design of neighbouring dwellings is mixed and other dwellings have front dormers.
2. The proposed dormers to the rear are of a similar scale and design to rear dormers of other neighbouring dwellings and therefore will integrate acceptably with the existing dwellings.
3. The proposed rear dormers will not result in any greater level of overlooking to the property at the rear than any other neighbouring property with similar rear dormers. This is considered acceptable.

39. EXMINSTER - 19/00710/MAJ - LAND EAST OF OLD MATFORD LANE, EXETER - CHANGE OF USE FROM AGRICULTURAL LAND TO SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANGS)

The Planning Officer reported the following: Home England funding has been secured for the development of the SANGS; the facility will be promoted with leaflets to all new homeowners; a long lease was being negotiated to secure the long term management of the site.

Comments from Councillors included concern that there would be no parking provision near the top of the site to enable people with wheelchairs and pushchairs to access the top of the site.

In response, the Committee was advised that vehicular access at the top of the site at Old Matford Lane is not supported by County Highways; the development of the SANGS is to mitigate impacts of development on the Exe Estuary European; and there could be opportunity in the future for a car park to be developed higher up the site as more land comes forward for development.

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

Resolved

Permission be granted subject to the following conditions:

1. Development to be begun within five years from the date of this permission.
 2. Development shall be carried out in accordance with approved plans;
 3. Development to be carried out fully in compliance with landscape and ecological management plan hereby approved including ongoing maintenance;
 4. Materials relating to the development shall not be stored against existing hedges;
 5. Details of proposed dog proof fencing and gates shall be submitted to the Local Planning Authority and agreed prior to installation;
 6. Details of heritage interpretation board shall be submitted to the Local Planning Authority and agreed prior to installation on site.
- (16 votes for and 0 against)

**40. EXMINSTER - 19/01016/MAJ - LAND WEST OF OLD MATFORD LANE ,
MATFORD - CHANGE OF USE FROM AGRICULTURAL LAND TO
SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANGS) (USE
CLASS D2)**

The Planning Officer reported the following: Home England funding has been secured for the development of the SANGS; the facility would be promoted with leaflets to all new homeowners; a long lease was being negotiated for the long term management of the site. The hedgerows would be cut every 2-3 years, and annually for those abutting the highway. The site would be delivered before occupation of the new development.

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

Resolved

Permission be granted subject to the following conditions:

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

(16 votes for and 0 against)

**41. BOVEY TRACEY - 19/00739/VAR - OLD THATCHED INN ,
STATION ROAD - VARIATION OF CONDITIONS 2, 3, 4, 5, 7, 9, 14 AND
REMOVAL OF CONDITIONS 8 & 11 OF PLANNING PERMISSION
17/02751/FUL (NEW COMMUNITY HUB BUILDING) RELATING TO
REDUCTION IN FOOTPRINT, LANDSCAPING, MATERIALS, SLATES,
APPROVED CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN,
ARCHAEOLOGICAL WORK, SURFACE WATER DRAINAGE, ADDITION
OF
MAINTENANCE SHED AND FLOOD RESILIENCE**

The Planning Officer advised that a further condition and an amended condition 3 was recommended and detailed in the updates document.

Comments from Councillors included that the facility would protect and sustain services for residents.

It was proposed by Councillor Kerswell, seconded by Councillor Bullivant and

Resolved

1. The development hereby permitted shall begin before 18 May 2021;
 2. Development shall be carried out in accordance with approved plans/documents;
 3. Within three months of the development commencing, details of hard and soft landscaping (including boundary treatments) shall be submitted and approved in writing by the Local Planning Authority.
 4. Prior to the commencement of work to the stone walls, a sample panel of stonework shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority;
 5. The roof of the building hereby approved shall be constructed in accordance with the slate details as set out on Page 2 of the submitted Materials and Resilient Construction Report;
 6. Prior to works above dpc level, details of window recession, colour of window frames and details and specification of rainwater goods, including fascia's shall be submitted to and approved in writing by the Local Planning Authority;
 7. The development hereby approved shall proceed in accordance with the approved Construction Environmental Management Plan;
 8. The development hereby approved shall be carried out at all times in accordance with the approved archaeology report;
 9. The development hereby approved shall proceed in accordance with the submitted surface water drainage management system details;
 10. External Lighting shall be carried out in accordance with the approved External Lighting Assessment as prepared by Smith Consult (dated 8 February 2018). All external lighting to be maintained in accordance with this document;
 11. Within three months of the building hereby approved being brought into use, the provision of a minimum of two bird boxes shall be fixed to the building, in accordance with paragraph 5.8 of the approved Ecological Survey;
 12. Development to be carried out in accordance with the updated and hereby approved Flood Risk Assessment (Bovey Tracey Community Centre, JRC Consulting Engineers, April 2018), including the requirement for Finished Floor levels to be no lower than 29.2m AOD;
 13. The development hereby approved shall be constructed in accordance with the flood resilient construction measures as set out on Page 3 of the submitted Materials and Resilient Construction Report;
 14. Prior to the development hereby approved being brought into use, a Flood Warning and Evacuation Procedure Plan shall be submitted to and agreed in writing by the Local Planning Authority.
 15. Prior to its first use on the building, a sample of the material to be used on the gables shall be submitted to and approved in writing by the Local Planning Authority.
- (16 votes for and 0 against)

42. KINGSKERSWELL - 19/00822/FUL - 7 TORQUAY ROAD - ERECTION OF A DWELLING IN GARDEN

Public speaker, supporter – Considers all reason for refusal of the 2004 similar application have been addressed, including the traffic has decreased with the new link road; and single storey as opposed to two storey addressing the detrimental effect on the amenities of neighbours.

It was proposed by Councillor Haines that there was merit in a site inspection to assess the effect of the building line on the surrounding area. This was seconded by Councillor Parker.

Resolved

Consideration deferred pending a Member site inspection.
(15 votes for and 1 against)

43. KENTON - 19/00920/FUL - CHI RESTAURANT AND BAR, FORE STREET - CONVERSION OF RESTAURANT, BAR AND GUEST ROOMS TO NINE SELF-CONTAINED APARTMENTS TOGETHER WITH PROVISION OF AMENITY SPACE AND PARKING

The Senior Planning Officer made the following comments:

- An amendment to the recommendation to include an education contribution of £3,211 within the s106 in line with the comments received from Devon County Council education department.
- The proposal seeks to convert an existing restaurant/bar and guestroom to 9 flats. A virtually identical scheme was refused under delegated powers in July 2018 and an appeal was subsequently dismissed in March 2019. The single reason for the dismissal of the appeal was on the grounds of a lack of an affordable housing contribution.
- The current application would provide the previously requested affordable housing contribution of £75,884 via a s106 agreement. This figure includes a discounted rate from Policy WE2 in the Local Plan following consideration of national guidance which seeks to ensure that affordable housing contributions do not disproportionately burden small scale developers. This figure was not challenged as unreasonable or contrary to policy in the inspector decision of March 2019 and it is therefore considered reasonable to re-request this amount.
- It is recommended that the s106 will include a requirement to pay an indexed linked offsite affordable housing contribution providing the Council with funds to support the delivery of suitable alternative affordable housing in perpetuity. The Housing Enabling Officer advises the funds should be held for a maximum period of 10 years to enable a suitable opportunity to be found within the parish of Kenton, the funds only cascading out into neighbouring parishes and beyond once all eventualities have been exhausted within the parish of Kenton. This will ensure that Kenton benefits from the contribution.
- The proposal will provide 15 on-site parking spaces. Devon County Council Highways have confirmed there is no objection to this provision as trip calculations show that the existing trips generated by the existing use would result in more trips than the proposed use. Since the appeal decision received in March 2019 the Kenton Neighbourhood Plan has been submitted for its

regulation 16 consultation and therefore limited weight should be given to this plan. Policy K T2 in the plan would require 20 parking spaces to serve the proposal however the policy notes that if standards are to be provided below this requirement the justification should consider if the site is located in an accessible location, the proximity to and availability of public transport and the type and mix of development. In this instance considering the existing use, and the assessable location in close proximity to a bus stop the parking provision is considered to be adequate and not contrary to the requirements of the neighbourhood plan.

- There are not considered to be any other material changes in policy since the March 2019 appeal decision.

Public speaker, objector – the Parish Council objects to the application; concern that the off-site affordable housing would not provide the much needed affordable housing in Kenton; paragraph 3.17 of the report circulated with the agenda is incorrect in stating that the Dolphin Inn is an outlet for food; 15 off-street parking spaces is inadequate. Policy KT2 states 20 parking spaces; loss of employment opportunity. The business currently employs a number of young people; it is contrary to the Neighbourhood Plan, and it is disappointing that only limited weight has been given to the Plan.

The Chairman reported on the views of the Ward Member who was unable to attend the meeting, which included a lack of off-street parking spaces when the Neighbourhood Plan has identified 20 spaces; the affordable housing contribution is welcomed and should be retained for 10 years to ensure it is used for the intended purpose; and could the local school transport contribution be conditioned to secure this contribution.

The Committee were advised that: there is a requirement for the affordable housing funds to be retained for 10 years; and the Kenton Neighbourhood Plan has been submitted to the Council for its regulation 16 consultation. Therefore whilst the Kenton Neighbourhood Plan is a material consideration, it can only be given limited weight in the decision making process.

Comments made by Councillors included concern that a contribution for off-site housing was being requested when affordable housing was required for the community; and loss of employment.

It was proposed by Councillor Bullivant, seconded by Councillor Haines and

Resolved

Subject to: the completion of a Section 106 agreement for an Affordable Housing contribution of £75,884, an education transport contribution of £3,211.00; and a Habitat Regulations contribution of £7,200,

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. Construction Management Plan to be agreed prior to development commencing;

4. Details of how the proposed parking will be allocated to the 9 flats and the parking must be provided prior to initial occupation and thereafter be permanently retained;
 5. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
 6. Prior to first occupation, full details of hard and soft landscaping works for the communal garden areas and any associated external lighting, including an implementation and management plan which shall be submitted and approved and implemented in accordance with approved details;
 7. Detailed design of surface water drainage management system to be agreed prior to first occupation;
 8. Prior to first occupation, the bin storage area shall be provided, including the erection of a 1.5m high timber fence around all of its boundaries and thereafter retained.
- (9 votes for, 5 against and 2 abstentions)

CLLR M HAINES
Chairman

PLANNING COMMITTEE REPORT

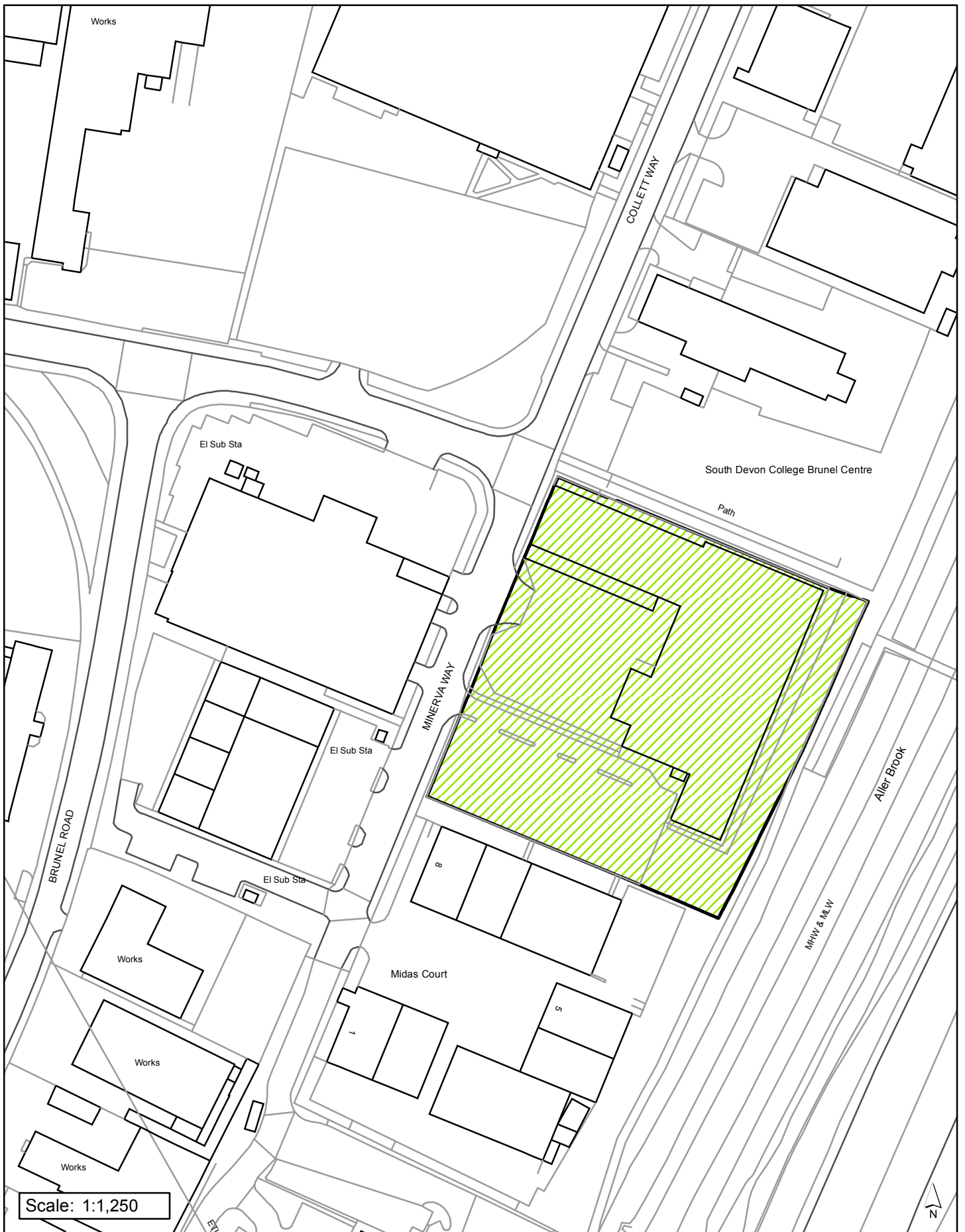
3 September 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01172/FUL - The Minerva Building, Minerva Way - Installation of extract flues and biomass system	
APPLICANT:	Mr Briscoe, Teignbridge District Council	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Gordon Hook Cllr Chris Jenks Cllr Colin Parker	Buckland and Milber
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01172/FUL&MN	





19/01172/FUL The Minerva Building, Minerva Way,
Newton Abbot, TQ12 4PJ



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

The application is brought to the Planning Committee because the site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time-limit for commencement
2. Development to be carried out in accordance with the approved plans
3. The collective acoustic impact of the use of the site and any equipment, machinery must not significantly increase the existing background noise levels at the nearest noise sensitive premise.
4. Odour from flues serving the building shall not cause nuisance to the occupants of any properties businesses in the vicinity. No odours attributed to the operation hereby approved shall be detectable outside the site boundary.
5. All releases to air from the discharge stack shall be free from visible smoke, droplets, and particulates.
6. Prior to the use of the premises a regular cleaning and maintenance programme for the extraction system shall be submitted to and approved in writing by the Local Planning Authority.

Informative:

The development hereby approved shall not be brought into use until such time as the applicant has obtained the appropriate Permit or exemption from the Environment Agency.

3. DESCRIPTION

The Application Site

- 3.1 The application site lies within an active industrial area, situated at the far north eastern tip of Minerva Way, which is accessed off Brunel Road. The site is approximately 0.72 hectares in size and lies immediately adjacent to Aller Brook, which runs alongside the eastern boundary, with the A380 beyond.
- 3.2 The site currently accommodates a substantially-sized building, with the remainder laid to hard standing. In terms of planning policy, the site falls wholly inside the settlement boundary and within flood zones 2 and 3.

The Application

- 3.3 The application seeks full planning permission for the installation of extract flues and a biomass system. The biomass system would be located within the service yard of the Minerva Building and the proposal includes the installation of two stainless steel flues facing into the service yard. In addition, the proposed development also seeks permission for the installation of three galvanised steel circular ducts and a stainless steel flue in the eastern elevation of the building.

Planning History

3.4 There are a number of previous applications relating to the Minerva Building but the most relevant are:

- 18/01054/FUL - Construct portal framed extension including demolition of small loading bay section and new 2.4m high palisade fence around office car park. Approved 6 July 2018
- 18/01054/AMD1 - Non material amendment to planning permission 18/01054/FUL for construct portal framed extension including demolition of small loading bay section and new 2.4m high palisade fence around office car park – Approved 8 March 2019
- 19/00561/PE - Extraction and ventilation details. Advised on 17 April 2019 that the proposal was likely to be supported but further survey work or evidence should be submitted with a full planning application to demonstrate that the proposals would not have an impact on the surrounding environment.

Main issues

3.5 The main issues for consideration are:

- The principle of the development/sustainability;
- Impact of the development upon the character and visual amenity of the area;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Flood and drainage impact of the development;

The principle of the development/sustainability

3.6 The site falls within the settlement limits of Newton Abbot, where the principle of development is acceptable subject to compliance with other policies and provisions of the Local Plan.

3.7 Policy EC1 looks specifically at business development and outlines that, to support additional job creation within settlements, extensions to existing buildings for office and general industrial use will be acceptable in principle.

3.8 As such, the principle of development is considered to be acceptable.

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

3.9 In design terms, the proposed bio mass system and flues would be read in conjunction with the existing building, and given the setting on an industrial estate, there are not considered to be any objections in visual terms.

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

- 3.10 Policy S1 (Sustainable Development Criteria) of the Local Plan seeks proposals to perform well against environmental effects of noise, smell, dust, light, vibration and fumes or other forms of pollution or nuisance.
- 3.11 As the site is located within an industrial area, there are no residential houses within the immediate vicinity. The closest residential properties lie approximately 120 metres to the east of the site, across the Aller Brook and the A380.
- 3.12 TDC's Environmental Health team have raised no objections to the proposal in terms of air quality, however, they have recommended that approval should be subject to conditions regarding noise, odour and the maintenance of the proposed extraction system. As such, subject to the inclusion of conditions regarding noise, odour and the maintenance of the proposed extraction system, it is considered that the proposed development would not result in any adverse impacts upon the residential amenity of the occupiers of surrounding properties and would comply with Policy S1.

Flood and drainage impact of the development

- 3.13 The site falls within Flood Zone 2 and 3 in accordance with the Environment Agency flood maps. However, as the proposal constitutes the installation of extract flues and a biomass system, it is considered that the proposal would not result in any worse impacts in terms of flood risk than the existing situation.
- 3.14 The Council's Drainage Officer has commented that the surface water drainage serving this development remains as previously approved in the Flood Risk Assessment approved under application number 18/01054/FUL.
- 3.15 The Environment Agency have commented that the proposed facility shall not be brought into use until such time as the applicant has obtained the appropriate Permit or exemption from the Environment Agency. As such, it is recommended that this is included as an informative with any approval.

Conclusions

- 3.16 It is deemed that the proposed development would not adversely affect the character and appearance of the surrounding area or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with Policies S1A, S1, S2, S21A, EC1 and EN4 of the Teignbridge Local Plan 2013-2033.

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)

EC1 (Business Development)

EN4 (Flood Risk)

National Planning Policy Framework

5. **CONSULTEES**

TDC Environmental Control (Air Quality): No objections.

TDC Environmental Control (Noise): Recommend approval subject to conditions regarding noise, odour and the maintenance of the proposed extraction system.

TDC Drainage Engineers: The surface water drainage serving this development remains as previously approved in application 18/01054/FUL - ref: Flood Risk Assessment 1856 FRA, dated June 2018.

Environment Agency: Our flood risk comments for this proposal fall within the scope of the Environment Agency's Flood Risk Standing Advice. For the relevant comment relating to this proposal (a non-residential extension with a footprint less than 250sq.m. in Flood Zone 3) please refer to our Standing Advice which can be found at:

<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

The facility shall not be brought into use until such time as the applicant has obtained the appropriate Permit or exemption from the Environment Agency.

Advice on Environmental Permitting and our general advice for the applicant in respect of flood resilience is provided below.

Advice – Environmental Permitting

This activity falls under Environment Agency Regulation assuming the net rated thermal input is less than 0.4MW which was the suggested figure provided by the applicant.

The applicant would need to get the appropriate permission from the Environment Agency before the facility is brought into use.

The applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. There is no guarantee that such a permit will be granted. Additional 'Environmental Permitting Guidance' can be accessed online at

<https://www.gov.uk/topic/environmental-management/environmental-permits>

Advice - Flood Resilience

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

It would also be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood. Further advice on this can be found in the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292937/LIT_5284_ab06c2.pdf

We would also strongly recommend that the applicant registers with our flood warning service at: <https://www.gov.uk/sign-up-for-flood-warnings>

6. REPRESENTATIONS

None received.

7. TOWN COUNCIL'S COMMENTS

The Town Council have no objection to the proposed development.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

This page is intentionally left blank

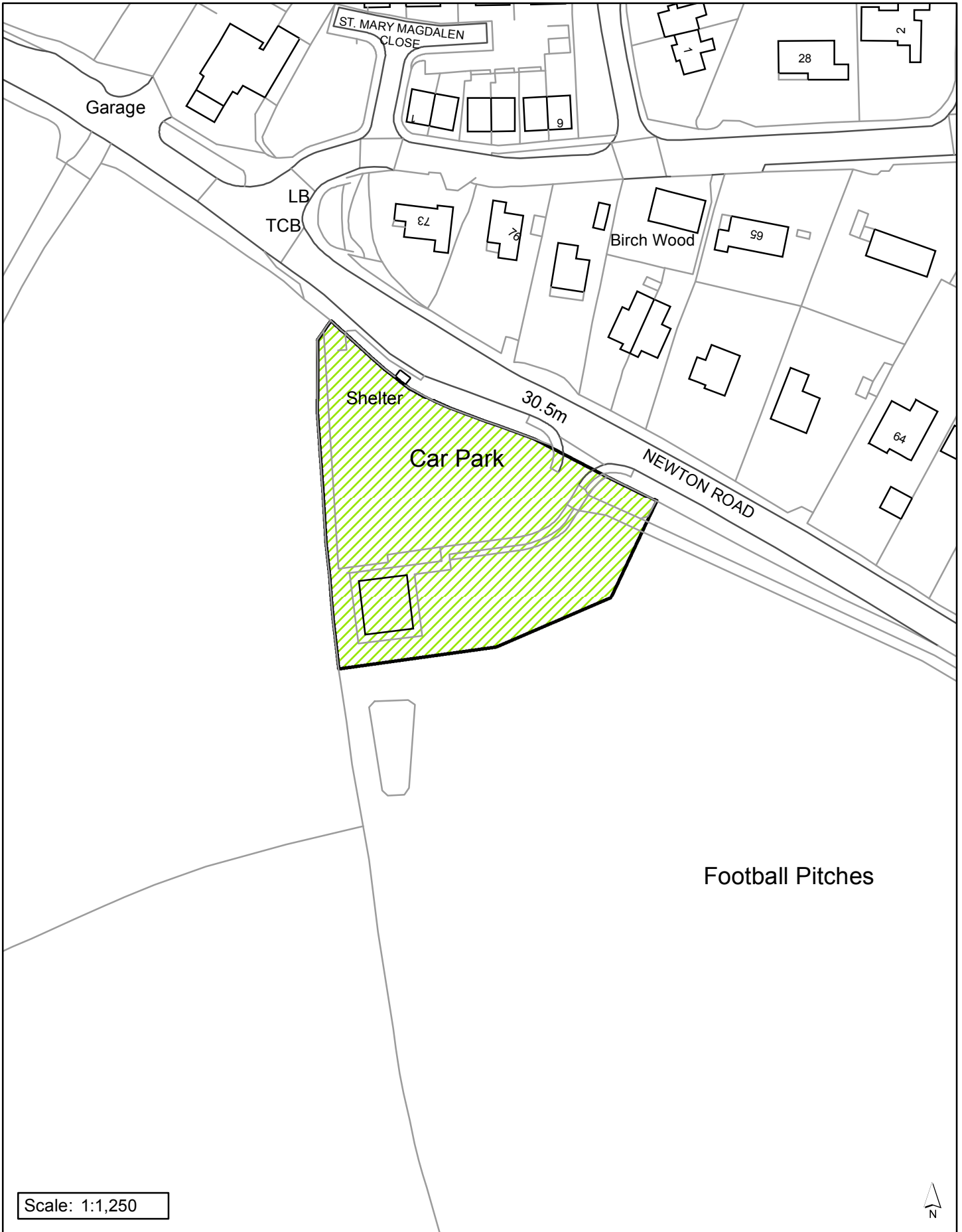
PLANNING COMMITTEE REPORT 3 September 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BISHOPSTEIGNTON - 19/01414/FUL - Michaels Field, Newton Road - Installation of a single 10m column with two LED lights for Devon Air Ambulance to use at night	
APPLICANT:	Mrs Kim Ford	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Andrew MacGregor	Bishopsteignton
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01414/FUL&MN	





19/01414/FUL Michaels Field, Newton Road, Bishopsteignton



1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

Subject to no objections being received following the consultation period:

PERMISSION BE GRANTED subject to the following conditions:

1. Development to begin before the expiry of three years from the date of this permission;
2. Development to be carried out in accordance with approved plans;
3. The lighting column hereby permitted shall be used solely in connection with air ambulance operations. Once the floodlight is no longer required for this purpose the lighting column shall be permanently removed from the site;
4. The lighting hereby approved shall be installed in accordance with the lighting installation details given in the approved Design and Access Statement.

