

E-mail: comsec@teignbridge.gov.uk

6 December 2022

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Wednesday, 14th December, 2022** in the Buckland Athletic Football Club, Kingskerswell Rd, Newton Abbot, TQ12 5JU at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Bradford, Clarence, Colclough, H Cox, Goodman-Bradbury (Chair), Dewhirst, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley, Parker, Peart, J Petherick (Vice-Chair) and vacancy

Substitutes: Councillors Austen, Daws, Haines, Jeffries, Phipps, Russell and Connett

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Youtube. By entering the meeting's venue you are consenting to being filmed.

Public Access Statement

Information for the Public

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 clear working days before the meeting.

This agenda is available online at www.teignbridge.gov.uk/agendas five clear 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

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 12)
To confirm the minutes of the last meeting.
3. Declarations of Interest.
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) 21/01352/MAJ - Obelisk Gardens, Kenton (Pages 13 - 38)
7. Major Decisions Summary (Pages 39 - 40)

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.
(Pages 41 - 42)

This page is intentionally left blank

PLANNING COMMITTEE**22 NOVEMBER 2022**Present:

Councillors Bradford, H Cox, Goodman-Bradbury (Chair), Dewhirst, Haines, J Hook, Jeffery, MacGregor, J Petherick (Vice-Chair) and Connett (Substitute)

Members in Attendance:

Councillors Clarence, L Petherick, Taylor, Wrigley

Apologies:

Councillors Colclough, Hayes, Kerswell, Nuttall, Nutley, Parker and Peart

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Anna Holloway, Senior Planning Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Christopher Morgan, Trainee Democratic Services Officer

19. MINUTES

It was proposed by Councillor Goodman-Bradbury and seconded by Councillor Dewhirst that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

A vote was taken.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the chair.

20. 21/02674/MAJ - SECMATON FARM, DAWLISH

The Senior Planning Officer presented the application to the committee.

Comments from Councillors included:

- Lack of affordable homes
- Link road is positive
- 6m wide link road too small
- Parking concerns
- Traffic safety concerns
- Not enough town medical capacity

Planning Committee (22.11.2022)

- Lack of dental capacity
- SW water strategic sewer solution
- Affordable housing concern
- Condition description needs adjusting
- Area 5 link
- Allotments are positive but need management
- Hedges need to be well managed
- Roads must ensure they line up
- Postboxes should be suggested to applicant
- Site short distance from Exe estuary
- Environment agency opposed?
- No reasons for refusal
- Good to have bat/bird/hedgehog boxes
- Impact on water voles
- Bungalow concerns
- Age restriction on bungalow permanent?
- What are exceptions that allow lower affordable housing?
- What is affordable housing in area 4
- Is 10 percent biodiversity gain correct?
- Scope for reserved matters to return to planning committee
- Has current biodiversity been measured?
- Audit of biodiversity wanted
- MUGA needed as hundreds of houses being built
- No safe and suitable access
- No real support from highways
- Have points raised in 5.52 been confirmed
- Devon wildlife trust comments
- Surgery to receive £80,000 and can apply for CIL
- Red rock club used for education and youth – £146,000 for it
- NHS club asked for money but funding was not given
- County council briefing on link road – no yellow lines
- Similar link road was 9 meters,
- Little space for buses and lorries
- Altered traffic flow
- What are clubcar vehicles?
- Children with developmental disorders require additional funding which comes from CIL
- Condition 15 includes bat survey
- Bird survey should be undertaken at reasonable time
- Biodiversity net gain has been in other applications, possibly part of act of parliament, road encourages faster traffic,
- Important to not return to low affordable housing
- NHS funding needed
- Devon wildlife trust opinion

The Senior Planning Officer and Business Manager commented on:

- The viability assessment
- 30mph speed limit,

Planning Committee (22.11.2022)