3. DESCRIPTION

- 3.1 The application site is Michaels Field, Bishopsteignton.
- 3.2 Planning consent is sought for the installation of a single 10m lighting column with two LED lights for Devon Air Ambulance to use at night.

Principle of the development/sustainability

- 3.3 Pertaining to this proposal, Policy S1 (Sustainable Development Criteria) states that the Council will always work proactively with applicants to find solutions that allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Impact upon the character and visual amenity of the area

- 3.4 The introduction of a lighting column and associated lights in this area will result in changes to the landscape that will have an occasional and minor adverse effect to the landscape and visual amenity of the area. Despite the area being one recognised as Undeveloped Coast, the benefits of the development are considered to outweigh the likely landscape harm, and as a consequence there is no objection on visual amenity grounds to the proposal.

Impact on residential amenity of surrounding properties

- 3.5 Due to the separation distance with neighbouring dwellings and give that the lighting column would be only in operation sporadically by the air ambulance as required, it is not considered to give rise to any unacceptable impact on residential amenity.
- 3.6 A condition is recommended to be imposed to ensure that the lighting is only utilised when necessary and by the air ambulance only.

Conclusion

3.7 Officer recommendation is one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

EN2 Undeveloped Coast

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Biodiversity Officer:

It is understood a number of sites across the District are proposed to have similar lights installed for Devon Air Ambulance. Natural England were consulted on a previous case, giving a view of no significant concerns.

There would be no objection; however a condition should be attached to ensure the light is only used for the Air Ambulance and is switched off once the helicopter has departed.

6. REPRESENTATIONS

Thirteen letters of support received.

The letter of support consider the site is ideally situated on the A381 between Teignmouth and Newton Abbot and easily accessed for emergency services between the expanding towns. They support the application to make the exercise easier for the Devon Air Ambulance Staff with the funding now in place to deliver the proposal which is considered to be a great idea and fully supported by respondents.

7. TOWN / PARISH COUNCIL'S COMMENTS

Parish Comments – None Received, BPC are the applicant.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

This page is intentionally left blank

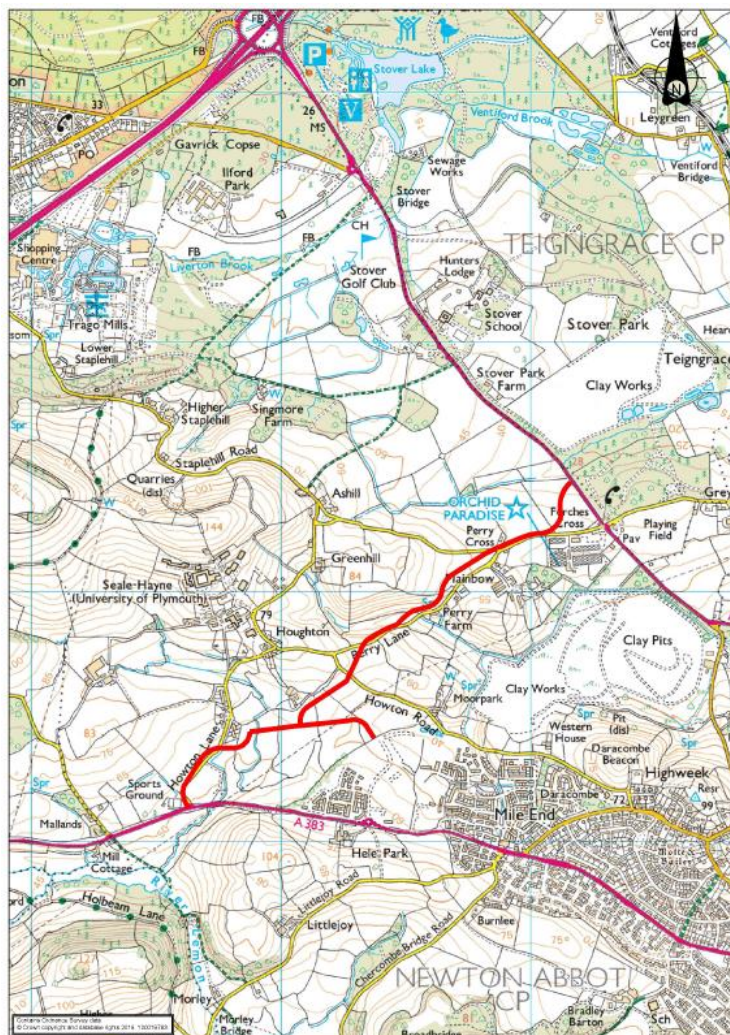
PLANNING COMMITTEE REPORT

3 September 2019

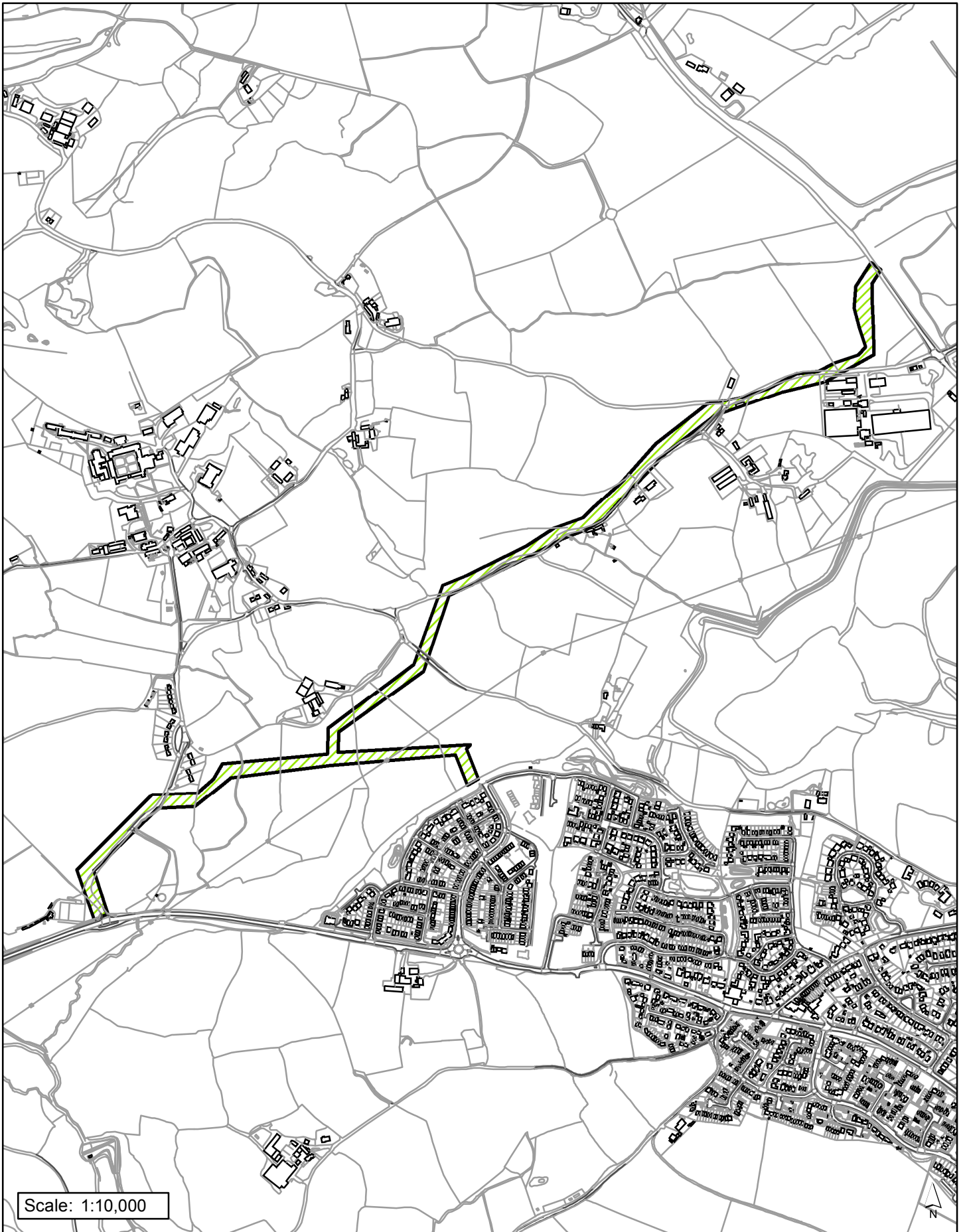
CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/00456/MAJ - A382 - A383 , Forches Cross - An improved highway link, including pedestrian and cycle facilities, sustainable drainage features and landscaping	
APPLICANT:	Mr C Dyer	
CASE OFFICER	Helen Addison	
WARD MEMBERS:	Councillor Hocking Councillor Bullivant	Bradley (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00456/MAJ&MN	



Location Plan
Not to Scale



19/00456/MAJ A382-A383, Forches Cross, Newton Abbot



1. REASON FOR REPORT

The application includes land within ownership of Teignbridge District Council. The Council's scheme of delegation requires all planning applications that include Council owned land to be determined by the Planning Committee.

2. RECOMMENDATION

Subject to:

- A) Completion of a S106 Obligation for provision of an appropriate contribution towards an offsite bat roost to be delivered within the wider NA1 allocation and
- B) receipt of satisfactory further information in respect of drainage and flood risk, transport, and Environmental statement content;

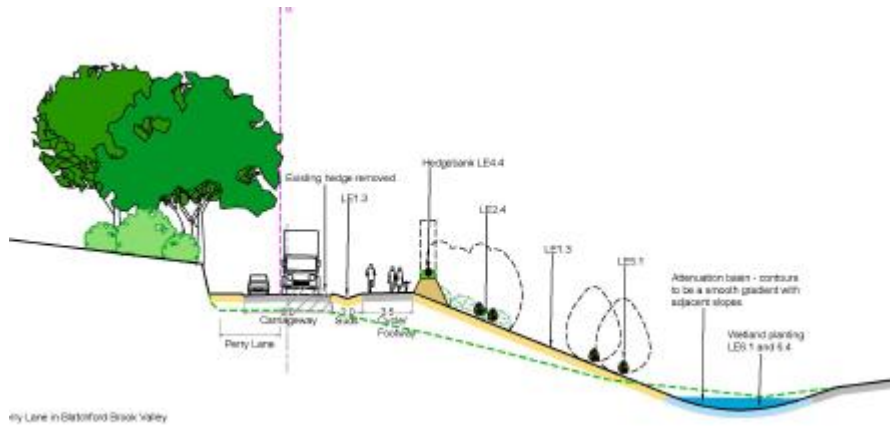
PLANNING PERMISSION BE GRANTED subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising from the receipt of further consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place

- Tree protection during construction
- Details of boundary treatments
- Typical section through hedgebank
- Details of junctions/roundabouts
- LEMP to include monitoring provisions and feedback / enhancement
- CEMP (to include waste management requirements, and identification and protection of pre historic settlement site at Forches Cross from damage)
- CMP
- Monitoring surveys of hop overs and under passes
- Double hedgerows at crossing points
- Habitat establishment in advance of impacts
- Detailed light assessment
- Mitigation measures and management in perpetuity
- Monitoring and mitigation at Stover SSSI
- Undertake a hydroecological risk assessment
- Precautionary contamination conditions
- Secure implementation of key measures in ES to mitigate risks during construction process
- Archaeology WSI
- Lower noise road surface
- Assessment and details of noise mitigation barriers
- Details of the proportion of materials used the scheme that are recycled to be submitted to and agreed by the LPA
- Technical data provided for any mechanical power generation in connection with development
- Report from professional sound consultant detailing control measures to be adopted for the control of fugitive noise emissions
- Report detailing measures to be adopted for the mitigation of fugitive dust and fine particulates from migrating beyond the boundary onto nearby sensitive receptors
- Control measures for dust mitigation for specific processes such as movement of vehicles etc

3. DESCRIPTION

The Site and Proposal

- 3.01 This application is to construct a new road to link the A382 and A383. The need for the road has arisen from the NA1 Houghton Barton allocation in the Teignbridge Local Plan 2013-33 to address the increase in traffic associated with the development.
- 3.02 The Teignbridge Local Plan 2013-33 allocates approximately 160 hectares of land to the north west of Newton Abbot in Policy NA1 (Houghton Barton) for the delivery of a mix of uses including employment, housing, community facilities, a road linking the A382 to the A383 to the south, large areas of green infrastructure and the continued and supported use of Seale-Hayne. This allocation is bordered by the A382 to the north and A383 to the south.
- 3.03 The NA1 allocation includes 1,800 dwellings and 18 hectares of employment space. This comprises 650 dwellings permitted at Hele Park and the delivery of 1,150 homes at Houghton Barton. The NA1 Development Framework Plan (DFP) SPD (June 2018) identifies that the new road is needed to address the increase in traffic as a result of the development. The Link Road will mitigate the impact of increased traffic across the wider local area including Ashburton Road, Dyrons roundabout, Whitehills roundabout and Exeter Road. In the DFP it is set out that up to 200 further homes should be built off the A383 prior to construction of the main road. A further 200 homes and the employment land at the northern (Forches Cross) end of the site can also be accommodated without the need for the road.
- 3.04 The proposed length of the new road would be 2500m. It would run from the A382 north of Forches Cross to the A383 at Seale Hayne on a roughly north east to south west alignment. A new roundabout would be constructed on the A382 to the north west of Forches Cross, with two further roundabouts at the southern end of the road. A number of junctions would be provided to allow access to existing properties and to future development. A segregated cycle/foot way would be provided along the length of the new road. A foot/cycle bridge would be constructed over the road at Forches Cross. A number of sustainable drainage ponds would be constructed alongside the road. Six culverts would be formed, in some cases to accommodate existing streams. They would also have an ecological benefit supporting movement of bats, including Greater Horseshoe Bats in the area. The road would generally follow existing ground levels, except for two areas of deeper cutting at Perry Farm and between Perry Lane and Howton Road, with a higher embankment linking these two cuttings. A typical cross section of the road is shown below;



- 3.05 The route of the new road from the north west of Forches Cross would roughly follow Staplehill Road until the junction with Perry Lane, where it would follow this road until it is close to Howton Road. From this point it would cross agricultural land with one spur going to join to Buttercup Way and a second spur joining with Howton Lane, to exit onto the A383 Ashburton Road. The road would be single carriageway with a shared footway/cycle way segregated from the carriageway. The north east section of the road closest to Forches Cross would be constructed by DCC and the remainder would be delivered by the developers of the Houghton Barton development. The final delivered arrangement and design of this element of the scheme will be determined through subsequent applications but the submitted details demonstrate it can be achieved.
- 3.06 The ground levels along the route vary from 32m AOD (Above Ordnance Datum at Forches Cross to 62m AOD close to the junction of Perry Lane and Howton Lane. The most significant local change in elevation would be where the route negotiates the valley at Perry Farm with the west side of the valley at 62m AOD and the bottom of the valley at 35m AOD.
- 3.07 The proposed road would be constructed partly on highway land and mainly on agricultural land. Generally the application site is characterised by undulating rural land with hedgerow boundaries. The site is environmentally sensitive because the allocation lies within an area surrounded by features of particular importance to Greater Horseshoes Bat. Greater Horseshoe Bats (GHB) are among the rarest and most threatened bats in Europe. They are protected by designation of the South Hams SAC, which is a European Designated Site.
- 3.08 The proposal constitutes EIA development and therefore an Environmental Statement has been submitted with this application.
- 3.09 The Council has screened the application under the Habitats Regulations and carried out an Appropriate Assessment.

Principle of Development

- 3.10 The adopted Teignbridge Local Plan 2013-33 contains the Council's strategy for delivering sustainable growth which includes delivery of economic growth and new housing to provide positive benefits to local communities through improving their self-sufficiency and resilience. In order to achieve this a number of strategic allocations are identified in the plan, including NA1 (Houghton Barton).

- 3.11 The principle of delivery of the Link Road is established as an Infrastructure Delivery Plan priority, within the Council Strategy, LEP Priority, £3 million is earmarked from Growth Deal funding.
- 3.12 Extensive public consultation has already been carried out regarding the allocation (including the link road) through the Local Plan process and the production of the Houghton Barton NA1 SPD. This is set out in the Statement of Consultation.
- 3.13 NA1 aims to create a new sustainable neighbourhood for Newton Abbot. It will provide new homes with new employment opportunities, education facilities and community spaces. It is inevitable that growth on this scale will require improved infrastructure to address the additional demands that will be placed on existing networks and resources. In selecting this allocation through the Local Plan process the Council recognised that additional highway capacity would be required to address the increase in traffic that would be generated by the development. Policy NA1 (f) identifies provision of a new vehicular route connecting the A382 with the A383 as an integral element of the allocation. It is explained as being necessary to improve the capacity of the A383 and to reduce traffic through Highweek.
- 3.14 Development of the proposed new road will provide improved highway infrastructure that will support the delivery of the NA1 allocation. It will provide an improved route to the existing road network for users that want to travel in an east/west direction, which will speed up vehicle journey times. The provision of a cycle path/footpath will deliver sustainable travel options.
- 3.15 In addition to Policy NA1, further policy support for the development is contained in Policy S5 (Infrastructure) which promotes provision of infrastructure to support the growth of sustainable and resilient communities. Policy S9 (Sustainable Transport) supports provision of more sustainable transport options to improve access for all and to support economic prosperity. It encourages the design of major new development to include provision for buses, cyclists and pedestrians to enter and pass through sites. In addition Policy S14 (Newton Abbot) promotes growth of Newton Abbot and provision of the commensurate infrastructure.
- 3.16 Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2. Policy NANDP 4 promotes provision of cycle/walkways in new residential, industrial and commercial development.
- 3.17 In conclusion, there is clear policy support for the proposed new road in both the adopted Teignbridge Local Plan and the Newton Abbot Neighbourhood Plan. The requirement for the new road has come from a detailed assessment of the NA1 Houghton Barton allocation through the local plan process, which has included public consultation. Therefore subject to compliance with other relevant policies in these plans, it is considered that the development accords with the development plan.

Impact on the Landscape Character and Appearance of the Area

- 3.18 The application site has a rural character away from the A382 and A383, comprising narrow lanes running through predominantly agricultural land. There are farmsteads and hamlets such as Ashill and Houghton, and a small group of

houses at Perry Cross. Existing fields tend to be bounded by hedgerows, with interspersed trees. It is noted that in the vicinity of the site, the landscape character of the area will not remain static, and will be affected by a number of development proposals. These changes will be evident within the short to medium term. In the immediate area, development of the NA1 (Houghton Barton) allocation for a mixed use development, new housing at Hele Park and outline consent for student and staff accommodation and other facilities at Seale Hayne will mean that the rural landscape context will become largely urban edge. This change to the character of the area will lessen the impact of the proposed development on the landscape.

- 3.19 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the Environmental Statement (ES). This assesses the scale of change to the landscape and character of the surrounding area, taking into account the proposed mitigation. It is concluded in the ES that the proposed scheme would not give rise to any significant cumulative landscape or visual effects.
- 3.20 It is relevant to identify that the site is not covered by any landscape related designations. The nearest landscape designations are (a) Dartmoor National Park which lies approx. 3.5 to 4km to the north west of Forches Cross and (b) Stover Park Registered Historic Park and Garden which fronts the north eastern side of the A382 to the north of Forches Cross. There are no clear views between the site and Dartmoor National Park, which means that there is no impact from the development on the National Park. Views towards the site from Stover Park are screened by boundary vegetation.
- 3.21 For the purposes of the identifying existing landscape character in the LVIA, the scheme was divided into three sections. The north-eastern Forches Cross to Perry Cross section falls within the Devon and Teignbridge defined Bovey Basin Landscape Character Area (LCA) and associated Devon Landscape Character Type (LCT) 3E: Lowland Plains, and was assessed as being of Medium sensitivity. The central Perry Cross to Perry Farm section crosses the Devon Denbury and Kerswell Farmlands LCA and associated LCT 1E: wooded Ridges and Hilltops, and Teignbridge Lemon Valley and Ridges LCA, and was assessed as being of Medium to High sensitivity. The south-western Perry Farm to A383 section lies within the Devon Denbury and Kerswell Farmlands LCA and associated LCT 3F: Settled Valley Floors, and Teignbridge Lemon Valley and Ridges LCA, and was assessed as being of Medium sensitivity.
- 3.22 To mitigate the impact of the development a number of measures are proposed to integrate the scheme into its surroundings and to reinforce the local landscape character. These include:
- Retention of existing trees and field and roadside hedgerows where possible;
 - new hedge banks along the northern edge of the eastern and central sections of the link road extending up to Houghton Barton Valley Park, along its eastern edge south of the valley park, and also along either side of its length as it approaches the A383;
 - new native woodland and woodland edge planting to link wildlife habitats and extend the off-site woodland on the edge of Hele Park,
 - new native woodland and woodland edge planting linking wildlife habitats between the proposed Houghton Barton Common and the A383 corridor;

- elsewhere along the route, areas of shrubs with intermittent trees, shrubs and linear belts or trees and shrub mix planting;
- seeding of attenuation basins with wildflowers and native wetland grass species.

- 3.23 The Council's Landscape Officer has advised that taking a road through what is an attractive agricultural landscape, will have a significant impact on the character of the landscape, however it is a landscape that is undergoing an agreed urban expansion and the resultant change, though having an adverse effect, is of a scale of harm that is acceptable given the benefits.
- 3.24 The outcome in respect of landscape is for a road that has a character that, where possible, will follow the contours of the land, however, due to the rolling nature of the landscape there are places where cut and fill are necessary in order to maintain a gradient that meets design parameters. This results in one major cutting and one embankment feature in the vicinity of Perry Lane, however, the scale of the embankment and cutting are not considered to be out of keeping with the scale of landform change in the landscape.
- 3.25 The alignment of the route is over relatively low-lying landscape surrounded by more elevated ridges to the southeast, south and northwest, however there are few publicly accessible locations from ridges from which the site can be easily perceived. From the few locations where the road will be visible, the changes will be seen in the context of the forthcoming NA1 development. The northern half of the route, though at a slightly higher elevation is more undulating, interlocking landform and the road will be concealed by the surrounding landform. The greatest landscape impact would be at the junctions with the A382 and A383 where the changes will take the form of new highway junctions visible from the highway. However in the long term the scheme will become consumed in to the NA1 Houghton Barton development site allocation or concealed by screen planting.
- 3.26 DCCs requirement for a modern highway, with adjoining cycle way / footpath, gives rise to a highway character that is markedly different from the character of country lanes in the area. However, the proposed scale of the highway and horizontal curvature help to minimise this difference and would produce a road that will generate low traffic speeds.
- 3.27 Concern is expressed by the Landscape Officer about the visual dominance of the two roundabouts in the south of the proposal. For a single carriageway road in a suburban area it would be preferable for more modest scale junctions to be provided that would be less visually dominant. It is understood that these junctions are indicative only, as this part of the road would be constructed by third party developers and it is likely that the alignment of the road and the form of junctions would change when the detailed layout plans for the area are drawn up. In this case it would be appropriate to condition details of these junctions are submitted to the LPA for approval.
- 3.28 In submitted the LVIA it was concluded that;
- a) In terms of impact on landscape character, the proposed new road will have a slight to moderate adverse effect on the landscape, however in the long term,

the changes will be largely obscured by the NA1 Houghton Barton development site allocation.

b) In terms of impact on visual amenity, there will be only minor adverse impacts on the wider landscape, but for the more immediate landscape, in the short term there will be moderate to significant adverse effect on visual amenity, however in the long term, the scheme will become consumed in to the NA1 Houghton Barton development site allocation or concealed by screen planting.

c) The scheme will not give rise to any significant cumulative landscape or visual effects.

The Council's Landscape Officer agrees with these conclusions and recommends a further condition in respect of provision of hedge banks at the boundaries of the road wherever practicable.

3.29 Therefore it is concluded that in terms of landscape impact there would be no likely significant effect from the proposed development.

3.30 In terms of the relevant policy in the Teignbridge Local Plan 2013-33, the proposal accords with Policy EN2A (Landscape Protection and Enhancement) which seeks to ensure development proposals conserve and enhance the character of the locality and maintain landscape quality. The level of change to and the impacts on the landscape is considered to be outweighed by the significant economic benefits that the proposal would unlock housing and employment development.

Impact on Biodiversity

3.31 In assessing the impact of the proposed development on ecology the relevant chapter in the ES considers any European site located within a 2km buffer, and SACs within 30km, a 2km buffer for a local records desk study and an area of 250m either side of the proposed alignment of the road for a phase 1 habitat survey.

3.32 The proposed development lies within the South Ham SAC – Greater Horseshoe Bat consultation zone. It is adjacent to the sustenance zone, associated with the Chudleigh Caves and Woods roost. There are two biological SSSIs within 2km of the site which are potentially affected by the proposal; Stover Park SSSI and River Lemon Valley Woods SSSI. There are a variety of non- statutory sites for nature conservation within 2km of the proposal.

3.33 Greater Horseshoe Bats (GHB) are among the rarest and most threatened bats in Europe. They are protected by designation of the South Hams SAC, which is a European Designated Site. Consideration of the proposed development on GHBs is relevant because the application site is comprised of habitats that have the potential to support greater horseshoe bat activity, which include cattle grazed pasture, rough and semi-natural grassland, woodland, veteran trees, scrub, watercourses, and a network of hedgerows.

3.34 In the survey work carried out by the applicant no GHB roosts were identified. However GHB activity was widely distributed across the proposed scheme area. Particularly high concentrations of Greater Horseshoe Bats were recorded in areas of the site associated with pasture, the valley and hedgerows opposite Perry Farm and along the hedgerow adjoining the Hele Park development.

- 3.35 There are potential risks that the proposed development could have a negative impact on the surrounding area that would reduce natural habitat features that GHBs need to survive. These risks include a loss of hedgerows, with the severance of 21 species-rich hedgerows, and removal of 1960 metres of species-rich hedgerow. There would be a loss of approx. 5.54 ha of linear strips of agricultural grasslands and arable fields. In addition there is the potential for the new road to sever habitat links across the road, and to discourage and pose an increased risk to low flying species such as GHBs that rely upon linear features to facilitate navigation through the landscape. Any obstruction of crossing points would affect GHB's ability to access foraging areas comprising high quality pasture landscape to the north. Impacts would be permanent and irreversible at a landscape scale, with the potential to further fragment commuting habitats used by greater horseshoe bats to move between the South Hams SAC designated roosts.
- 3.36 In order to ensure that the favourable conservation status of the GHB is not adversely affected, a number of mitigation measures are integral to the development to address impacts in both the construction and operational phases. In addition, the applicant proposes new habitat creation, avoidance and mitigation measures and enhancement measures. The proposals also include a monitoring programme and a detailed Landscape and Ecological Management Plan (LEMP).
- 3.37 The mitigation measures include provision of replacement habitats through roadside planting plus associated features such as Sustainable Urban Drainage (SUDS) and vegetation screening. In addition considerable habitat replacement is proposed which would result in net gains in the amount of semi-improved neutral grassland, amenity grassland, broad leaved woodland, scrub dense and continuous, and an additional 340 metres of hedgerows. There would however be net losses of arable land, improved grassland, and mixed plantation woodland.
- 3.38 In their initial consultation response Natural England requested further information be submitted in support of the application to include consideration of severance/collision impacts associated with new roads upon GHB activity, demonstration of the suitability of new crossing points, provision of a dedicated GHB roost as identified in the DFP, and up to date survey data. Advice was provided about timing of habitat establishment to ensure that it will be functional in advance of impacts, the need for a detailed light assessment to avoid detrimental light spillage, securing mitigation and enhancement measures in –perpetuity and provision of a construction and environmental management plan (CEMP).
- 3.39 Further information has been received in response to the points raised by NE. With regard to survey information, results from a number of other surveys can be used to support the application. This includes the screening of the NA1 allocation for the Habitats Regulations, surveys for the DCC A382 road widening application, Bloor Homes' survey for NA1/NA2 and follow up monitoring from September 2018 for the DCC application. On the basis of this information it is concluded that the risks that significant impacts could have been missed through lack of complete updated survey information are considered to be low and the survey effort is deemed to be acceptable.
- 3.40 The Council's Biodiversity officer has carried out a Habitats Regulations Assessment (HRA) which concluded that a Significant Effect is Likely on the South Hams SAC. It is considered that without effective mitigation there would be the

potential for the development to have a significant harmful impact on the GHB by reason of (a) loss of foraging features in the landscape, (b) severance of linear features used for navigating or commuting, (c) disturbance from new illumination causing bats to change their use of the area and (d) collision with vehicles. As a result of this HRA it was necessary for the Council to carry out an Appropriate Assessment (AA).

3.41 The AA is a detailed report as considerable information has been submitted to address the issues raised in the HRA. The following conclusions are reached on the four issues identified above;

a) Foraging features -it is considered that landscape features appear to be used by SAC bats more for commuting than protracted foraging. The sum of gains vs loses as a result of the proposed development and mitigation would not lead to a significant reduction in area of bat prey producing habitats. However the location of replacement habitats is also a consideration. Effectiveness of the proposed mitigation will depend on the landscaping and maintenance schemes. A detailed set of plans showing the type and areas of mitigation that will be provided. Additional clarity on full details of planting, maintenance, target heights of vegetation, agency carrying out works, monitoring and on going management in-perpetuity would need to be secured in a LEMP and a CEMP for the construction. It is agreed that these can be dealt with by condition.

b) Severance of linear features – there is a threat of obstruction to commuting features by the formation of the road which would effectively be a linear barrier bisecting the landscape. Six strategic crossing points would be provided through means of culvert underpasses with associated hop overs provided at 5 of the crossing locations, supported by planting. This landscaping will direct bats into culverts under the road, provide screening around culvert entrances linking these crossing points to connecting roadside hedges and encourage bats to gain height to cross over the road. The principle of bat underpasses is deemed to be an acceptable form of mitigation and has been subject of recommendations in two previous assessments in 2014 and 2017 by an external consultant. There is however limited information on best practice for this form of crossing. There are reservations about hop overs which encourage usually low flying bats to ascend and fly at height over the road. Additionally two of the culverts would comprise pipes 60 cm wide for GHBs with a wingspan of 35-40 cm wide to pass through. The applicant has agreed to install three 60 cm pipes grouped together, and to potentially use a 'letterbox' shape instead of circular at these points to address this concern. It is concluded that subject to agreeing the specification of the culverts and hop- overs through condition (including their long term maintenance) this would be an acceptable way to ensure sufficient crossing points for GHBs are provided.

c) Disturbance from Illumination - the central section of the link road will not be lit. Lighting is required where the road enters future residential roads in the south and west sections and at the junction with the A382. Light modelling has been carried out which does not take into account night time dimming or fitting of louvers, which would reduce light spill on non-highway areas. There is a risk that sections of lit highway will affect three of the crossing point culverts. To counter this the applicant proposes additional landscaping to reduce light spill levels. Light modelling to show whether this would be effective has not been carried out. It is considered that this matter can be addressed by condition.

d) Collision with vehicles – avoiding risk of bat casualties will depend on crossing point design. It will be important that the design of road crossing points and landscaping should discourage bats from entering the new road corridor. Recording bat casualties should form part of the routine monitoring programme for the development. Road surface treatments which can give warning to bats of approaching vehicles should also be considered. Full landscape management plans and monitoring programme details which can be provided by condition are required.

- 3.42 The conclusion of the AA is that the Adverse Affects on the Integrity of the South Hams SAC can be ruled out subject to implementation of mitigation measures and conditions securing submission of additional information as referenced above. It is noted that NE has agreed with the conclusion of the AA.
- 3.43 The submitted ecology report also assesses the impact of the proposed development on the following species; bats other than GHBs, badgers, otters, dormouse, amphibians, reptiles, and birds (including Cirl Buntings). In the survey work Barbastelle bats (European protected species) were recorded in low numbers. A number of other bat species were recorded within the application site including lesser horseshoe bats and pipistrelle, which shows a diversity of bat species in the area. Dormouse nests were recorded in two locations within the study area. A total of 36 bird species were recorded which included the following notable species; redwing, bull finch, house sparrow, skylark, song thrush and yellow hammer.
- 3.44 The proposed development is within the Cirl Bunting Consultation Zone. Cirl Buntings were recorded twice (out of nine surveys) outside of the red line boundary. It is considered likely that Cirl Buntings utilise the area for the purposes of foraging, prospecting and possibly breeding. Limited evidence of otter was recorded during field surveys. The proposed development is also within the Great Crested Newt (GCN) Consultation Zone. Six ponds within 250m of the proposed scheme were subject to survey. GCN presence was found in one pond, which is approx. 160m east of the proposed scheme.
- 3.45 Signs of badger activity recorded within the study area included badger runs and evidence of foraging and a latrine along the edge of a maize field. There was considerable evidence of badger activity around Mead Farm; with evidence of badger foraging in the maize fields to the south of the farm and several badger trails crossing the lane leading down to the farm. Only one potential site for reptiles was identified. This was along the outer edges/tops of fields towards the centre of the Proposed Scheme (in the steep field opposite Perry Farm). No other areas were considered suitable for reptiles.
- 3.46 Most impacts on protected species will occur during the construction phase when land-take occurs which will lead to habitat loss and potential habitat severance and fragmentation and species mortality during vegetation clearance.
- 3.47 In order to address this impact proposed mitigation includes hedgerows to be retained along the proposed scheme as far as possible. Where removal is unavoidable, approximately 1960m of existing hedgerow shrubs will be coppiced and translocated into permanent planting areas and will be used as new boundary features, where possible. Approximately 340m of new, species rich hedgerow will also be planted. All new hedgerow shrubs will be of locally native provenance. Appropriate exclusion zones will be maintained around valuable retained habitats to

avoid accidental damage and materials and/or plant will not be stored in these areas. A range of proposed features will be provided that will have a beneficial impact on a range of species. These include proposed culverts, attenuation ponds which would include beneficial habitat for a range of amphibian, reptile, plant and invertebrate species.

- 3.48 To ensure the success of the proposed mitigation and enhancement it will be essential to undertake monitoring of ecological features during the operational phase. Co-ordination of mitigation, biodiversity enhancement and monitoring will be addressed in the LEMP.
- 3.49 The River Lemon Valley Woods Site of Special Scientific Interest presents an extensive example of ancient semi-natural woodland developed almost wholly on limestone and calcareous soils, a habitat rare in Devon. The woodlands also include important habitat for a range of bird species, and include valuable watercourse habitat. In order to mitigate detrimental impacts upon the SSSI and make the development acceptable a number of mitigation measures are proposed.
- 3.50 Stover Park SSSI/Stover LNR lies more than 1.1km north of the proposed scheme immediately adjacent to, on the eastern side of, the A382. At the SSSI/LNR, the NO_x limit for the protection of vegetation set by the Air Quality Standards Regulations is predicted to be exceeded under all scenarios (baseline, opening year and 2036). A moderate beneficial air quality effect is predicted in the opening year, but in the forecast year a substantial adverse air quality effect is predicted. Overall the proposed scheme is considered to have a slight beneficial effect on air quality in the opening year, changing to an adverse effect on air quality in the forecast year. This is attributable to further development and consequently higher traffic flows being facilitated by the link road, and the development of residences along the route. The air quality assessment suggests the nitrogen deposition will not exceed the critical load within those habitats in the SSSI which are most sensitive to impact.
- 3.51 In conclusion, the proposed development will inevitably result in habitat loss, severance and species mortality. Changes to environmental conditions during construction could impact water quality environments and changes to lighting of the area. The applicant advises that the proposal has been designed to minimise land take of key habitats for sensitive species and to maintain habitat connectivity. The submission includes enhancement measures and environmental mitigation including habitat creation to deliver biodiversity enhancement. Providing the measures identified in the Landscape and Ecological Mitigation Plan are secured, implemented at the appropriate stage of the development and effectively monitored it is considered that the impact of the proposed development on biodiversity would be acceptable. Consequently it is concluded that in terms of biodiversity the proposal would not have a likely significant effect.
- 3.52 The following Policies in the Teignbridge Local Plan are relevant to assessing the biodiversity impacts of the development; WE11 (Green Infrastructure), EN8 (Biodiversity and Protection and Enhancement), EN9 Important habitats and features, EN10 European Wildlife sites, EN11 Legally Protected and Priority Species and EN12 Woodland Trees and Hedgerows. When considered against these policies it is concluded that subject to securing final details of mitigation measures and the mechanism for ensuring that they are effectively monitored, the proposal would accord with the development plan.

Land Drainage/Flood Risk

- 3.53 In support of the application a Flood Risk Assessment (FRA) was submitted and a chapter in the ES addresses Water Issues.
- 3.54 The proposed development is located within Flood Zone 1 which has the lowest probability of flooding (defined as a less than 1 in 1000 annual probability of fluvial flooding). The construction of a road which is classified as 'essential infrastructure' in the national Planning Practice Guidance (PPG) is considered appropriate development within Flood Zone 1.
- 3.55 In their initial consultation response the EA advised that further information was required to demonstrate that the proposed road would not increase flood risk to third parties. Additional information was required about sizing of culverts, exceedance routes and the potential impact on the Holbeam dam flood storage area.
- 3.56 Following submission of further information, the EA advised in their second consultation response that they will shortly be designating a River Lemon Critical Drainage Area (CDA) to restrict runoff into the Holbeam Dam and would expect the part of the road within the CDA to meet these drainage standards. They express concern about the size of Culvert 2 and it is advised that the application should not be determined until further information has been submitted to demonstrate that the proposed development will not exacerbate existing flood risk problems associated with the capacity of the Holbeam Dam. It should be noted that the CDA has now been designated. The assessment indicated that the catchment upstream of the Holbeam Dam on the River Lemon was generating more surface water runoff than those assumed in the dam's design, which could potentially lead to more frequent overtopping. The CDA requires that all developments proposing to drain by means, other than infiltration, and within the catchment upstream of Holbeam Dam must restrict post-development peak discharge rates to match the equivalent greenfield runoff rate for the 1 in 10 year storm event.
- 3.57 The consultation response from DCC as the Lead Local Flood Authority is awaited.
- 3.58 There are two low points in the topography where the proposed development crosses two small watercourses, and these are shown to be at a 'high' risk of surface water flooding. The applicant proposes that measures will be incorporated to include no works or structures to take place within 5m of any watercourses in the vicinity of the site to ensure that there would not be an increase in flood risk.
- 3.59 The surface water drainage system to be installed as part of the development will limit the rate and volume of surface water runoff to existing greenfield runoff rates. The drainage strategy relies on storage features to attenuate surface water runoff from the road. It would comprise a mix of traditional pipe networks and swale features which direct the water towards attenuation basins and oversized pipes. The proposed mitigation measures would allow sedimentation to occur leading to an improvement in water quality entering the system, as well as ensuring surface water is held on the site for up to the 1 in 100 plus 40% climate change allowance annual probability flood event, only allowing to discharge off the site matching existing greenfield rates.

- 3.60 Mitigation is required during construction to protect water quality. Mitigation measures will be included in the CEMP to ensure that best practice is employed and the environment is safeguarded. The CEMP will include method statements for the construction works and will provide details of the materials (type and quantity) to be taken to and from the site. The CEMP will also provide a pollution control and contingency plan.
- 3.61 In the ES it is concluded that the magnitude of impact during both the construction and operation phases on flood risk, surface water drainage, surface water quality and groundwater quality would be neutral. The assessment of significant environmental effects during construction and operation phases on flood risk concludes the impact would be neutral. It is acknowledged that without the inclusion of mitigation measures during the construction phase there is a potential moderate adverse effect on surface water runoff and surface water quality. During the operation phase with the attenuation of surface water drainage the effect would be neutral.
- 3.62 The FRA concludes that the proposed development is safe from flooding and does not increase flood risk downstream.
- 3.63 The relevant policies in the Teignbridge Local Plan 2013-33 are S2 (Quality Development) which has the relevant objective 'location and scale of Sustainable Urban Drainage Systems' and Policy EN4 (Flood Risk). This Policy encourages developments to be located within Flood Zone 1. It promotes the use of sustainable drainage systems where ground conditions are appropriate, and states '*Planning permission will not be granted for any proposal which as a consequence of inadequate provision of water services or surface water drainage and disposal, would pollute the water environment.*'
- 3.64 As set out above, further advice is awaited from the EA to confirm that the proposed development would not exacerbate existing flood risk problems. In addition the consultation response is awaited from the LLFA. Both organisations are statutory consultees on this application. Their comments are needed before an assessment as to whether the proposed development would have a likely significant effect on water and drainage and whether the proposal accords with Policies S2 and EN4 in the Teignbridge Local Plan 2013-33 can be concluded and an update will be provided to members in this regard.

Cultural Heritage

- 3.65 There are no designated heritage assets within the application site boundary. The Grade II registered Stover Park borders the site for 316 m along the section of the A382. Stover Park comprises 20 hectares of gardens and pleasure grounds and circa 160 hectares of parkland, lakes and plantations. Stover Park is the key setting of the listed buildings (Grade II and Grade II*) within it and as a result these buildings are not considered to have their setting affected by the proposed development.
- 3.66 Designated heritage assets that are within 2km of the site area include the Highweek War Memorial and the Gatepiers at South East Entrance To Wrigwell House. In the ES it is stated that they do not have any clear views of and are at

such a distance from the Application Site that there will be no impact on their setting or level of significance.

- 3.67 The Grade II listed buildings at Seale-Hayne Faculty, Houghton; Houghton Farmhouse at 2-3 Howton Road and the Barn approximately 30 metres south-east of Houghton have no clear views of the application site and they are all well screened by vegetation and topography and therefore the impacts to this heritage asset group are considered to be low.
- 3.68 To the south of the proposed route, the Grade II listed Hele Park and attached walls and piers will have views of the newly proposed road route. Hele Park is located 455m to the south of the proposed development. It will have visibility over the new length of road between Perry Lane and Howton Lane. The setting of this heritage asset is considered to be its rural setting and this directly contributes to the understanding of this heritage asset and its significance. The proposed new section of road will have a minor adverse impact on this, but will not fundamentally change the historic setting of the heritage asset, which will still look out over rural fields.
- 3.69 A number of non-designated heritage assets are located within the application site and will be subject to a direct impact. These are 'Clay Park' Fieldname, part of the Enclosure near Forches Cross, Milestone along the section of the A382, a Toll House at the Forches Cross crossroads, a linear cropmark and Forches Cross Gallows. The impact of the proposed development on these assets is considered in the Environmental Statement. The features are assessed to be of low heritage significance apart from the enclosure near Forches Cross which is judged to be of medium significance as there are potential prehistoric remains.
- 3.70 Two extant, non-designated heritage assets, in proximity to the proposed route of the scheme, have the potential to have their settings affected which are Perry Farm and Rose Barn and Chuntor Barn (Mainbow farm). In the ES it is predicted they would be subject to a magnitude of impact of Medium adverse and a significance of effect of very slight harm.
- 3.71 In terms of archaeological impact the application site is situated within a rich historic landscape and the extent of finds and sites of both prehistoric and historic dates demonstrates a high potential for further, unknown archaeological remains to exist within the application site. Archaeological remains have been found in four out of five trial trenches in the vicinity of the application site. Most of the features present appear to relate to agricultural functions, comprising ditches for field boundaries and drainage. A probable pit in Trench 5 contained three sherds of pottery of Middle Bronze Age date.
- 3.72 In order to address this, proposed archaeological mitigation measures are included in an outline Written Scheme of Investigation (WSI). This sets out archaeological mitigation for the development in terms of arrangements for fieldwork, post-fieldwork assessment, reporting and archiving, archive deposition and report dissemination. The DCC Archaeology Officer has confirmed that the submitted archaeological Written Scheme of Investigation is an acceptable programme of mitigation for the direct impacts of the scheme on known and potential archaeological assets. He recommends that consent for the development should be conditional on the implementation of this WSI. In addition, the Construction Management Plan for the development should include robust measures to identify and protect the prehistoric

settlement site at Forches Cross from damage by construction vehicles or storage of construction materials. Such protection could include fencing and signage.

- 3.73 In summary, the impact of the proposed new road on heritage assets is considered to be low. The majority of heritage assets in the vicinity of the site would not be impacted by the development as the new road would be screened by existing topography and vegetation. Where the road will be visible from heritage assets, the impact has been assessed as being low.
- 3.74 In considering this application, special regard has been had to the preservation of the relevant Heritage Assets as noted by the Conservation Officer. Some harm to designated Heritage Assets has been identified although the Conservation Officer identifies this as less than substantial and in my view it would be towards the lower end of this spectrum. Furthermore, the significant public benefits that would accrue from the delivery of this road are considered to demonstrably outweigh this low level of harm to the setting of the designated heritage assets.
- 3.75 The relevant Policy in the Teignbridge Local Plan is Policy EN5 (Heritage Assets) which seeks to ensure new development will protect and enhance the area's heritage. In this case it is considered that the proposal will not result in harm to heritage assets and therefore accords with this Policy.

Air Quality

- 3.76 The Design Manual for Roads and Bridges (DMRB) Volume 11 Section 3 Part 1 HA 207/07 Air Quality states that the pollutants of most concern to human health near roads are NO₂ and PM₁₀, and for vegetation and ecosystems NO_x is of most concern. Air quality monitoring was carried out for a month in January/February 2017.
- 3.77 The study area contains existing human receptors (dwellings) alongside the construction site, trackout routes and existing and proposed roads, and ecological receptors (a site of special scientific interest (SSSI) and local nature reserves) alongside existing roads. Effects of the proposed development on these receptors were assessed. The significance of effects on human receptors was assessed at the most vulnerable locations closest to affected roads, and also more widely by considering the net beneficial and adverse effects on all receptors within 200m of affected roads. The assessment was been repeated for the opening year (2021) and fifteen years after opening (2036).
- 3.78 Applying the EPUK/IAQM impact descriptors to the most vulnerable existing receptors results in effects for pollutants impacting on human health (NO₂, PM₁₀, PM_{2.5} and CO) being rated as negligible adverse or better in all cases, with the exception of one existing residence (Stover Lodge) close to the northern part of the link which is predicted to experience a slight adverse effect for NO₂ by 2036. Moderate adverse effects are predicted for NO₂ and slight adverse effects for PM₁₀ and PM_{2.5} at the worst-case locations of new dwellings along the link road, but in absolute terms predicted concentrations at these locations are less than 50% of the limit values.
- 3.79 Model verification and sensitivity testing indicates that limits are unlikely to be exceeded taking into account model inaccuracies. However, were vehicle emissions

to show no improvement in future years, exceedances would be likely to result both with and without the link road due to forecast increases in traffic.

- 3.80 There is an existing Air Quality Monitoring Area (AQMA) to the south of the site. It is concluded that during the operational phase of the development it is not expected to have a significant effect on the AQMA.
- 3.81 Operational effects on ecological receptors are considered to be potentially significant in the case of the area of the Stover SSSI directly adjacent to the A382, on the basis of the assessment of magnitude of impact and assessment of significant effects. NO_x concentrations and nitrogen deposition currently exceed critical levels and loads. Whilst expected to improve in future years, by 2036 with the link road in place the exceedance is significantly greater than it would be without it. By 2036, exceedances of NO_x limits are limited to within 20 m of the A382 for the do minimum case, and for an additional 3 m with the link road in place; corresponding figures for nitrogen deposition are 100 m and 125 m respectively. Mitigation measures should be considered as necessary to ensure that impacts have been minimised within this zone close to the A382. This can be addressed by condition requiring monitoring to be carried out and submission of a strategy to address the impacts of air pollution.
- 3.82 Overall the proposed link road impact on air quality is considered to have a slight beneficial effect in the opening year, changing to an adverse effect in the forecast year (2036). This is attributable to further development and consequently higher traffic flows being facilitated by the link road, and the development of residences along the route.
- 3.83 More significant adverse effects are predicted at the worst-case new residences, with moderate adverse effects for NO₂ in both assessment years and slight adverse effects for PM₁₀ and PM_{2.5} by 2036. This is not surprising given the presence of a new road with significant traffic flow in close proximity to the locations, compared to more distant, lightly trafficked country lanes. Perry Farm, in close proximity to the northern part of the link, is also predicted to experience slight adverse effects for NO₂ by 2036. In all these cases the predicted concentration is less than 50% of the limit value; although the change in exposure is substantial, it remains low in absolute terms.
- 3.84 The Council's Environmental Health Officer raises no concerns about the submitted assessment. No comment is made about whether the survey information that was conducted for only one month during the winter is sufficient for this assessment. Subject to a condition requiring monitoring and potential mitigation for Stover SSSI it is concluded that in terms of impact on air quality the proposed development would not result in a likely significant effect.
- 3.85 The relevant Policy in the Teignbridge Local Plan 2013-33 is Policy EN6 (Air Quality) which requires submission of sufficient information in an application to assess the impact of development on an AQMA and to assess whether a proposed development could itself result in the declaration of an additional AQMA. It is likely, based on the submitted information that the proposal would not result in a level of emissions that would necessitate the declaration of an AQMA. Therefore the proposal is considered to comply with the requirements of Policy EN6.

Noise and Vibration

- 3.86 Noise and vibration nuisance is addressed in the ES. The study area for noise nuisance used was 1km from existing routes that are being bypassed or improved, and any proposed new routes. Vibration nuisance is only undertaken for properties within 40m of affected roads within the scoping area and of those, the property needs to show a predicted noise level greater than 58dB LA10, 18h.
- 3.87 Whilst the majority of sensitive receptors within the study area are designated as residential dwellings, there are also two designated Public Rights of Way (PROWs) and Seale-Hayne can be considered a community facility.
- 3.88 In carrying out the assessment the study uses the without-scheme model, named Do-Minimum, and the with-scheme model, named Do-Something.
- 3.89 The assessment found during construction at the nearest receptors there is the risk of impacts up to a Moderate impact above the noise threshold limits. The predicted noise levels are higher than the suggested limits, but these are based on unmitigated noise levels. The locations showing breaches of the limits relate to the boundary edge of earthworks that will be needed. These small areas of works can be managed to reduce the impacts on residents. With the inclusion of noise mitigation measures such as quieter equipment, use of noise barriers, restrictions on working times and siting on noisiest equipment away from sensitive locations, there would be enough noise impact mitigation methods to bring the noise impacts to within the acceptable limits. These construction methods can be managed through the CEMP.
- 3.90 For the operational phase of the development the benefits in using a lower noise level road surface material is shown throughout different noise assessment elements between the low noise version and the standard Do-Something version. Due to these large scale benefits and reductions in impacts, the use of a Low-noise surface (with a Road Surface Influence value of - 2.5dB or better) is suggested as a required benefit to this scheme.
- 3.91 During the short-term operation of the road network following the construction works there is predicted to be only 20% of the properties within the calculation area that show an increase in noise level with approximately 5% showing a perceivable increase. This is using the Low Noise Surface version of the scheme.
- 3.92 During the long-term operation of the road network 71.6% of properties are predicted to show an increase in noise impact but only 1.4% of all dwellings in the study area would show a perceivable increase. This is using the Low Noise Surface version of the scheme.
- 3.93 With regard to impact from vibration only 10 properties are highlighted within 40m of the extent of the carriageway works and were then included in the Airborne Vibration Assessment. The assessments show in the Do-Minimum scenario that only 1 dwelling shows an increase in vibration nuisance and this is the lowest assessed tier of impact. The Do-Something scenario shows 3 dwellings showing increases in airborne vibration nuisance. 1 of these increases show levels higher than 10% increase. This worst-case property relates to a new build property on Buttercup Way, the closest property to where the new connection road will tie into Hele Park estate.

- 3.94 There are several properties that are showing increases in both noise impact level and in nuisance levels where they are showing as either Moderate impacts or reasonably high bands of nuisance. These are generally within the centre of the study area closely positioned to the new proposed carriageway. These locations need to be assessed for the possibility of including further Noise mitigation features such as an Acoustic barrier to help reduce these impacts even further and provide more benefits for the residents. The assessment of the location of acoustic barriers needs to be tied in with more detailed proposals for the development around the scheme, as new construction can work beneficially along with the acoustic barrier to further reduce noise impacts overall for the area. It would be a great benefit to the region if the acoustic barrier design tied in with any proposed new development to ensure that both existing properties and any new proposals (close to the proposed barrier locations) all gain the greatest improvement on the noise climate.
- 3.95 In the Teignbridge Local Plan 2013-33 Policies S1 (Sustainable development) and S11 (Pollution) address noise. Policy S1 states that health, safety and environmental effects of noise and other forms of pollution must be considered and be used as a performance criterion for development. Policy S11, looks to reduce, where possible through planning and other legislation, the impacts of noise, air, water, light, land and other forms of pollution. Part of this policy is to take actions to reduce pollution levels in areas of concern and to guide development and infrastructure provision to seek improvements in pollution levels.
- 3.96 In order for the development to comply with the objectives of these policies it is important that construction methods are agreed with the LPA, a low noise road surface is secured and further work is carried out on provision of acoustic barriers. These can all be secured through conditions.
- 3.97 The Council's EHO has recommended conditions requiring submission of a report from a professional sound consultant detailing control measures to be adopted for the control of fugitive noise emissions arising from this application and provision of technical data for any mechanical power generation.
- 3.98 In conclusion, subject to submission of additional information in accordance with conditions outlined above the proposal would not result in a likely significant effect in terms of noise and vibration.

Light impacts

- 3.99 As the proposal is for a new road it will result in the provision of new street lighting along sections of the road. Illumination will be from the A382 near Forches Cross continuing west to Perry Cross, which will include the new employment land. Street lighting will also be incorporated throughout the local hub and community facilities extending west to the A383 junction.
- 3.100 The lighting proposal would ensure that a dark corridor remains in line with the Houghton Valley Park. All existing habitat connectivity across the landscape is retained, either by no proposed lighting or by mitigated dark culvert crossings. This is consistent with the requirements of the South hams SAC and the NA1 DFP.
- 3.101 In order to minimise light pollution all of the proposed street lighting will make use of louvers to reduce light spill onto adjacent areas. All lanterns on the scheme will use control gear which have built in timed dimming of the lights to reduce the lighting

level to 65% output of the normal start up lighting level, between 10pm and 1 hour after dawn throughout the year.

- 3.102 As considered in terms of impact on biodiversity the Council's ecology officer is satisfied that subject to submission of a LEMP and further detail relating to lighting the principle of the lighting scheme would be acceptable and would not have a harmful impact on ecology in the area surrounding the site. When considering the effect on the landscape character of the area it is relevant to consider the extent of the NA1 allocation. The character of the area surrounding the new road will change from rural with interspersed dwellings to an urban extension. In this context the extent of proposed lighting and its impact would be commensurate with the development of this area and would be acceptable in this location.
- 3.103 It is concluded that the light impact of the proposed development would not result in a likely significant impact.
- 3.104 It is considered that the proposed lighting scheme would be consistent with the objectives of Policy S11 (Pollution) in the Teignbridge Local Plan in that the proposal would not result in light pollution.

Transport

- 3.105 A transport assessment (TA) has been submitted in support of the application.
- 3.106 Government Policy in the NPPF (February 2019) promotes provision of sustainable transport which includes pursuing opportunities to promote walking, cycling and public transport. Policy S9 (Sustainable Transport) in the Teignbridge Local Plan 2013-33 is consistent with this objective. Policy S10 (Transport Networks) seeks to protect existing transport networks which includes the locally important road network referring to the A382 and A383.
- 3.107 The scheme will connect the new Houghton Barton development to existing bus services, enhancing access to sustainable modes. The new road will be wide enough for buses to accommodate new or diverted bus routes in the future.
- 3.108 A segregated route for cycles and pedestrians will be provided along the length of the entire road. These will enable a link to the A382 Corridor Improvement Scheme, where a shared pedestrian and cycle path along the A382 from Drumbridges to Jetty Marsh II will be implemented along with a pedestrian and cycle bridge at Forches Cross. This combined provision will result in a notable improvement in cycle and walking provision in the area which will encourage sustainable methods of travel.
- 3.109 In the TA an assessment is carried out on the impact of the proposed development on the existing road network. This is quite comprehensive to ascertain whether there is sufficient capacity on the network to accommodate the development.
- 3.110 It is concluded that the new road will provide a journey time saving for trips to and from the housing and employment in Houghton Barton, as well as existing traffic that currently travels from the A383 through Highweek or Dyrons Roundabout and Churchill's roundabout. The distance for a journey between Forches Cross and the Howton Lane / A383 junction will reduce by approximately 3km with the new road in place compared to the Dyrons/Churchill's roundabout route. The SATURN

modelling indicates that this translates to a journey time saving of around three and a half minutes in the AM and PM peak, in each direction.

- 3.111 The scheme is expected to have a positive impact on safety. The implementation of the new road will reduce the volume of traffic through Highweek and therefore improve safety.
- 3.112 Detailed traffic modelling data is included in the TA. It is concluded that comparing the situation on the network in 2021 without the scheme to 2021 with the scheme, flows on the A382 and A383 see a negligible change as a result of the scheme, whereas flows at Forches Cross increase significantly as development trips can use the new road to access areas in the north and vice versa. Trips at Howton Lane decrease slightly as trips can also enter and exit via Hele Park Roundabout and directly from the A382 in the with scheme scenarios.
- 3.113 The submitted modelling suggests that flows increase on all roads in 2036 in the AM and PM peaks compared to 2021 with the scheme due to an increase in trips from background growth and the Houghton Barton development, increasing by around 800 two way trips per hour on the A382 and 200 trips on the A383 and Howton Lane. The increase is most evident at the Forches Cross junction where the number of two way trips from Houghton Barton Avenue is around 700 trips higher than existing flows from Staplehill Road.
- 3.114 On Ringslade Road, traffic flows in the 2021 with scheme scenario are 40-50% lower than the traffic flow in the 2021 without scheme in the AM peak and, 30-40% lower in the PM peak. The flows in the 2036 with scheme scenario are higher than the 2021 with scheme, however they are of a similar magnitude to the 2016 PM flows.
- 3.115 The TA also includes an assessment of junctions adjacent to and within the scheme. The results show that the junctions will operate within capacity in all scenarios, except the Forches Cross junction in the 2036 pm where the north arm is projected to exceed its theoretical capacity with queuing and delays worsening. The DCC Highways officer has been requested to comment on this point and an update will be provided.
- 3.116 The DCC Highways officer has raised no objection to the proposed development. Conditions are recommended relating to provision of a Construction Management Plan and submission of detailed plans of the road prior to construction commencing. It is noted that part of the proposed road will be constructed by the developers of the Houghton Barton development. It is necessary to ensure that this information is submitted to ensure that the road is delivered to an acceptable standard.
- 3.117 It is concluded that subject to satisfactory further advice from the highways officer, the proposed new road would not result in a likely significant effect as it would improve traffic flows in the area, would provide additional network capacity to cater for the new NA1 (Houghton Barton) development and would encourage walking and cycling along its route. In addition it would be consistent with Policies S9 and S10 in the Teignbridge Local Plan 2013-33.

Climate Change

- 3.118 A chapter has been included in the ES on greenhouse gas emissions. It is recognised that the new link road will result in a change in greenhouse gas (GHG) emissions both during the construction and operation phases. The submission identifies the sources of GHG emissions associated with the proposed construction and operation of the link road and, in line with national and local climate change policy, identifies scope for the mitigation and minimisation of any impacts.
- 3.119 In modelling the likely impact two scenarios were considered the first of these was the “Do Nothing” baseline whereby no road is constructed linking the A382 and A383 and assumes 200 new homes in 2021 rising to 400 homes and 800 jobs in 2036. The second “Do Something” scenario which assumes the construction of the link road together with 200 homes in 2021 rising to the full build out of the proposed Houghton Barton development in 2036 (though the end year of the analysis here is still taken as 2031). Finally, the impact of proposed mitigation or enhancement measures that may improve (reduce) GHG emissions adjustments could be made to the model to quantify these measures in isolation. The final outputs of the modelling were expressed as tonnes of carbon dioxide equivalent (tCO₂e).
- 3.120 The study area was taken to be the boundaries of the new road in terms of the construction phase impacts, and the wider network used in the traffic model in the case of operational emissions from vehicles. At the construction phase, emissions will arise from the use of machinery to construct the road, emissions associated with the transport of, use and disposal of materials, and due to changes in traffic flows, for example due to diversions. During the operational phase emissions will arise due to road use by vehicles, street lighting, traffic lights, road maintenance and any sequestration from planting.
- 3.121 The overall results of the calculation are expressed as tonnes of carbon dioxide equivalent (tCO₂e). The modelling showed the construction phase would be responsible for 6,139 tCO₂e. In the first year of opening (2021) the “Do Something” scenario would result in a reduction in annual operating emissions of 109 tCO₂e compared to the “Do Nothing” approach. At the end of the analysis period, the “Do Something” scenario would result in annual operating emissions being 498 tCO₂e higher than the “Do Nothing” scenario. Cumulatively over the analysis period, the “Do Something” scenario would result in an increase in operating emissions of 2290 tCO₂e compared to the “Do Nothing Scenario”. When added to the construction emissions, building the link road results in a net increase of 6,155 tCO₂e over the period assessed.
- 3.122 When the total net emissions are annualised the report indicates that this corresponds to an average of 512 tCO₂e per annum which is equivalent to an uplift of 0.14% of transport carbon dioxide emissions in the Teignbridge District Council area, 0.03% of transport carbon dioxide emissions in Devon (county administrative area) or 0.01% of total carbon dioxide emissions in Devon.
- 3.123 The most significant sources of emissions occur principally from the transport, use and disposal of materials at the construction phase and from road use by vehicles at the operational phase. The output of the GHG calculations has predicted that 35% of the increase in emissions for the “do something” scenario are due to increased traffic flows occurring the operational phase. The other significant category for GHG emissions also at 35% was from material use. The analysis of

potential mitigation measures showed that 2,259 tCO₂e of emissions could be saved from the transport (to and from site), use and disposal of materials if higher recycled content of materials could be specified. This represented 36.8% of the net increase in emissions. A further 26% of total emissions was due to the delivery, removal and disposal of materials.

- 3.124 An exercise was undertaken to identify design, mitigation and enhancement opportunities to reduce the net increase in GHG emissions over the assessment period arising from the proposed scheme. The most significant measures identified involve specifying that new material (i.e. asphalt, sub-base stone, capping stone and steel in the case of the safety barrier) for use within the scheme should originate from recycled rather than virgin sources, and that a minimum amount of soil should be removed from the site for disposal.
- 3.125 The 2017 Institute of Environmental Management and Assessment (IEMA) guidance states that all GHG emissions are significant and that an Environmental Impact Assessment (EIA) should ensure the project addresses their occurrence by taking mitigating action. In the light of this it is appropriate to impose a condition requiring details of the proportion of materials used in the scheme that are from recycled sources should be submitted to and agreed by the LPA.
- 3.126 Schedule 4 of The Town and Country Planning (EIA) Regulations 2017 requires at 5(f) a description of the likely significant effects on the environment resulting from the impact of the project on **climate**. It is agreed that greenhouse gas emissions are an important issue that need to be considered, and as above this has been included in the ES. It would have been preferable that this topic had been addressed on a wider basis and included an assessment of issues such as the vulnerability of the project to climate change, particularly how climate change will potentially manifest itself in the future and also the effectiveness and feasibility of adaption measures integrated into the scheme to increase the resilience of the scheme to climate change impacts. In addition a further consideration is the in-combination climate change impact which would evaluate the combined effect of the scheme and potential climate change impacts on the receiving environment during the construction and operation of the scheme.
- 3.127 In light of the situation that the LPA did not issue a screening or scoping decision for the proposed development when requested to do so, it is appropriate for the decision maker to consider whether there is sufficient information submitted to assess the likely significant effect on the environment from the impact of the project on climate.
- 3.128 In terms of the wider climate issues described above it is predicted that climate change will increase the frequency and severity of some types of extreme weather events in the UK. Generally it is likely that warmer drier summers will occur along with warmer wetter winters. It is considered that an increase in temperature would present little risk to the proposed road unless the amount of increase was extreme. Increased rates of precipitation would impact the potential for flooding, which would in turn potentially effect ecosystems, soils and biodiversity. As identified above, the site is within flood zone 1 which is has the lowest level of flood risk. Provision to address climate change has been made in the design of drainage for the road. On this basis it is concluded that the level of information contained in the ES allows an assessment to be made on the likely significant effect of the development on

climate and to conclude that there would be no likely significant effect, subject to the receipt of positive consultation responses from the EA and the LLFA.

- 3.129 The relevant Policy in the Teignbridge Local Plan 2013-33 for consideration of carbon emissions is S7 (Carbon Emission Targets) which states that the Council will work proactively to seek to achieve reductions in carbon emissions per person of about 42% from 2009 levels by 2030. The proposed road will contribute to this objective through provision for bus movement, cycle and walking paths. In addition there will be further opportunity through encouragement of the use of recycled materials in the construction process. Therefore the proposal would accord with this Policy.

Reasonable Alternatives

- 3.130 Four different route options were assessed in relation to potential effects upon landscape character and views (under the headings of topography, landform, landscape pattern, vegetation cover, severance and visual containment/prominence) and where relevant other factors (such as Ecology). One of these options (option 2) was selected as the final route. It was selected based on minimising landscape impact, ecological impact, earthworks and not requiring removal of properties.

Cumulative effects

- 3.131 In the ES it is recognized that there potential for cumulative effects to result from the construction and operation of the development. Two types of cumulative effects are identified;

- a) Cumulative effects arising from other development projects
- b) Cumulative effects on a single resource or receptor.

- 3.132 There are several proposals for new development likely to result in future changes to the area. A number of proposals for new development between the A38, the A382 and A383 towards Newton Abbot are likely to result in future changes to the landscape and visual amenities in the area. These proposed developments in the area are likely to change the existing environmental baseline in the absence of the proposed A382-A383 connection, particularly the existing local landscape and visual setting.

- 3.133 The relevant planning applications are;

- The **A382 Corridor Improvement Scheme** approved planning application
- **Development Site Former Hele Park Golf Centre**, Ashburton Road, Newton Abbot, 650 dwelling- Approved- Under construction
- **Land At Ngr 283353 72691**, Howton Road, Newton Abbot, Devon- 20 Dwellings - Devon- Approved planning application
- **Western House**, 10 Howton Road, Newton Abbot, Devon, 32 dwellings allowed at appeal
- **Seale Hayne** – Staff and student accommodation- Outline consent
- **Seale Hayne** – **Staff and student accommodation**

- **Iford Park-** Planning application 14/02580/MAJ: an outline consent for an employment-led mixed use development and caravan park at Iford Park near the A382/A38 junction
- Land At NGR 285451 72391 Whitehill, Exeter Road 203 dwellings

- 3.134 The potential for significant temporary cumulative biodiversity effects exists with nearby developments due to the combined loss of habitat across the area should the construction of local plan allocations and other planning permissions overlap with that of the proposed development. However, these would be temporary and not significant as each development would be individually assessed and required to secure mitigation in order to offset the impact of development.
- 3.135 There would also be potential short-term cumulative landscape and visual effects during construction of the proposed scheme subject to the timing of construction works with other local plan allocations. These are not considered as significant due to their magnitude and short-lived nature.
- 3.136 It is noted that housing, community building, local amenity and local businesses close to the proposed scheme are likely to experience disturbance from a number of aspects during the construction phase. There would be some nuisance from dust, noise, vibration, construction traffic and adverse visual impacts. Some visual impacts are mitigated through advance planting as part of the design. Strict mitigation will be put in place and will be detailed in the Construction Environmental Management Plan (CEMP).
- 3.137 Disturbance from construction traffic and noise would potentially extend to communities and travellers along connecting transport routes. This increased traffic disturbance can result in indirect cumulative effects, such as drivers choosing to travel on surrounding roads. This can affect traffic flows on roads not directly affected by the construction works and can result in reduced air quality, increased noise and reduced amenity. The impacts will be mitigated through traffic management during the construction phase.
- 3.138 During operation, the scheme would provide a different context to these effects as more residential and commercial developments in the area will be established. The proposed development would improve traffic flows and reduce congestions at peak hours hence improving journey times, local amenity including access to community facilities.
- 3.139 In summary, although there are potential adverse cumulative environmental effects during the construction phase of the proposed development. These are not considered as significant due to their magnitude and short-lived nature. Due to the incorporated mitigation, there are not considered to be any significant cumulative environmental effects during the operational phase of the development.

Socio-economics and Health

- 3.140 No specific chapter has been included in the ES relating to socio- economics and health. Para. 4(2)(a) of the The Town and Country Planning (EIA) Regulations 2017 requires the ES to assess the effects of the proposal on *population and human health*. Relevant information has been provided in the chapters relating to Air Quality and Noise, Vibration, and Cumulative Effects which are considered above.

3.141 It is noted that health determinants may be affected by the scheme during the construction phase such as access to work and training, access to community services and facilities, and access to open space. During the operational phase the proposed development would impact the local population in terms of numbers of population anticipated due to it unlocking delivery of the NA1 (Houghton Barton) allocation.

Resources and Waste

3.142 In the ES it is advised that material requirements and waste generated by the project is not fully known at this stage. Material sources also cannot be definitively identified, although local sources will be encouraged where suitable and available. Therefore at this stage it is only a high-level assessment of the impacts is possible.

3.143 For material resources that originate on site, the environmental effects are associated with production, processing and disposal of the materials. Use of locally sourced (South West) primary aggregates has been assumed but opportunities remain for the use of recycled aggregates. This includes processing of excavated materials for incorporation into the permanent works. Materials imported to site will be sourced from the nearest available location where suitable and available, thus keeping heavy goods vehicle journey distances to a minimum.

3.144 In terms of waste mitigation during construction it will be managed through the implementation of a Site Waste Management Plan (SWMP). There are 15 inert waste recycling facilities across Devon which process construction, demolition and excavation waste, some are co-located at inert landfill sites.

3.145 At this stage, preliminary calculations indicate that the design requires the disposal of surplus excavated materials. The re-use of and processing of excavated earthworks materials will be employed wherever possible to minimise the amount of surplus materials and import of primary aggregate materials.

3.146 Material use may deplete natural resources if they are not re-used or sourced from recycled products. The environmental effects of the scheme will be generated by both the construction phase and the operational life of the road after its completion.

3.147 In the ES it is concluded that the overall assessment of the impacts on materials resources is **slight adverse**, due to the requirement for primary sources of materials for the construction, although the specification will allow and encourage the use of recycled content whenever available and suitable.

3.148 The overall assessment of the impacts on waste arisings is **slight adverse**, due to the surplus of excavated material that may need to be disposed of to landfill, if it cannot be recycled. The surplus of excavated material is a result of considerable work to minimise impact to the landscape, and therefore it may not be possible to reduce significantly. However, proposed landscaping (hedgebanks etc) have not been included in the quantities at this stage, and these features will provide further opportunities to recycle material within the scheme. In addition the regulatory and policy framework will encourage the contractor to explore other means of disposal, by diverting surplus material to other construction projects.

Other issues

- 3.149 **Dust** – The Council’s Environmental Health Officer has recommended conditions relating to measures for the mitigation of dust and fine particulates from migrating beyond the boundary of the proposed development onto nearby sensitive receptors and control measures for dust mitigation.
- 3.150 **Minerals** – DCC has advised that for much of the application site, the proposed road follows the alignment of existing highways and/or will not sterilise any underlying mineral resource. The only potential conflict with the ball clay resource lies with the length of new road between the new A382 roundabout and the point where it joins the existing alignment of Staplehill Road, with this stretch being underlain by ball clay. While it would be possible to realign this stretch so that runs closer to the A382 to reach Staplehill Road, it is recognised that this would result in a rather convoluted alignment.
- 3.151 Given the strategic importance of delivering the proposed link road and enabling development of land allocated in the Teignbridge Local Plan, it is considered that the proposal is an acceptable route that minimises as far as feasible the degree of sterilisation of the ball clay resource, and is consistent with Policy M2 of the Minerals Plan.
- 3.152 **Impact on Playing Fields-** The proposed A382-A383 connection, will affect the playing field east of Howton Lane and will affect the current layout of the football pitch. The current pitch can be moved south from its current location. It is likely that the actual playing field can remain in its current location and in use once the road is built until the residential development which is part of the NA1 allocation is approved and an alternative playing field site will then be identified and constructed. However, the pitch may not be usable, during the construction period of the A382-A383 connection.
- 3.153 Sport England are a statutory consultee where a development prejudices the use or leads to the loss of playing fields. Sport England has advised that they have no objection to the application because it would not reduce the sporting capacity of the playing field to accommodate playing fields.
- 3.154 **Agriculture and Soils** -There would be a loss of approx. 5.54 ha of linear strips of agricultural grasslands and arable fields. In addition the proposal would alter a number of field boundaries, reducing the size of fields that it crosses. The agricultural land classification is grade 3 (good to moderate quality agricultural land). Best and most versatile (BMV) land is graded 1 to 3a. In this case given the relatively small area of agricultural land that would be lost there would be no adverse impact on agriculture in the area as a result of the proposal.
- 3.155 **Vulnerability of the development to risks of major accidents and/or disasters** – Part 1 Para 4(4) in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states;
- 3.156 *The significant effects to be identified, described and assessed under paragraph (2) include the expected significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.*
- 3.157 And in in the same legislation Schedule 4 -Information for inclusion in Environmental Statements para. 8 states;

- 3.158 *A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned.*
- 3.159 This topic has not been addressed in the ES, and is an omission contrary to the regulations. It is expected that the ES would identify 'major' events that are relevant to and that could affect the scheme, including both man-made and naturally occurring events. Where major events are identified, the ES should describe the potential for any change in the assessed significance of the scheme on relevant environmental topics.
- 3.160 A major accident or disaster is defined within the Control of Major Accident Hazards (COMAH) Regulations 2015 (Ref23.1) as
- 3.161 "An occurrence such as a major emission, fire or explosion resulting from uncontrolled development in the course of operation of any establishmentand leading to serious danger to human health or the environment (whether immediate or delayed) inside or outside the establishment and involving one or more dangerous substance"
- 3.162 Officer's advice on this point will be provided in the update sheet which will be circulated to Members prior to the meeting.
- 3.163 **Competency of ES** - Part 5 Para 18(5) in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires (a) the developer to ensure that the ES is prepared by competent experts and (b) that the ES must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.
- 3.164 A statement of competency has been submitted. Although not defined by the EIA directive it is expected that the EIA leads should be chartered in their area of expertise.

Conclusion

- 3.165 The proposal for a new road link between the A382 and A383 accords with the NA1 (Houghton Barton) allocation in the Teignbridge Local Plan 2013-33. It would unlock this element of the Council's strategy for delivering sustainable growth which includes delivery of economic growth and new housing to provide positive benefits to local communities through improving their self-sufficiency and resilience.
- 3.166 Development of the proposed new road would provide an improved route to the existing road network for users that want to travel in an east/west direction, which would speed up vehicle journey times. The provision of a cycle path/footpath will deliver sustainable travel options.
- 3.167 The site is sensitive in both landscape and ecological terms. Considerable detailed information has been submitted in support of the application to confirm that the proposed development would not result in a likely significant effect on the environment. The Council's biodiversity and landscape officers are satisfied with the level of submitted information, subject to securing further details on matters such as mitigation and monitoring by condition, and a financial contribution towards

provision of an off site bat barn. Natural England have confirmed that they agree with this position.

- 3.168 Further detailed information and plans have been submitted in respect of flood risk and drainage. Consultation responses from both the EA and the LLFA are awaited before there is certainty on the likely significant effect of flood risk and drainage. It is expected that this information will be available by the Planning committee meeting.
- 3.169 Officers are satisfied that the proposed development will not result in unacceptable levels of air pollution, noise or vibration, subject to the submission of additional information which can be addressed by condition.
- 3.170 The transport impact of the development has been shown to be acceptable with the exception of one junction that would be over capacity at the end of the assessment period. Further comment on this from the highway officer has been requested.
- 3.171 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are prescriptive about the process of environmental impact assessment, including the content of Environmental Statements. In this case the topic of vulnerability of the development to risks of major accidents and/or disasters has been omitted from the statement. Advice on the implication of this omission will be provided in the update sheet.
- 3.172 Subject to the satisfactory resolution of the following issues; drainage and flood risk, transport, and statement content the proposal is considered to constitute an acceptable form of development that accords with the Policies in the Teignbridge Local Plan 2013-33 and is recommended for conditional approval subject to a S106 agreement or Unilateral Undertaking.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S3 Land for Business, General Industry and Storage and Distribution

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

STRATEGY PLACES

S14 Newton Abbot

WELLBEING - HOUSING

WE1 Housing Plan, Monitor and Manage

WELLBEING - INFRASTRUCTURE

WE11 Green Infrastructure

QUALITY ENVIRONMENT

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN6 Air Quality

EN7 Contaminated Land

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

HEART OF TEIGNBRIDGE

HT1 Heart of Teignbridge – Movement

HT3 Heart of Teignbridge – Green Infrastructure

NEWTON ABBOT

NA1 Houghton Barton

Devon Waste Plan

Devon Minerals Plan

Newton Abbot Neighbourhood Plan

NANDP2 Quality of Design

NANDP3 Natural Environment and Biodiversity

NANDP4 Provision of Cycle /Walkways

NANDP11 Protection of Designated and non-designated Heritage Assets

5. CONSULTEES – Full responses are available on the application file

Environment Agency

- 5.1 Object to the application on grounds that insufficient information has been submitted to demonstrate that the proposed highway link will not increase flood risk to third parties. We recommend that the application is not determined until further information has been submitted in respect of the sizing of the culverts, exceedance routes and the potential impact on the Holbeam dam flood storage area.
- 5.2 In their second response it is advised that the application should not be determined until further information has been submitted to demonstrate that the proposed development will not exacerbate existing flood risk problems associated with the capacity of the Holbeam Dam. In addition it is intended to designate a River Lemon Critical Drainage Area (CDA) to help restrict runoff into the Holbeam Dam, and would expect the part of the road within the CDA to meet these drainage standards.

DCC Highways

- 5.3 The route of this road has been designed by the Highway Authority's Engineering Design Group taking into account land form and topography and to ensure the minimal impact on the local area. The detailed design of street lighting and highway signage should be covered by conditions.

DCC Minerals

- 5.4 For much of the application site, the proposed road follows the alignment of existing highways and/or will not sterilise any underlying mineral resource. The only potential conflict with the ball clay resource lies with the length of new road between the new A382 roundabout and the point where it joins the existing alignment of Staplehill Road, with this stretch being underlain by ball clay. While it would be possible to realign this stretch so that runs closer to the A382 to reach Staplehill Road, it is recognised that this would result in a rather convoluted alignment.

- 5.5 Given the strategic importance of delivering the proposed link road and enabling development of land allocated in the Teignbridge Local Plan, it is considered that the proposal is an acceptable route that minimises as far as feasible the degree of sterilisation of the ball clay resource, and is consistent with Policy M2. Devon County Council therefore has no objection in its role as mineral planning authority.

DCC Archaeology

- 5.6 The submitted archaeological Written Scheme of Investigation (SLR, August 2017/Revised 2019) is, in my opinion, an acceptable programme of mitigation for the direct impacts of the scheme on known and potential archaeological assets. Consent for the development should be conditional on the implementation of this WSI.
- 5.7 In addition, the Construction Management Plan for the development should include robust measures to identify and protect the prehistoric settlement site at Forches Cross from damage by construction vehicles or storage of construction materials. Such protection could include fencing and signage.

TDC Arboricultural Officer

- 5.8 While a number of mature trees will be lost and/or impacted by the development there are proposals to undertake tree planting.
- 5.9 Recommends a number of amendments to the landscape plans to ensure the successful establishment of newly planted trees.

TDC Biodiversity Officer

- 5.10 Habitat Regulation Assessment and Appropriate Assessment completed that concludes that Adverse Effects on the Integrity of the South Hams SAC can be ruled out strictly subject to mitigation measures being put in place and finalised details being submitted in accordance with 11 conditions.

TDC Landscape Officer

- 5.11 No landscape objection.
- 5.12 The proposed new road will have an adverse effect of the character and visual amenity of the landscape, however:

- it is seen as an essential component in delivering the 2013 Teignbridge Local Plan and, in particular, the NA1 allocation; and
- the proposed design approach has helped to minimise harm.

5.13 I believe that the scale and alignment of the road will sit acceptably well in the landscape context and that the proposed mitigation will go a long way to minimise landscape harm.

5.14 I agree with the findings of the landscape chapter of the ES which conclude that:

- In terms of impact on landscape character, the proposed new road will have a slight to moderate adverse effect on the landscape, however in the long term, the changes will be largely obscured by the NA1 Houghton Barton development site allocation.
- In terms of impact on visual amenity, there will be only minor adverse impacts on the wider landscape, but for the more immediate landscape, in the short term there will be moderate to significant adverse effect on visual amenity, however in the long term, the scheme will become consumed in to the NA1 Houghton Barton development site allocation or concealed by screen planting.
- The scheme will not give rise to any significant cumulative landscape or visual effects.

5.15 There is, however, scope for further improvement to the detailed design of the road. These could be achieved by adopting conditions.

TDC Environmental Control

5.16 requests further information in respect of;

- Sound control measures for the control of fugitive noise emissions arising from this application
- Technical data for any mechanical power generation to be provided
- Measures to be adopted for the mitigation of fugitive dust and fined particulates from migrating beyond the boundary of the proposed development onto nearby sensitive receptors
- Control measures for dust mitigation.

TDC Environment (Air Quality)

5.17 recommends approval

Planning Casework Unit

5.18 no comments to make on the Environmental Statement.

Natural England

5.19 Your authority will be required to carry out a Habitats Regulations Assessment (HRA). Based on the information provided NE advises that further information is required to inform your HRA. The following information is required;

- Comprehensive, up to date survey data
- Further analysis of collision and severance impacts
- A comprehensive lighting assessment

5.20 Without this information, NE may need to object to the proposal. Please re-consult NE once this information has been obtained. NE consider that without appropriate mitigation the application would;

- Damage or destroy the interest features for which River Lemon Valley Woods Site of Special Scientific Interest has been notified.

5.21 Further consultation response – no objection subject to appropriate mitigation being secured.

Health and Safety Executive

5.22 Does not advice, on safety grounds, against the granting of planning permission in this case.

Sport England

5.23 Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

5.24 'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;

5.25 This being the case, Sport England does not wish to raise an objection to this application.

DCC Lead Local Flood Authority

5.26 Consultation response awaited

TDC Conservation Officer

5.27 I am familiar with the application site and was involved in the development framework plan for the NA1 local plan allocation.

5.28 The proposed new road will have an impact on the setting of a number of listed buildings. There will be an impact on the rural and agricultural setting of the Grade II listed Houghton and Howton Barn. There will be an impact on the wider setting of Seale-Hayne former agricultural college and its curtilage listed buildings, although these buildings will be better screened from the impact of the new road that Houghton and Howton Barn. The level of harm to the significance of the listed buildings is, in my assessment, less than substantial harm.

5.29 The proposed junction with the existing A382 will emerge just to the south of the Registered Park and Garden of Stover Park. There will be a harmful impact on the setting of the Registered Park at the new junction. Much of the impact is likely to arise from elements such as the introduction of new street lighting and street furniture / lining. There is the potential therefore to minimise (although not to avoid) the harm by careful consideration of the detailed design of these elements.

5.30 I draw your attention to paragraph 193 of the NPPF, which states that, “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total

loss, or less than substantial harm to its significance. “ and also to paragraph 196 of the NPPF, which states that, “where a development proposal will head to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”

- 5.31 I also draw your attention to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990, which emphasises that special regard must be given to the desirability of preserving a listed building and its setting.
- 5.32 As case officer it is your role to weigh up whether the public benefits that will arise from the construction of the proposed road are sufficient to outweigh the harms identified to designated heritage assets.
- 5.33 It is also necessary for you to consider whether the harm arising is at its lowest possible level to achieve the public benefit.
- 5.34 I am aware from pre-application discussion that DCC have spent a considerable time on detailed highway design in order to avoid or mitigate harm to the character of the area. This includes the use of appropriate edge features including hedgebanks, areas of woodland, avoidance of street lighting through rural areas, and consideration of how the existing historic lane network can be retained for walkers and cyclists. You must use your professional judgement to determine whether these measures are sufficient to minimise the impact on designated heritage assets and on the historic environment.

6. REPRESENTATIONS – Full text of representations are available on the application file

4 contributions in support have been received

- Long time overdue and comes highly recommended
- Essential so roads through Highweek can return to acceptable traffic levels without road safety concerns, noise and pollution associated with new development in Highweek area.
- TDC should approve the scheme quickly and construction should start as soon as possible
- Impact of new development is not acceptable to Highweek residents. New road infrastructure should be put in ahead of new development as a very high priority
- Great shame not completed prior to new development that has taken place.
- Welcomed as currently Perry Lane used as a rat run

9 objections have been received

- Concern regarding safety of young children living in Buttercup Way due to ‘rat running’ and increase of traffic speeds
- Increase in air and noise pollution
- Previously informed road would be by Western House, new route causes problems for residents at 12 to 20 Howton Road
- Loss of wildlife
- Access to 12 to 20 Howton Road should be from Howton Lane end

- Howton Road should be blocked below small private lane part way down Howton Road on the left of Mead Farm so residents can still exit towards Howton Lane and Perry Lane.
- Proposal greatly reduces accessibility for Howton Road residents
- Howton Road should be blocked so can still exit towards Howton Lane and Perry Lane.
- Strongly object to lack of junction for Howton Road to link road (as has been done for other local lanes - Perry Lane, Howton Lane and Staplehill Road) together with blocking of Howton Road between 12-20 Howton Road and Western House would solve this issue.
- Difference in interpretation of NA1 Development Framework Plan - 4.22 Essential Requirements, Illustrative Masterplan, 5.2 Essential Requirements
- If road blocked to the west of '12-20 Howton Road' then volumes of traffic would increase through Highweek Village
- Problems with towing vehicles and emergency vehicle accessing 12-20 Howton Road.
- Object to negative impact on quality of life and reduction of amenity
- Link Road far too close to Perry Farm. Noise, vibration, light pollution and invasion of resident's privacy. Cause severe harm to livestock and wildlife.
- Proposals for mitigation too vague and insufficient to enable residents to determine whether will be undertaken in area adjoining property. Mitigation should be definite condition of approval.
- No need for expensive link road instead A383/A38 junction at Bickington should be modified to include northbound on-slip to A38 towards Heathfield / Exeter and an offslip coming from Exeter direction.
- Impact on bats – brightly lit road carrying a significant amount of traffic will flow right through bat flyway

Five contributions containing comments

- Where link road joins Forches Cross already very busy, often gridlocked especially with new housing by Stover Garage.
- Not sure on efficacy of spending on such large project. Spend money on 1) better signage on M5/A38 at Telegraph hill so traffic completely avoids Newton Abbot 2) dual carriageway from Stover garage to A38
- Cottages on Howton Road have been here since 18th century, seems unfair that inconvenienced. Previous discussions with officers indicated permanent closing of Howton Road would be positioned to enable five properties to exit and join new link road. Breach of human rights. Devaluation of property owing to reduced access. Difficult for large HGV and emergency services to access properties on Howton Road from Highweek direction.
- Prior to any closure being established on Howton Road local residents will be consulted. This has not happened.
- Junction should be provided for Howton Road residents and closure to Howton Road should be to east of drive for 12 Howton Road
- Documents lack detail.
- No public advertising along route
- Plans on website difficult to view
- How will water supply and access to Mainbow Farm be maintained?

- Misunderstanding / misinterpretation of NA1 SPD has occurred regarding Perry Lane has resulted in proposal which alters the effect the road will have on Mainbow Farm and access to it. Seems to be difference in interpretation about quiet lane classification that has been given to Perry Lane in the Masterplan. Through access being restricted by Perry Lane becoming a cul de sac.
- Residents of The Bungalow, Rose Barn, Churntor and Mainbow Farm should have continued access to A382
- Final road layout should be safe for all existing residents

Bloor Homes

- Bloor Homes control and will deliver majority of NA1 Houghton Barton allocation alongside delivery partner, Redrow Homes. Been working constructively with DCC and TDC over last 3 years and support principle of link road in this location. Bloor Homes will be responsible for delivering link road between A383 in south adjacent Howton Road in the north. Bloor and Redrow will redesign and realign parts of the proposed link road to best serve form of residential –led development proposed. Therefore, all parties are positively engaging again to ensure the design proposed with the current application does not fetter on inhibit Bloor and Redrow proposals which will be determined as part of future application. Given ongoing discussions, Bloor and Redrow reserve right to provide detailed comments on this application until such time as certainty is reached in these discussions.

7. TOWN / PARISH COUNCIL'S COMMENTS

Newton Abbot Town Council – no objection

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development constitutes EIA development. Under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 it falls under part 10 Infrastructure Projects (f) construction of roads. The applicable threshold for development is works exceeding 1 hectare.

No screening assessment or scoping reports have been issued by the Council prior to the submission of the application.

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received.

This report and any supplementary information sets out our consideration of and conclusions in relation to the likely significant environmental effects of the proposal.

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

CHAIRMAN: Cllr M Haines

DATE:	3 September, 2019
REPORT OF:	Site Inspection Team – Councillors Haines (Chairman), Goodman-Bradbury (Vice Chairman), Bullivant, H Cox, and Hocking
DATE OF SITE INSPECTION:	15 August, 2019
Application 19/00456/MAJ	A382-A383, Forches Cross Newton Abbot - An improved highways link including pedestrian and cycle facilities, sustainable drainage features and landscaping

Also present: Councillor Taylor
Apologies: Cllrs Colclough, Hayes, Phipps and Wrigley

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.

Members viewed the land in relation to this site from several public vantage points: Buttercup Way, Hele Park; Howton Lane; and west of Forches Cross on Perry Lane.

The Planning Officer reported: on the plans showing the proposed route of the new road; cuttings, embankments and roundabouts; ecology, landscaping issues, impact on trees, funding sources; relationship with the allocated NA1 (Houghton Barton) development and new developments in the surrounding area, access points onto the road, phasing, and pedestrian and cycle paths.

The Site Inspection Team also noted the landscape involved and the surrounding area.

Cllr M Haines
Chairman

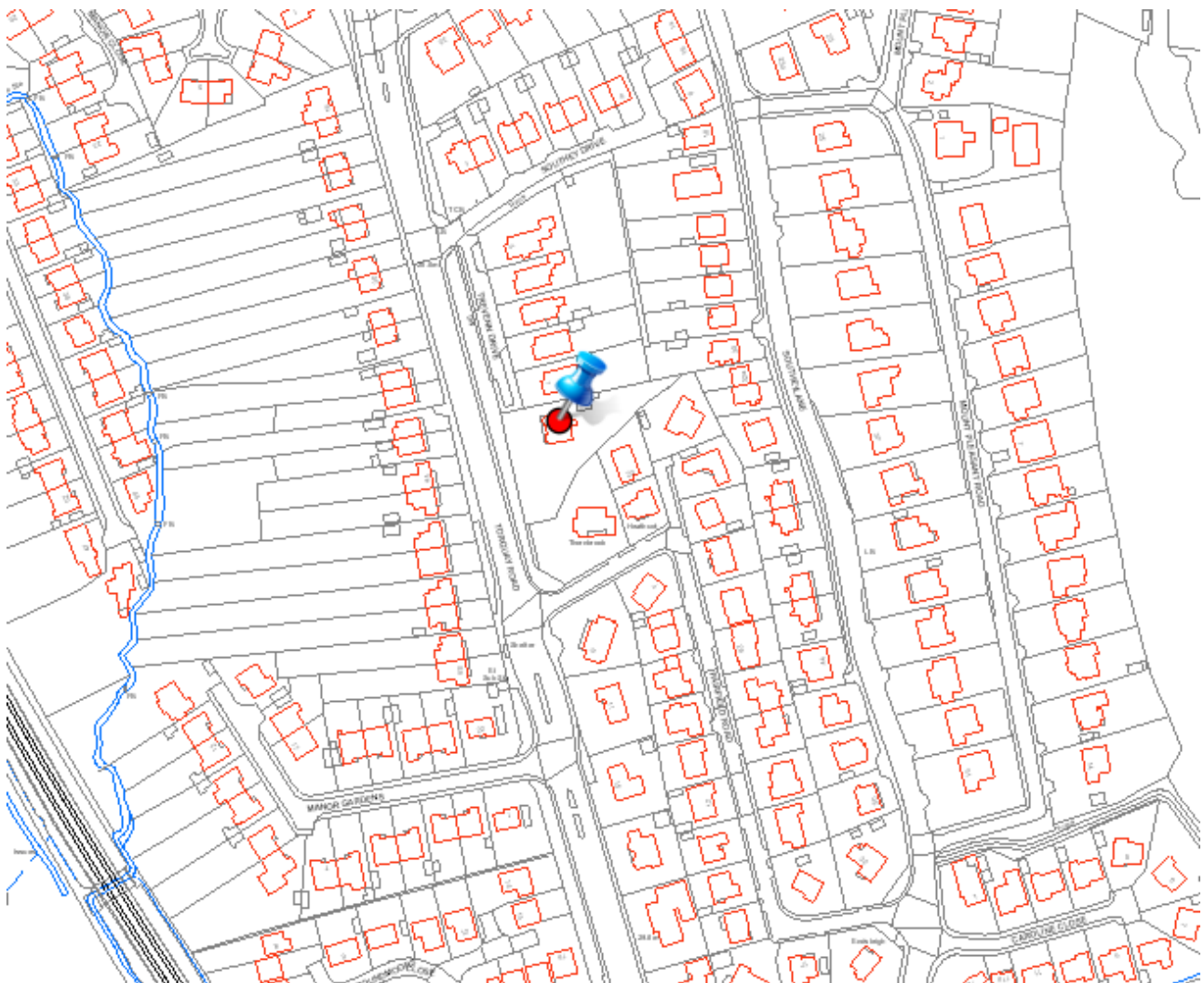
This page is intentionally left blank

PLANNING COMMITTEE REPORT 3 September 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 19/00822/FUL - 7 Torquay Road, Kingskerswell - Erection of a dwelling in garden	
APPLICANT:	Mr G Grieve	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00822/FUL&MN	





19/00822/FUL - 7 Torquay Road, Kingskerswell, TQ12 5HH



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

Cllr Haines has requested that this application be referred to Planning Committee for determination if officer recommending refusal. The reason given for this request is that the issue of building line is not clear due to Trevenn Drive being set back from the main road and other Torquay Road properties being set nearer the road.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

The orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

3. DESCRIPTION

Site Description, Background and Proposal

- 3.1 The application relates to the side garden of a detached house known as 7 Torquay Road.
- 3.2 It is roughly triangular in shape and the plan indicates that access would be taken off Torquay Road which is the only way of accessing the site.
- 3.3 The site is located within the settlement of Kingskerswell and is within the Kingskerswell Air Quality Management Area.
- 3.4 There have been two previous applications for a dwelling on this site.
- 3.5 Firstly, application reference 04/05477/OUT which was outline application for means of access only with all other matters reserved for future consideration which was refused for the following reasons:
 - Any dwelling on the plot would adversely impact on the amenities of Thornbrook and 20 Fairfield Road due to overlooking, undue dominance and overbearing;
 - It would generate increased traffic entering and leaving a National Primary Route with consequent risk of additional danger to and interference with the free flow of traffic; and
 - It would set a precedent for development along a road which, by virtue of its function in the highway network would be contrary to Devon Structure Plan Policy.

This application was appealed and the appeal dismissed.

3.6 A second application 17/02143/OUT was later submitted for outline consent for a dwelling with all matters reserved for future consideration. This application was refused for the following reason:

- Any dwelling on the plot would result in a cramped form of development which would result in an incongruous addition to the street scene that would adversely impact on the residential amenities of Thornbrook and 20 Fairfield Road due to creating overlooking opportunities and due to the erection of a dwelling on this plot being unduly dominant and overbearing on these neighbours contrary to policies S1A(a), S1(e) and S2 (a) of the Teignbridge Local Plan 2013-2033 and guidance contained in the National Planning Policy Framework.

This decision was not appealed.

3.7 The current application, before Planning Committee, is a full application for the erection of a dwelling in the garden.

3.8 The proposal shows that the dwelling would be sited at an angle on the plot and forward of the two immediately adjacent properties 7 Torquay Road and property known as Thornbrook. Access, off-street parking and turning space would be proposed off Torquay Road with the off-street parking and turning area being adjacent to Torquay Road to the side of the dwelling. The property would be left with two small triangular shaped garden areas to its front facing Torquay Road and to its side elevation adjacent to 7 Torquay Road to the north east of the proposed dwelling.

3.9 The proposed dwelling is shown as a two-storey dwelling with porch to the front and dormers in the roof, its ridge height would be lower than that of 7 Torquay Road. The property would have a render finish with concrete interlocking roof tiles and white uPVC windows and doors.

Principle of the development/sustainability

3.10 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the LPA should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.

3.11 Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013 – 2033 states that: Settlement limits are defined on the Policies Map for Newton Abbot, Kingsteignton, Kingskerswell, Dawlish, Teignmouth, South West of Exeter, Bovey Tracey and Chudleigh and for villages listed in policy S21.

Within the settlement limit development will be permitted where it is consistent with the provisions and policies of the local plan.

3.12 In this case it is considered that whilst the principle of the development may be acceptable, given that the site lies within the defined settlement limit of Kingskerswell, the development proposal has not successfully demonstrated that the dwelling could be accommodated on the site without adversely impacting on neighbouring residential amenity or the character and appearance of the area.

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

- 3.13 There are no listed buildings within the vicinity of the site that would be adversely affected by the proposal and the proposal does not lie within a Conservation Area.

Impact upon the character and visual amenity of the area

- 3.14 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013 – 2033 states 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.
- 3.15 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013 – 2033 states 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.
- 3.16 The submitted block plan shows that the dwelling would be sited forward of the established building line created by Thornbrook and 7 Torquay Road as well as development for some distance in either direction in this area and the established properties in the immediately adjacent street of Trevenn Drive. It would also be sited at an angle fronting Torquay Road.
- 3.17 The orientation and positioning of the dwelling would be at odds with the urban grain of the area and would fail to integrate with, nor enhance the character of the adjoining built environment as required by policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.
- 3.18 Furthermore, since the site tapers sharply towards the rear and the land fronting Torquay Road is proposed to be largely taken up by the provision of off-street parking and turning space the proposal leaves very little useable private amenity space.
- 3.19 In the context, of the surrounding residential neighbourhood, which is characterized by plots afforded reasonable areas of private amenity space, it is considered that the proposed development would appear contrived and cramped on the plot, resulting in the development appearing as an incongruous addition the street scene which would not positively contribute to the character and appearance of the area.
- 3.20 It is therefore considered that the proposal would fail to integrate with or enhance the character of the adjoining built and natural environment contrary to policy S2 of the Teignbridge Local Plan 2013-2033.

Impact on residential amenity of surrounding properties

- 3.21 The dominant characteristic of surrounding properties of the site with the exception of 7 Torquay Road is bungalow development. A two-storey dwelling is proposed for the plot, this would be set lower than the ridge height of 7 Torquay Road but would exceed the ridge height of neighbouring bungalows.
- 3.22 It is considered that as the proposal is sited within close proximity to the bungalow of Thornbrook, which has itself been extended such that its footprint now comes very close to the shared boundary, that the proposal would have an unacceptable impact on the living accommodation of this property in terms of having an enclosing overbearing impact and due to its two-storey scale impacting on light into the rear of this property and its private rear garden which would be to the detriment of the residential amenity of the occupiers of this property. This would be contrary to policies S1A (a) and S1 (e) of the Teignbridge Local Plan 2013-2033.

Impact on ecology/biodiversity

- 3.23 The proposal involves the construction of a dwelling in the side garden of an existing dwelling it is considered that bats are unlikely to be impacted by a development in this location.

Land drainage/flood risk

- 3.24 The site is not located within a high risk flood zone (i.e. flood zone 2 or 3) and is therefore a site that would in flood control terms be suitable for the vulnerable residential use proposed. There would therefore be no objection on flood risk grounds.
- 3.25 The application form states that surface water will be dealt with by means of soakaway. If minded to approve it is recommended a condition be applied to ensure that this complies with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority in order to ensure a satisfactory and suitable surface water drainage system is provided to serve the development.

Highway Safety

- 3.26 The site has a frontage onto Torquay Road from which access to the site would be achieved.
- 3.27 At the time of the previous application (04/05477/OUT) which was refused amongst other reasons on highway safety concerns, Torquay Road served as a National Primary Route from Exeter serving Newton Abbot and Torbay. The road experienced a high volume of traffic throughout the year and was particularly through Kingskerswell heavily congested.
- 3.28 Since this decision was issued planning permission was given for the Kingskerswell bypass and this has since been built, this has resulted in the bypass becoming the new Primary Route and Torquay Road becoming a secondary road which has reduced the amount of traffic using this road.

- 3.29 Having consulted with DCC Highways verbally they have advised that the previous reasons for refusal given on the decision notice for 04/05477/OUT in relation to highway safety given the change in the characteristics of the use of Torquay Road are no longer applicable and there would therefore no longer be a highway safety concern with this application.
- 3.30 It is concluded that there is adequate on-site provision to enable turning on site to allow exit in a forward gear and to allow for off-street parking.
- 3.31 In light of the above, no highway safety objection is raised to Torquay Road being used to access the property.

Air Quality

- 3.32 The proposed development is within the Kingskerswell Air Quality Management Area (AQMA).
- 3.33 Environmental Health have therefore been consulted and have advised that to offset the impact of the development on the AQMA in the event of this development being completed while the AQMA is in existence a contribution of £50 per parking space towards air quality mitigation would be required to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact of development in this area.

They have also suggested that this would be provided by CIL however this is not on the Regulation 123 List and therefore would need to be entered into by way of a S106 legal agreement on the grant of consent.

- 3.34 The Kingskerswell Bypass has now been built and the Air Quality Management Area is currently subject to 3 years' worth of testing to ascertain whether or not the construction of the Kingskerswell Bypass has improved Air Quality in the AQMA to an acceptable level. If it is found that it has then the AQMA would be abolished. The Authority is approaching the end of this period of testing and results thus far show a positive improvement which indicates that it is likely that the AQMA would be abolished. Consideration, therefore needs to be given to whether or not it is reasonable to request this mitigation contribution to this development.
- 3.35 It is concluded by Officers that given that the proposal is for a single dwelling which a limited contribution of £100 would be achieved the administrative costs of compiling the S106 and also processing the payment would outweigh the benefit of this confirmation. On balance, therefore it is not considered that such a small sum would make a significant contribution to Air Quality Management in the area to justify the administration costs and therefore for this case the Air Quality Management mitigation contribution is recommended to be waived.

Refuse/Recycling Facilities

- 3.36 The submitted ground floor plan shows the provision of a bin storage area to provide storage for refuse/recycling facilities. If minded to approve it is recommended that this be secured by condition.

Conclusion

3.37 It is concluded that a dwelling in this location would due to the orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

3.38 Refusal is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S11 Pollution

S21A Settlement Limits

EN6 Air Quality

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Control (Air Quality):

In the event of this development being completed while the Kingskerswell Air Quality Management Area (AQMA) is in existence a contribution of £50 per parking space towards air quality mitigation, improvement and monitoring in and around the Kingskerswell Air Quality Management Area to be prepared and implemented by the Council, is sought for this application via a Community Infrastructure Levy contribution. The contribution is to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact.

Devon County Council Highways:

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

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Kingskerswell Parish Council recommend refusal of the application.

The representation received comments that the parcel of land on which this building is proposed is not suitable. The building would not match in with the building line of

Torquay Road, the style of the proposed building is not in-keeping with the existing properties and these properties would be affected detrimentally by the addition of it. We feel that this would be another example of a build that is unsightly and 'crammed' and would request that the site is visited in order to fully appreciate the impact of the proposal.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 116.79. 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. If it were approved, the CIL liability for this development is £10877.60. This is based on 116.79 net m² at £70 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

This page is intentionally left blank

SITE INSPECTION REPORT FOR PLANNING COMMITTEE 3 SEPTEMBER 2019

CHAIRMAN: Cllr M Haines



COMMITTEE DATE	3 September, 2019
REPORT OF:	Site Inspection Team – Site Inspection Team – Councillors Haines (Chairman), Goodman-Bradbury (Vice Chairman), Bullivant, H Cox, and Hocking
DATE OF SITE INSPECTION:	15 August, 2019
APPLICATION:	Kingskerswell 19/00822/FUL - 7 Torquay Road Erection of a dwelling in the garden
WARD MEMBERS	Cllrs Cook and Haines

Also present: Councillor Taylor

Apologies: Cllrs Cook, Colclough, Hayes, Phipps and Wrigley

Purpose of Site Inspection: to assess the issue of building line which is not clear due to Trevenn Drive being set back from the main road and other Torquay Road properties being set nearer the road.

The Planning Officer reported on the plans including footprint, design, elevation details and materials, orientation, amenity area, off road parking and turning area, boundary treatments, site boundaries, and comparison with the existing dwelling.

The Site Inspection team also noted that there has been no objections from Neighbours. Members viewed the site from across the road, from further along to the north and south of the site, and from Trevenn Drive to assess the building line. The Parish Council's view of objection was noted.

Three Members considered the application acceptable. The proposed dwelling was at a different orientation and building line to properties to the north in Trevenn Drive, but was at the same orientation and similar building line to No.9 Torquay Road. The plot of the existing dwelling is large and it is considered the proposal could be developed in the garden area without causing a detrimental effect on either the street scene or the amenities of neighbours.

One Member considered the proposal unacceptable for reasons set out in the report of the Business Manager, and one Member abstained.

Cllr M Haines
Chairman

This page is intentionally left blank

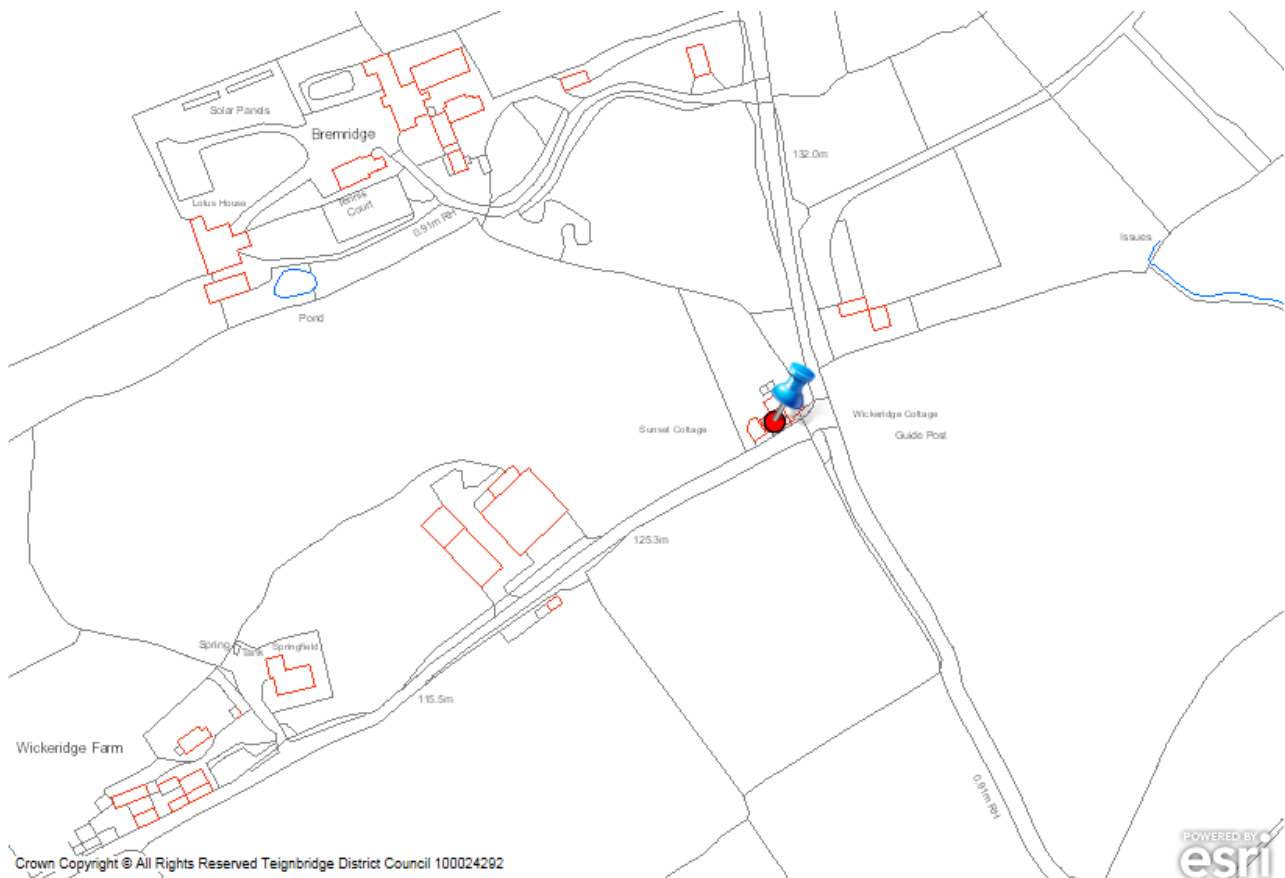
PLANNING COMMITTEE REPORT

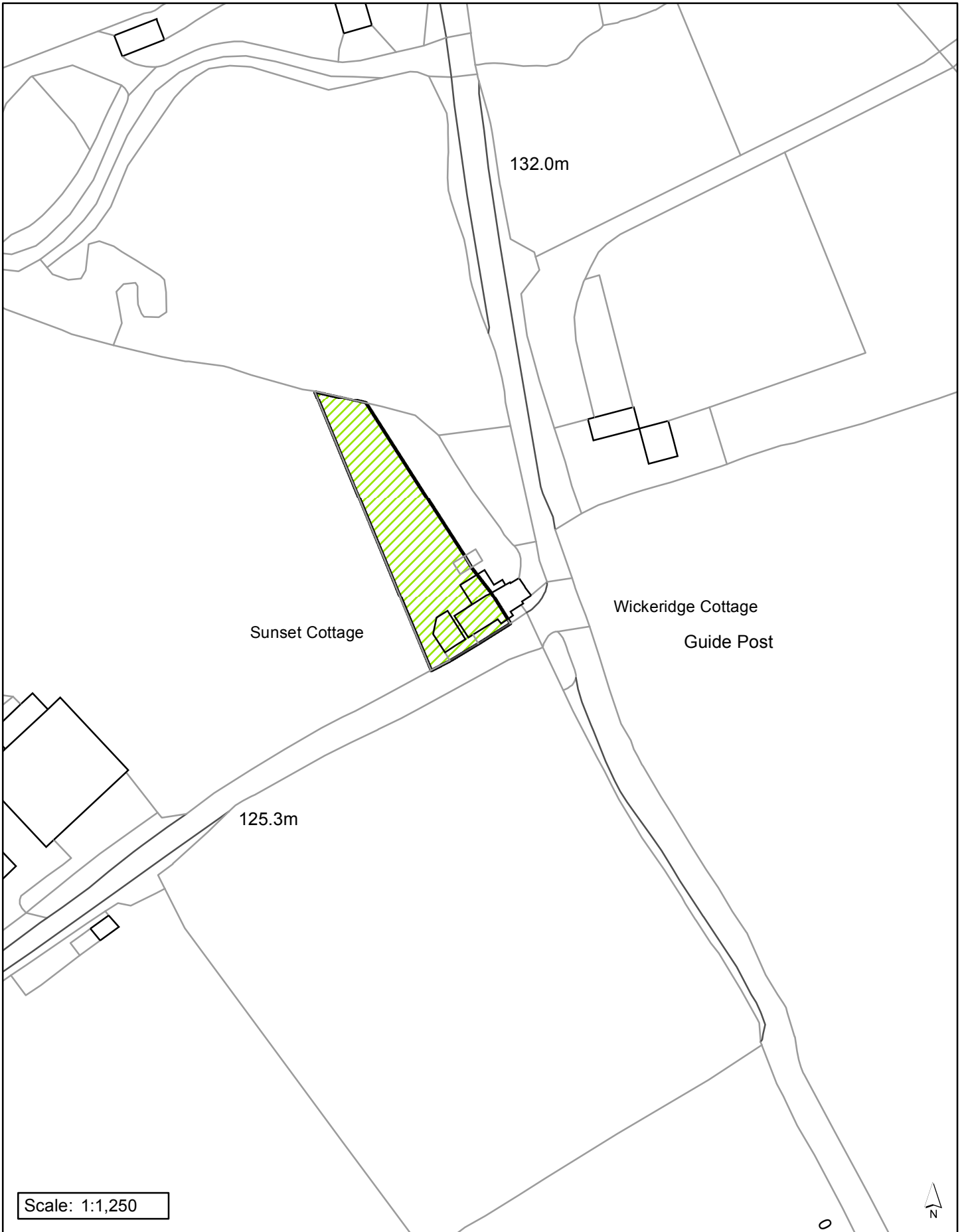
3 September 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	WOODLAND - 19/01351/FUL - Sunset Cottage , Woodland - Single storey rear extension	
APPLICANT:	Mrs M Luscombe	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Huw Cox Cllr John Nutley Cllr Sarah Parker-Khan	Ashburton and Buckfastleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01351/FUL&MN	





19/01351/FUL Sunset Cottage, Woodland, Ashburton



1. REASON FOR REPORT

The application is brought to the Planning Committee because the applicant is a member of staff.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit
2. Works in accordance with approved plans

3. DESCRIPTION

The Site

- 3.1 The application site currently accommodates a two storey, semi-detached dwelling with an existing single storey rear extension and detached garage. The application site is located within designated open countryside.

The Application

- 3.2 The application seeks permission for the erection a single storey rear extension.

Planning History

- 3.3 89/03375/FUL: 2 storey extension to form kitchen bedroom and bathroom. Approved 20/11/1989.

19/01077/HPA: Application for prior approval for erection of a single storey rear extension extending 5.11 Metres beyond the rear wall of the dwelling, maximum height 3.36 Metres, height to eaves 2.64 Metres. Withdrawn 12/6/2019.

Principle of the development/sustainability

- 3.4 The application site is located within the open countryside as depicted in the Local Plan 2013. Policies S1A, S1, S22 and WE8 of the Local Plan are permissive of extensions and alterations to existing residential properties, subject to policy criteria being met. Thus, the principle of the development is deemed acceptable, subject to compliance with other relevant policies of the Local Plan.

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

- 3.5 The proposed rear extension is considered to be of an acceptable design and scale which would not overly dominate the character and appearance of the original property and would not adversely affect the character and appearance of the open countryside. The proposed development is therefore in accordance with Policies WE8 and S22.

Impact on residential amenity of surrounding properties

- 3.6 Given the existing single storey rear extension at Sunset Cottage, adjacent to the side boundary with Wickeridge Cottage, the proposed rear extension would not result in any worse overbearing or loss of light impacts upon the adjoining property than the existing situation. As such, the proposal would comply with Policies S1 and WE8.

Conclusion

- 3.7 It is deemed that the proposed development would not adversely affect the character and appearance of the open countryside or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with Policies S1A, S1, S2, S22 and WE8 of the Teignbridge Local Plan 2013-2033.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

S22 (Countryside)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None consulted.

6. REPRESENTATIONS

No comments received.

7. PARISH COUNCIL'S COMMENTS

No objection.

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

This page is intentionally left blank

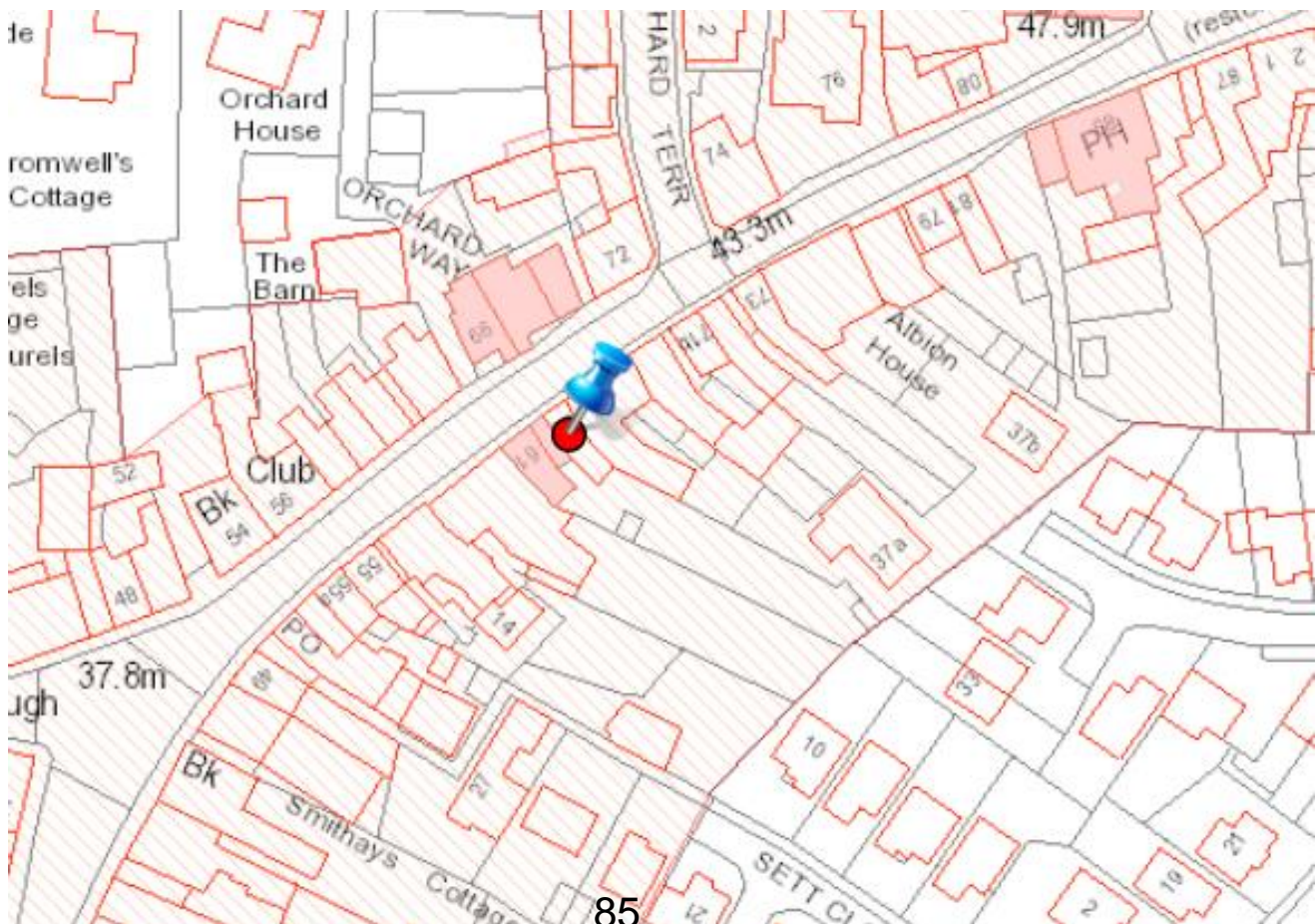
PLANNING COMMITTEE REPORT

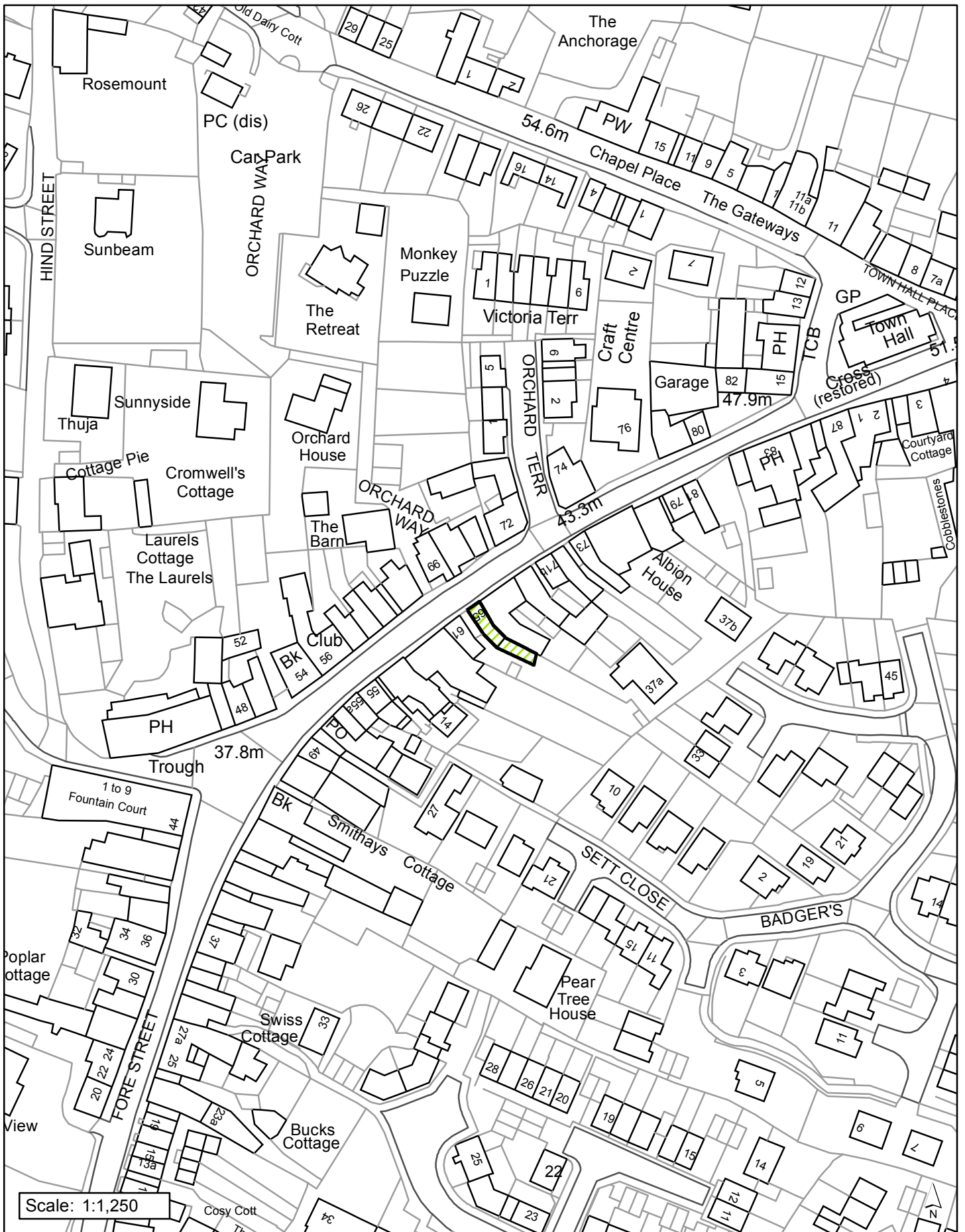
3 September 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 19/00723/FUL - 65A Fore Street, Bovey Tracey - Change of use from retail (Use Class A1) to a dwelling (Use Class C3) including replacement fenestration details and replacement of single storey rear roof	
APPLICANT:	Mrs F McGeown	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00723/FUL&MN	





19/00723/FUL 65A Fore Street, Bovey Tracey, TQ13 9AB



1. REASON FOR REPORT

Cllr Kerswell has requested this application be referred to committee if the officer is recommending approval. The reason given for this request is that the proposal is considered to be contrary to Policy, in particular BT5.

2. RECOMMENDATION

PERMISSION BE APPROVED with the following conditions:

1. Standard three year time limit for commencement of development
2. In accordance with approved plans
3. Prior to installation, samples or details of the fenestration and roof to be submitted, no vents or flues to installed on front elevation

3. DESCRIPTION / OBSERVATIONS

3.1 The application site is a two-storey terraced property within the town centre and conservation area of Bovey Tracey. The property is set lower than its neighbours - a barbers shop and dwellinghouse, with the latter being a Grade II listed building that has a shared access with the subject property.

3.2 At the time of the officer site visits, the property appeared to be vacant. The property benefits from having a small yard and garden space to the rear, with lean-to elements and the boundary being timber fencing.

3.3 The wider area is comprised of a mix of uses, as would be expected within the active, allocated Primary Shopping Area of Bovey Tracey as indicated within the Local Plan.

The Proposal

3.4 The application seeks permission to change the use of the existing property from A1 (retail) to a small C3 (residential) with replacement timber fenestration, and a replacement roof to the lean-to element to the rear from metal to natural slate.

3.5 Access to the site is to remain as existing, which is a shared access via a door way which appears to form part of the neighbouring property to the south west. There is no parking allocation with this property, but it is within the centre of the town with good and ready access to public transport.

Key considerations

3.6 The key issues of consideration in the determination of this application relate to the principle of the loss of A1 Use Class within the town centre, and the impact upon the conservation area and adjacent listed building. These matters are discussed below.

Principle of use

- 3.7 The application site is located within the Bovey Tracey settlement limit as depicted in the Local Plan 2013. Policies S1A, S1, and S21A of the Local Plan are permissive of residential use within settlement boundaries, subject to policy criteria being met. Thus, the principle of C3 use in this location can be acceptable, subject to compliance with other policies – most notably relating to supporting the vitality and viability of Primary Shopping Areas within Town Centres.
- 3.8 Paragraph 85 of the NPPF requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and promoting their long term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive character. It recognises how residential development often plays an important role in ensuring the vitality of town centres.
- 3.9 The principle policies are considered to be:
- EC8 Secondary shopping frontages;
 - EC9 Developments in town centres, and
 - BT5 Town centre.
- 3.10 **EC8 Secondary shopping frontages** seeks to support the function of core retail areas within town centres but provides a more flexible framework than in Primary Shopping Frontages. Proposals for change are assessed against the following targets for such areas:
- a) at least 30% of ground floor units within a street are in A1 retail use;
 - b) at least 70% of ground floor units within a street are in active uses; and
 - c) no more than 6 adjoining ground floor properties are in non-active uses.

Considering the health of the Town Centre as a whole:

1. There are only 6 premises within the heart of the Town Centre that are not in active uses (these are B8 uses and dwellings). 88% of the premises are considered to be in relevant, active uses.
 2. The introduction of a C3 use would not introduce an unduly long run of non-active uses, as the subject site and neighbour are both surrounded by A Use Class.
 3. The subject site has not been in active use for some time. The Applicant has confirmed the property was listed for sale in February 2018, and it has been empty prior to this for 12-15 months.
- 3.11 **EC9 Developments in town centres** confirms that development within town centres should capitalise on heritage assets to support regeneration, encourage visitors and improve the environment, vitality and interest of each centre.

The proposed Use would improve the immediate frontage of which is in poor condition, using materials which are sympathetic to the conservation area and adjoining listed building through bringing an empty property back into use.

- 3.12 **BT5 Town centre** this policy supports the enhancement to the town centre. The Plan seeks to support the vitality and viability of the town centre and will work to enhance its role and function within the local community. The town centre performs an important role for tourism and leisure visitors as well as providing retail, service and community functions.

The proposed C3 Use is considered to be complementary to the function of the Bovey Tracey town centre. As set out above, the loss of this one unit is not considered to impact unacceptably on the range and variety of active uses present in the town centre and granting permission for this change of use should lead to an enhancement to the appearance of this building, adjoining a listed building, to the overall benefit of the Town Centre.

Conclusion

- 3.13 In summation, the introduction of a residential unit in this location complies with the provision of the NPPF and Local Plan. Having taken the statutory duties into account in relation to the Conservation Area and the setting of the adjoining listed building, the design and materials of the proposed development are considered to be appropriate (subject to conditions) and will not cause a significant impact on the appearance or character of the immediate or wider area.
- 3.14 In light of the above evidence, no objections can be raised to the principle of the change of use from A1 to C3 dwellinghouse on this site.

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

EC8 Secondary shopping frontages

EC9 Developments in town centres

EN5 Heritage Assets

BT5 Town centre.

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66

66.— (1) In considering whether to grant planning permission for development which affects a listed building *or its setting*, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72

72.— (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. CONSULTEES

Conservation Officer:

The heritage statement lacks information regarding the history of the property; change of use likely to require natural ventilation to meet building regulation requirement.

Historic England:

Do not wish to offer comments, suggest Conservation Officer comment.

Spatial Planning:

The development clearly complies with EC8...In light of the above evidence, no objections would be raised to the principle of the change of use from A1 retail to C3 dwelling at this site

Devon County Highways:

Standing advice applies

6. REPRESENTATIONS

13 letters of objection have been received, one letter commenting and one letter of support.

Issues raised in Objection

- Loss of potential retail premises
- No parking facility

Commenting

- Awaiting decision in the hope of a precedent.

Support

- Use of dilapidated shop into an affordable home

7. TOWN / PARISH COUNCIL'S COMMENTS

Object due to the loss of a retail shop frontage in a classified secondary shop frontage area of the town.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed change of use may be liable for CIL as the premises have been empty for some time. This will be calculated should planning permission be issued on the basis of the total floorspace affected multiplied by £125 per sq m and subject to indexation from 2014 to the present day.

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

This page is intentionally left blank

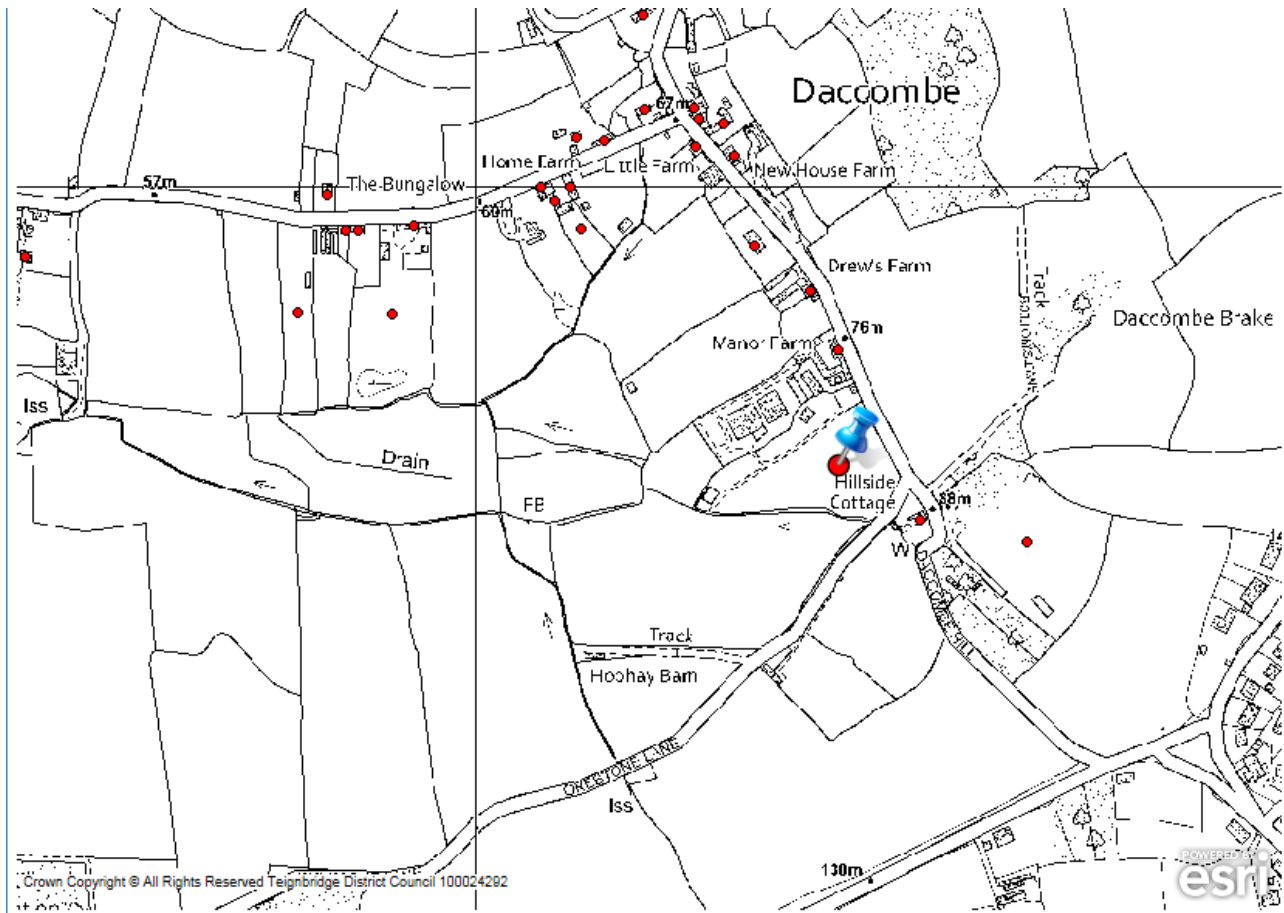
PLANNING COMMITTEE REPORT

3rd September 2019

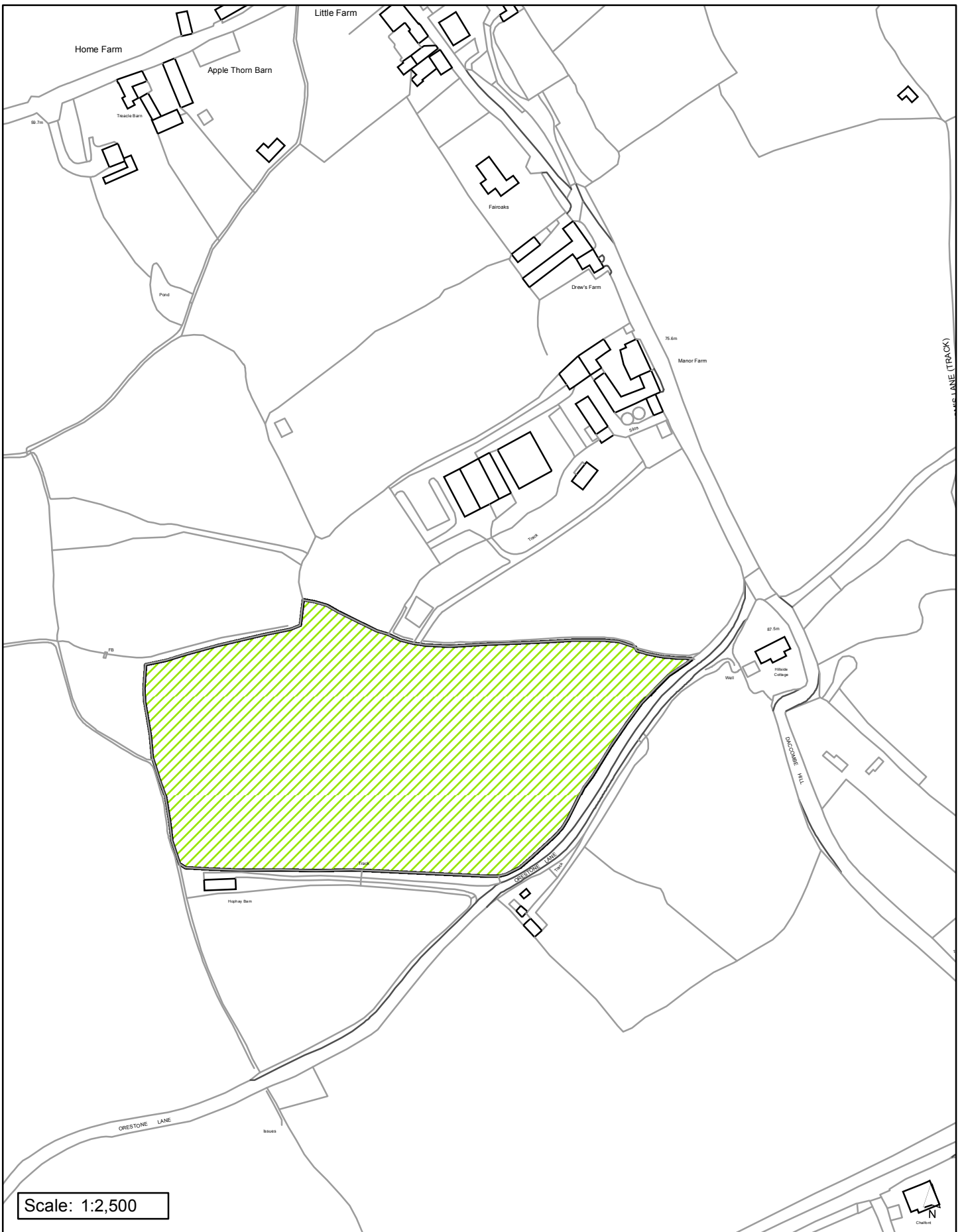
CHAIRMAN: Cllr Haines



APPLICATION FOR CONSIDERATION:	COFFINSWELL - 19/00850/MAJ - Manor Farm , Dacombe - Use of additional land for camping purposes	
APPLICANT:	Mr J Pilgrim	
CASE OFFICER	Verity Clark	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00850/MAJ&MN	



Scale: 1:5000 Location: 289664, 67707 National Grid: SX86NE



19/00850/MAJ Manor Farm, Dacombe, TQ12 4ST



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

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:

- There is a recent history of increased noise nuisance to neighbours in Dacombe, after many years without such problems. The application seeks to gain approval for the increased use which led to many complaints last year. The problems appear to be the result of the lack of management on site. It would not be right to allow delegated approval for something which caused such nuisance previously.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement;
2. Development shall be carried out in accordance with approved plans;
3. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement and implemented thereafter;
4. Site management plan to be approved prior to commencement and implemented thereafter;
5. Change of use to camping shall only take place for 48 days within the calendar year. The use shall revert to agricultural use for the remainder of the calendar year;
6. Development to accord with the recommendations of the Preliminary Ecological Appraisal and Ecological Impact Assessment;
7. No more than 75 pitches shall be in use across the site as a whole at any one time;
8. The site shall be used for the purposes of camping with no use by caravans / motorhomes. This use shall only take place between the last Thursday before Easter and the 1st October in each year;
9. Removal of Permitted Development Rights for temporary buildings and uses;

Proposed conditions 3 and 4 are pre-commencement conditions. The applicant has therefore been contacted to request their agreement to the wording of the conditions if Members are minded to approve the application.

3. DESCRIPTION

The Site

- 3.1 The application site Manor Farm is 77.65 hectares of farmed land with the proposal relating to 2.59 hectares of the holding. Part of the site is currently used for camping with a license granted for 75 pitches. The site is served by a car park, toilet and shower block, shop and laundry room.

Proposals

- 3.2 The application seeks planning permission for the use of a second field currently in agricultural use, but utilised for camping under the temporary 28 day use allowance allowed under the GPDO 2015, for camping for 48 days in addition to the existing camping field. No external works or facilities are proposed as part of the application.

Principle of development/sustainability

- 3.3 The site lies beyond any defined settlement limits as depicted in the Teignbridge Local Plan. Settlement limits have been established in order to focus new development towards the most sustainable areas where there are already facilities and services. As a result of this the settlement limits also seek to protect the open countryside from sporadic forms of development. However, policy S22 does set out a range of developments which in principle may be considered beyond the settlement limits subject to all other planning matters being appropriate addressed.
- 3.4 Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 81 goes on to state that policies should be flexible to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Whilst paragraph 83 states that plans should support sustainable rural tourism and leisure development which respect the character of the countryside.
- 3.5 This objectives in the NPPF are recognised and have been incorporated into the Teignbridge Local Plan which sets out that sustainable development of Teignbridge will bring positive benefits to the local community. Policy S12 (Tourism) states that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors to support the retention of existing tourist accommodation and attractions which contribute to the local economy.
- 3.6 Policy EC11 (Tourist Accommodation) also states that to support the sustainable expansion of the tourism industry additional tourist accommodation including self-catering and serviced accommodation, campsites and caravans will be acceptable in principle within or adjoining the settlement limits and elsewhere where it expands or improves existing tourist accommodation locations.
- 3.7 The extension of an existing form of tourist accommodation would therefore comply with Policies S12 and EC11 and the NPPF and the principle of the proposal is therefore considered to be acceptable.

Impact upon the character and visual amenity of the area

- 3.8 The application site is located within the countryside (Policy S22) and an Area of Great Landscape Value (Policy EN2A). The site is visible from the surrounding landscape and the surrounding roads of Orestone Lane and Dacombe Hill.
- 3.9 The Council's Landscape Officer has noted that there is no objection to the change in use to permit camping with tents, where this is limited to the summer months. There is no objection to camping that takes place alongside farming but there would be a concern if permitting the development had an impact on the agricultural use of the farm holding as a whole. It is important to the character of the area that a farmed character persists, even though some the land is used for camping during

the summer months. Changes that dilute the agricultural character of the proposed campsite fields, such as: new hardened trackways, additional ablutions blocks, earthworks, play equipment, signage and localised grass management should be avoided in the additional field. From a landscape perspective, tree planting or other types of land management intended to enhance wildlife, within the body of the field, would dilute the matrix of fields and hedges and should be avoided. The pattern of field and hedgerow should be maintained and the principle use of the land should remain as agriculture with use of a campsite as secondary. If there is a desire to improve biodiversity, this should be through conserving and enhancing the hedgerows and whole field scale grassland management such as hay cutting.

- 3.10 The applicant has confirmed that Manor Farm is 77.65 hectares of farmed land with the proposal relating to 2.59 hectares of the holding. Therefore the farming activity will be predominantly retained. As the proposal seeks consent for use of the field for 48 days and no infrastructure is proposed, it is considered that the proposal will not result in a detriment to the landscape characteristic of the area.
- 3.11 It is recommended that a condition is added to remove the Part 4 permitted development rights of the land holding to ensure that the site cannot benefit from a further 28 day temporary use within the land which would allow additional camping beyond the proposed use of the two fields due to the potential impact on landscape character. As recommended by the Landscape Officer it is also recommended that a Landscape and Ecology Management Plan (LEMP) is submitted that shows that the land will be managed in a way that will conserve the patterns of landscape, yet enhance biodiversity and enable (traditional) farming to continue.

Impact on residential amenity of the occupiers of surrounding properties

- 3.12 Concerns from neighbours have been raised with the current use of the site and the impact this has had on the surrounding properties. Particular concern is raised with the potential for increased noise and disturbance from the additional camping area proposed. The Council's Scientific Officer has noted that Manor Farm has received a number of complaints relating to excessive noise arising from the use of the fields for camping. Primarily the lack of any management and control of the facility being present on the site is largely responsible for these complaints. Whilst some measures were implemented by the owners of the site to resolve these issues, no opportunity has arisen to test whether they have been successful or not, and the Environmental Control department was unable to conclude its investigations into noise nuisance before the end of the last holiday season in 2018. Therefore given the lack of supporting evidence that the consenting of this application will not make matters even worse before the conclusion of any investigation by the department an objection is raised to this application. The Officer recommends that if minded to grant consent for this application, it is essential that a condition is added requiring that a manager should be resident on site for the duration of the holiday season for the purposes of the management and control of the venue, and protection of the residential amenity.
- 3.13 The current site licence allows for 75 pitches on the site and the applicant has confirmed that they will not be seeking an increase in the number of pitches. The concerns of the Environmental Control department are noted, however it is considered unreasonable to recommend the application for refusal on the basis that the department have been unable to conclude a noise nuisance investigation, particularly as this is governed by separate legislation. It is recommended that a

condition is added stating that no more than 75 pitches shall be in use across the site as a whole at any one time to ensure that the level of noise associated with the site is not significantly different to the current situation. It is also recommended that a condition is added requiring the submission of a management plan for the site to ensure that the use of the additional field does not unduly impact on neighbouring properties by way of noise and disturbance and that management of the site as a whole is put into place.

- 3.14 With the addition of the recommended conditions, as the proposal will not result in an additional number of pitches, although it is noted that the larger area could result in larger tents which could result in an increased occupation, the proposal is considered to have an acceptable impact on the residential amenity of the surrounding occupiers.

Ecology

- 3.15 A Preliminary Ecological Appraisal and Ecological Impact Assessment has been submitted in support of the application. The report notes that the field appears to fit the phase 1 habitat category of neutral semi-improved grassland. The field is moderately grazed by cattle and at the time of the survey the grass sward was fairly short. The grassland habitat over much of the field is of low conservation importance per se and the proposed development will result in temporary disturbance which is probably not much greater than already occurs through cattle grazing. This will result in negligible impact at the local level and will not be significant because locally there is much similar habitat. The hedges, trees and watercourse are of high ecological importance per se and damage or loss would result in a moderate/high negative impact at the local level and require provision of compensatory habitat, however the proposed development will not directly impact on these habitats and no significant effects are anticipated. A number of enhancement measures are recommended including hedge enhancement, grassland enhancement and the addition of bat and bird boxes.
- 3.16 The Council's Biodiversity Officer has noted that the application site is within the breeding territory zones of two pairs of cirle buntings. Cirle bunting is a rare species Listed under S41 of the Section 41 of the Natural Environment and Rural Communities Act 2006 as a species of principal importance. Cirle bunting also receives additional legal protection against disturbance whilst breeding.
- 3.17 Consultation from the RSPB has noted that they do not object to the proposal however a number of conditions are recommended to ensure mitigation and enhancement measures to ensure cirle buntings remain on site, including countering impacts of any disturbance to nesting birds from camping use of the field. The recommended conditions can be covered by a condition requiring the submission of LEMP and it is therefore recommended that a condition requiring the submission of a LEMP is added to ensure that the proposal does not impact on the biodiversity of the area and designated protected species.
- 3.18 With the addition of a condition requiring the submission of a LEMP and adherence to the recommendations of the Preliminary Ecological Appraisal and Ecological Impact Assessment, the proposal is considered to accord with Policies EN8, EN9 and EN11.

Highways Safety

- 3.19 Consultation from the Devon County Council Highways Engineer has noted that the site is accessed off an unclassified County Route which is restricted to 60 MPH. The site already has 75 pitches, and this proposal could create another 150 pitches. In total 225 pitches could generate 675 trips per day if the site were to be full to capacity although these sites rarely operate at more than 75% occupation. 675 trips over a 12 hour period would equate to one vehicle every minute. At 75% occupation this could equate to one vehicle 1.5 minute. The road network in this area are narrow and steep Devon lanes with no footways or street lighting. There are some passing places along the routes, although no further passing places has been put forward by the applicant. The applicant states in the application that this additional use not increase the number of pitches but only to give the existing 75 pitches more room. If this could be conditioned then the County Highways Authority would have no objection to this application.
- 3.20 As noted above a condition is recommend stating that no more than 75 pitches shall be in use across the site as a whole at any one time. With the addition of this condition the potential additional trips generated by the proposal would be restricted and the proposal would be considered acceptable from a highway safety and parking perspective.

Drainage and Flood Risk

- 3.21 The application site is not located within the flood zone or an area susceptible to surface water flooding.
- 3.22 A consultation response was received from the Environment Agency after they were mistakenly consulted. They raised an initial objection due to a confusion over the addition of a septic tank. Following an email from the case officer confirming that no private septic tank was proposed as part of the application it was recommended that the LPA ensures that they have sufficient information about how the foul drainage from users of the new pitches will be managed. If it discharges to an existing septic tank, the applicant should confirm that there is sufficient capacity to accommodate the additional users and a foul drainage assessment form would help in understanding the existing and proposed foul flows into the system. The EA confirmed that if the LPA considers that such information is not necessary in this instance and that the initial consultation was made in error then the initial response should be disregarded.
- 3.23 The applicant has confirmed that no additional septic tank is proposed as part of the proposal and that the existing facilities will be sufficient to operate the site. As a condition is recommended to not increase the number of pitches from the existing 75 and as this field has been used for existing camping facilities under the temporary 28 day use allowance, it is considered reasonable to conclude that the existing facilities are adequate to serve the site and no further information will be required. The proposal is therefore considered to be acceptable in terms of drainage and flood risk.

Conclusion

- 3.24 Whilst the concerns of local residents and the Scientific Officer are recognised, it is not considered that the proposal would result in an unacceptable impact on

residential amenity to an extent that would justify a refusal of planning consent that could be sustained at appeal. The officer recommendation is therefore, on balance, 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

S12 Tourism

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

DCC Flooding:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

It is understood that this planning application is to allow for more camping space at Treacle Valley Campsite. No access roads have been proposed so it is understood that the field will remain as existing except when tents are pitched.

DCC Highways:

The site is accessed off an unclassified County Route which is restricted to 60 MPH

The site already has 75 pitches, and this proposal could create another 150 pitches. In total 225 pitches could generate 675 trips per day if the site were to be full to capacity although these sites rarely operate at more than 75% occupation. 675 trips over a 12 hour period would equate to one vehicle every minute. At 75% occupation this could equate to one vehicle 1.5 minute.

The road network in this area are narrow and steep Devon lanes with no footways or street lighting. There are some passing places along the routes, although no further passing places has been put forward by the applicant.

The applicant states in the application that this additional use not increase the number of pitches but only to give the existing 75 pitches more room. If this could be conditioned then the County Highways Authority would have no objection to this application. If this is not the case the County Highway Authority would like to be re consulted.

Natural England:

Natural England has no comments to make on this application.

TDC Drainage:

As the application is classed as a Major, Devon County Council and the Lead Local Flood Authority will confirm the acceptability of the application in terms of surface water management.

In addition to the comments made by DCC, it appears that no impermeable areas will be introduced as part of the application and the field will be retained in grass. As such there should not be any surface water implications as a result of the application.

Landscape Officer:

SUMMARY

- On the understanding that the camping enterprise is time limited and secondary to farming, I have no objection.
- Request for conditions to be applied that prevent additional infrastructure being placed in the extended field.
- Request for a Landscape and Ecology Management Plan (LEMP) that ensures that any enhancement of biodiversity works focus on improving hedges and field scale grassland management (through farming methods) to retain the distinctive pattern of fields and hedges.

ASSESSMENT

These landscape comments relate to an application to extend an existing camping site at Manor Farm, Dacombe

I have no objection to the change in use to permit camping with tents, where this is limited to the summer months. However, I do have concern regarding the following:

The possible erosion of the agricultural character of the holding.

It is unclear from the application as to the size of the holding and therefore the proportion of land that would be used for camping. I have no objection to camping that takes place alongside farming but would be concerned if permitting the development had an impact on the agricultural use of the farm holding as a whole. It is important to the character of the area that a farmed character persists, even though some the land is used for camping during the summer months. Some clarity would be reassuring.

The pressure for additional infrastructure and land use management that erodes the agricultural character of the campsite land.

Changes that dilute the agricultural character of the proposed campsite fields, such as: new hardened trackways, additional ablutions blocks, earthworks, play equipment, signage and localised grass management should be avoided in the additional field.

From a landscape perspective, tree planting or other types of land management intended to enhance wildlife, within the body of the field, would dilute the matrix of fields and hedges and should be avoided. The pattern of field and hedgerow should be maintained and the principle use of the land should remain as agriculture with use of a campsite as secondary. If there is a desire to improve biodiversity, this should be through conserving and enhancing the hedgerows and whole field scale grassland management such as hay cutting.

Having said that, the second addition OS map and 1947 aerial photo (see below) show that the field was once subdivided by a hedgerow and that there was a small copse/enclosure in the southern end. Management to establishing former lost boundaries and patterns would be seen as enhancement.

- Conditions that control the inclusion of further infrastructure would be of benefit.
- A LEMP that shows that the land will be managed in a way that will conserve the patterns of landscape, yet enhance biodiversity and enable (traditional) farming to continue would be of benefit.

Biodiversity Officer:

SUMMARY

Conditions required.

DESIGNATIONS/ISSUES

The application site is within the breeding territory zones of two pairs of ciril buntings. Ciril bunting is a rare species Listed under S41 of the Section 41 of the Natural Environment and Rural Communities Act 2006 as a species of principal importance. Ciril bunting also receives additional legal protection against disturbance whilst breeding.

The RSPB, in its comment on this application, advises a suite of mitigation measures to avoid camping adversely affecting the ciril buntings on this site. Please attach conditions to secure these measures.

POLICIES THAT APPLY

NPPF including paragraphs 170, 175

Teignbridge Local Plan Policies:

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

CONDITIONS REQUIRED

Please attach one or more conditions to ensure that RSPB's management recommendations (below) can be secured. A LEMP may be needed.

"While RSPB does not object to the proposed development, we have concerns and recommendations for amendments and additions to the proposed mitigation and habitat enhancements set out in section 9 of the *Preliminary Ecological Assessment and Ecological Impact Assessment* (Simon Geary Ecological Services, April 2019)."

“We recommend that, if your authority grants permission, it attaches conditions/planning obligations to require the proposed mitigation and enhancements with these amendments.

- The site remains in grazing management when the field is not used for the proposed 48 day camping use. Cirl buntings do not require species-rich grassland (in terms of plant diversity) but structural diversity (such as can be produced by cattle grazing) is important – there should be a mix of tussocky and shorter areas in an overall ‘open’ sward so cirl buntings can see and access their food (grasshoppers are an important food for feeding to their chicks). So we advise managing the margins to produce a sward of this nature and also grazing the field at a suitable stocking rate outside of the tent use. The *PEA/EcIA* did not mention grazing as part of mitigation/enhancement.
- Suitable management of hedges and grassland is carried out in the fields to the south, west and north west. It is possible that cirl buntings nesting in the application site hedges may be disturbed to the extent that they choose to feed in adjacent fields and access the hedges from those fields, so enhancing the management of those fields (which are in the applicant’s control) to provide suitable habitat for cirl buntings will be additional mitigation and reduce the impacts of any disturbance.
- Manage the hedges on a rotation by cutting (trimming) hedges no more frequently than every 2 and ideally every 3 years (apart from any need to manage roadside side hedges or gateways more frequently). We recommend trimming is carried out as late in winter as possible, ideally January/February so birds that feed on berries and wildlife that uses the hedges for shelter over winter have maximum access to that resource. Aim to produce tall, thick hedges of an average of 2 metres tall, but variations in height as well as allowing the hedge to grow out in places (eg, allow some bramble and blackthorn outgrowths) can add structural diversity (ie, the hedges vary in height and width) and create microclimates. Such outliers can be managed by cutting occasionally when other parts of the hedge are cut to prevent encroachment over the grassland. *Laying* on a 3 year rotation is not suitable – laying is a more long term management/rejuvenation activity that removes a lot of the woody growth so the hedge then re-grows from the layed stems.
- The proposed 10 metre buffer between the hedges and the nearest tents is increased to 15 metres if possible.
- The proposed grassland field margins are increased from the current 5 metres to 10 metres (or 15 metres) to match the ‘no tents’ area. These grassland margins should be managed to produce the tussocky sward mentioned above but this does not mean allowing it to become long and dense. RSPB can supply more information on request. Such margins should be grazed outside of the period of tent presence in the field. We consider that managing to produce the required ‘tussocky/sparse mix’ sward structure for cirl buntings is more important than trying to increase plant species diversity in this sward.
- A requirement to report on the habitat conditions in the camping field to the Council (eg, via photographs (date and location) of each of the grass margins and hedges – and position of tents during the camping season for at least the first 2 seasons of use) may be helpful.”

RSPB

While RSPB does not object to the proposed development, we have concerns and recommendations for amendments and additions to the proposed mitigation and habitat enhancements set out in section 9 of the *Preliminary Ecological Assessment and Ecological Impact Assessment* (Simon Geary Ecological Services, April 2019).

The most recent national cirl bunting survey in 2016 recorded two territories of this specially protected species on/adjacent to the site, this proximity means birds are likely using habitat on the application site. Cirl buntings are sedentary birds so are likely to be still present. They nest in hedges and forage for invertebrates in adjacent suitable grassland for foraging. It is not likely that the application site has suitable wintering habitat. Mitigation (via habitat enhancement measures on and adjacent to the application) is necessary to ensure cirl buntings remain on site,

including countering impacts of any disturbance to nesting birds from camping use of the field.

As specially protected birds (Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), it is illegal to recklessly or intentionally disturb these birds at their active nest sites (ie, ones being built or in use by eggs or unfledged chicks. Cirl buntings nest from mid April to end of August, sometimes into early September, so any consented camping activity must be managed to minimise the risk of any such disturbance.

We recommend that, if your authority grants permission, it attaches conditions/planning obligations to require the proposed mitigation and enhancements with these amendments.

- The site remains in grazing management when the field is not used for the proposed 48 day camping use. Cirl buntings do not require species-rich grassland (in terms of plant diversity) but structural diversity (such as can be produced by cattle grazing) is important – there should be a mix of tussocky and shorter areas in an overall ‘open’ sward so cirl buntings can see and access their food (grasshoppers are an important food for feeding to their chicks). So we advise managing the margins to produce a sward of this nature and also grazing the field at a suitable stocking rate outside of the tent use. The *PEA/EcIA* did not mention grazing as part of mitigation/enhancement.
- Suitable management of hedges and grassland is carried out in the fields to the south, west and north west. It is possible that cirl buntings nesting in the application site hedges may be disturbed to the extent that they choose to feed in adjacent fields and access the hedges from those fields, so enhancing the management of those fields (which are in the applicant’s control) to provide suitable habitat for cirl buntings will be additional mitigation and reduce the impacts of any disturbance.
- Manage the hedges on a rotation by cutting (trimming) hedges no more frequently than every 2 and ideally every 3 years (apart from any need to manage roadside side hedges or gateways more frequently). We recommend trimming is carried out as late in winter as possible, ideally January/February so birds that feed on berries and wildlife that uses the hedges for shelter over winter have maximum access to that resource. Aim to produce tall, thick hedges of an average of 2 metres tall, but variations in height as well as allowing the hedge to grow out in places (eg, allow some bramble and blackthorn outgrowths) can add structural diversity (ie, the hedges vary in height and width) and create microclimates. Such outliers can be managed by cutting occasionally when other parts of the hedge are cut to prevent encroachment over the grassland. *Laying* on a 3 year rotation is not suitable – laying is a more long term management/rejuvenation activity that removes a lot of the woody growth so the hedge then re-grows from the layed stems.
- The proposed 10 metre buffer between the hedges and the nearest tents is increased to 15 metres if possible.
- The proposed grassland field margins are increased from the current 5 metres to 10 metres (or 15 metres) to match the ‘no tents’ area. These grassland margins should be managed to produce the tussocky sward mentioned above but this does not mean allowing it to become long and dense. RSPB can supply more information on request. Such margins

should be grazed outside of the period of tent presence in the field. We consider that managing to produce the required 'tussocky/sparse mix' sward structure for cirl buntings is more important than trying to increase plant species diversity in this sward.

- A requirement to report on the habitat conditions in the camping field to the Council (eg, via photographs (date and location) of each of the grass margins and hedges – and position of tents during the camping season for at least the first 2 seasons of use) may be helpful.

Environment Agency:

We object to the application on grounds that insufficient information has been submitted to demonstrate that the proposed private septic tank is justified in this location and, if so, is viable and will not be detrimental to the environment. We recommend that the application is not determined until a satisfactory Foul Drainage Assessment has been submitted.

The reasons for this position are provided below.

Reasons – Foul drainage

The information submitted with the application indicates that foul drainage will be disposed of to a non-mains foul drainage system.

Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality – Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Paragraph 20 also states that 'applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment'. Any planning application for a non-mains system should therefore be accompanied by a Foul Drainage Assessment (FDA) form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment. Sufficient information would normally include the provision of the following:

- Full details of the proposed flows (based on Flows and Loads 4);
- A plan showing the location of the proposed treatment plant and appropriately sized soakaway field/discharge point; and
- Percolation test results to demonstrate the viability of soakaways in this location.

The FDA form is available online at <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

In the absence of this information we advise that the proposal is unacceptable because it does not provide a sufficient basis for an assessment to be made of the

risks of pollution to the water environment arising from the proposed development.

Advice to applicant – Environmental Permitting

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Following an email from the case officer confirming that no private septic tank was proposed as part of the application the following comment was received:

The application form indicates that foul drainage will be discharged to a septic tank. I had therefore assumed that we had been consulted because it is a major application disposing of foul drainage to a non-mains system. If this is not the case, it would be useful to know why the EA was consulted on this application.

Notwithstanding this, we would still recommended that you ensure that you have sufficient information about how the foul drainage from users of the new pitches will be managed. Is there some kind of toilet block for campers to use? If it discharges to an existing septic tank, the applicant should confirm that there is sufficient capacity to accommodate the additional users. A foul drainage assessment form would help you to understand the existing and proposed foul flows into the system to ensure that no pollution occurs as a result of the development.

However, if you consider that such information is not necessary in this instance and that the initial consultation was made in error then please disregard our previous response.

Environmental Health:

Manor Farm has received a number of complaints relating to excessive noise arising from the use of the fields for camping.

Primarily the lack of any management and control of the facility being present on the site is largely responsible for these complaints.

Whilst some measures were implemented by the owners of the site to resolve these issues, no opportunity has arisen to test whether they have been successful or not, and this department was unable to conclude its investigations into noise nuisance before the end of the last holiday season in 2018.

Therefore given the lack of supporting evidence that the consent of this application will not make matters even worse before the conclusion of any investigation by this department I have no alternative but to object to this application.

Should you be minded to grant consent for this application regardless of this departments concerns, it is essential that a condition is added requiring that a manager should be resident on site for the duration of the holiday season for the purposes of the management and control of the venue, and protection of the residential amenity.

6. REPRESENTATIONS

13 letters of objection has been received raising the following issues:

- Impact on AGLV and character of the area
- Visual impact
- Impact on agricultural atmosphere
- Noise, environmental pollution and antisocial behaviour
- Lack of public consultation
- Traffic and highways safety
- Lack of management
- Waste and drainage
- Ecology impacts
- Ignoring planning legislation
- Potential increase in pitches
- Overdevelopment

7. TOWN / PARISH COUNCIL'S COMMENTS

The Parish Council recommends refusal for the following reasons:

- extension of the site is excessive and unnecessary
- Existing road infrastructure is not suitable for such a large increase in traffic
- Serious concerns surrounding a lack of 24-hour site management
- The ecological survey states that there are no bats or rare birds, but the valley has at least seven species of bats and cirl buntings
- The application site and surrounding area is formally designated within the Teignbridge Local Plan (2013-33) as an 'Area of Great Landscape Value (AGLV)' and as such Policy EN2 A applies.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In

arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE:	3 September, 2019
REPORT OF:	Site Inspection Team – Councillors Haines (Chairman), Goodman-Bradbury (Vice Chairman), Bullivant, H Cox, and Hocking
DATE OF SITE INSPECTION:	15 August, 2019
Application	Coffinswell – 19/00850/MAJ – Manor Farm, Dacombe, Use of additional land for camping purposes

Also present: Councillor Taylor

Apologies: Cllrs Colclough, Hayes, Phipps and Wrigley

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: the boundaries of the entire campsite and the boundaries of the additional land the subject of the application; and that the additional land can at present be used for camping under the 28 day Permitted Development regulations

The Site Inspection Team noted: the surrounding area of residential properties and proximity to the site; the initial views of statutory consultees; the potential for site management plans; and that the proposals did not include any increase in toilet or shower facilities

Cllr M Haines
Chairman

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 3 September 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 19/00024/FAST EXMINSTER** - Ross Hi Aboveaway
Appeal against the refusal of planning permission for 18/02584/FUL - Conversion of garage and store to domestic accommodation ancillary to the dwelling

APPEAL DISMISSED (DELEGATED REFUSAL)
- 2 19/00015/REF BUCKFASTLEIGH** - Bridge House Old Totnes Road
Appeal against the refusal of planning application 18/01555/FUL - Erection of a dwelling

APPEAL DISMISSED (DELEGATED REFUSAL)
- 3 19/00027/FAST NEWTON ABBOT** - 12 Applegarth Avenue Newton Abbot
Appeal against the refusal of planning permission for 19/00110/FUL - Two storey side and single storey rear extension

APPEAL ALLOWED (DELEGATED REFUSAL)
COSTS REFUSED
- 4 19/00018/REF KINGSKERSWELL** - 1 Lyndhurst Avenue Kingskerswell
Appeal against the refusal of outline permission for 19/00081/OUT - Outline - two dwellings (approval sought for access and layout)

APPEAL DISMISSED (DELEGATED REFUSAL)
- 5 19/00025/REF SHALDON** - Land Rear Of Platway House Platway Lane
Appeal against the refusal of planning permission for 18/01739/FUL - New dwelling

APPEAL DISMISSED (DELEGATED REFUSAL)

TEIGNBRIDGE DISTRICT COUNCIL

- 6** **19/00022/REF** **CHUDLEIGH** - Milestone Cattery Milestone Farm
Appeal against the refusal of prior approval of permitted development rights 19/00102/NPA - Application for Prior Approval under Part 3 Class O and paragraph W of the GPDO for change of use of an office building (Use Class B1 (a)) to a dwelling (Use Class C3)

APPEAL DISMISSED (DELEGATED REFUSAL)