- Obligation for 400 pounds per dwelling towards local surgery, infrastructure, and wet field drainage.
- No request for funding received from dentists
- Suitable drainage strategy
- Environmental agency withdrew objection
- County bridge application has voles strategy including habitat and agreed by council biodiversity officer
- Disabled bungalows considered affordable
- Independent expert agrees that bungalows are affordable housing mitigation
- Social rent would impact delivery of units
- 10 percent biodiversity gain hasn't been agreed so not reasonable to require
- No net biodiversity loss
- Bat/bird boxes are part of ecological assessment,
- Plentiful green infrastructure
- Mitigation funded through CIL
- S106 agreement received before being agreed at Committee
- Clubcars are shared vehicles
- 6-meter-wide carriageway
- No requirement for yellow lines
- Bats and birds protected by law and the survey would have to be undertaken shortly before construction
- Planning cannot require adoption of roads, only standards
Biodiversity gain only requested if application is outside local plan, 10 percent net gain is not reasonable to request
- Detailed scheme will be submitted and considered by biodiversity officer

It was proposed by Councillor Dewhirst and seconded by Councillor Haines that permission be granted, as set out in the updated officer recommendation. .
A roll call vote was taken – see attached.

Resolved

That permission be granted subject to the following conditions:

(A) The Applicant entering into a Section 106 Agreement to secure:

1. 27 Affordable Housing units including 18 affordable rent, 8 shared ownership and 2 affordable rent disabled bungalows compliant with Part M4(3) (equating to 13.4% affordable).
2. Retirement properties.
3. GI, POS, allotments and community orchard including delivery, retention, public access and details of ongoing management and maintenance responsibilities. Delivery of allotments prior to 50% of dwellings. Delivery of GI, POS and community orchard in accordance with a schedule to be submitted and agreed prior to commencement of development.
4. Combined LEAP and NEAP delivery to include formal play areas for 0-6 years (min. 100sqm), 6-12 years (min. 300sqm) and 12-16 years (min. 300sqm); natural play space activity area of 1000sqm (min.); and formal

equipped sports zone activity area of 300sqm (min.). Delivery of play area prior to occupation of 50% of dwellings. Details of Management and Maintenance responsibilities.

5. Shutterton Brook bridge land including landing to be transferred (at nil cost) to the highway authority (DCC) on commencement of development (or earlier through agreement)
6. Link Road Bridge contribution – £1,163 per dwelling (index linked to date and until payment received) as a financial contribution towards the provision of a Link Bridge in the event that the bridge is not delivered by HIF funding.
7. Link road delivery by 50th dwelling.
8. Delivery of foot, cycle and vehicle access to eastern boundary of Area 3 (with Area 5) prior to occupation of 100th dwelling.
9. Bus stops including bus shelter and short section of raised pavement to allow level bus boarding; one bus stop in each direction.
10. Exe Estuary SPA and Ramsar Site and Dawlish Warren SAC Joint Approach contribution of £973 per dwelling (index linked to date and until payment received) to be paid prior to commencement of the development, other than Phase Zero.
11. Cirl bunting contribution – £74,193 (index linked to date and until payment received)
12. Biodiversity Off-setting Mechanism.
13. Community facilities contributions:
 - Health – £400 per dwelling (index linked to date and until payment received) towards the provision of health facilities at the Barton Surgery Dawlish.
 - Library – £59 per dwelling index linked to date and until payment received) towards Dawlish Library.
 - Red Rock – £727 per dwelling (index linked to date and until payment received) as a financial contribution towards the provision of additional and improved facilities at the Red Rock Centre Dawlish.
14. Shutterton Brook Drainage Contribution – £1000 per dwelling (index linked to date and until payment received)
15. Public Art Provisions – provision of public art within the Site up to a maximum cost to the Owner of £25,000.

(B) The completion concurrently with the completion of the s106 agreement of the Highway Agreement to secure the delivery of the Link Road by Devon County Council.

(C) The completion of the s106 Agreement and Highway Agreement before the end

of January 2023 to ensure compliance with the HIF funding timetable for the delivery of the bridge and road, subject to any extension to this date being agreed with the Executive Member for Planning.

D) Conditions covering the following matters, the precise number and formation of the conditions to be delegated to the Business Manager – Strategic Place:

1. Duration of Permission
2. List of approved plans and documents
3. Phasing Plan showing Link Road carriageway as Phase Zero.
4. Details of link road carriageway connections with the Bridge and Area 2 to be submitted and approved prior to construction of the link road.

5. Pre-commencement condition for archaeological WSI for Phase Zero (link road carriageway)
6. Pre-commencement condition for archaeological WSI for any Phase other than Phase Zero.
7. Pre-commencement submission and approval of CEMP for Link Road (Phase Zero). Construction traffic to access site from the north.
8. Pre-commencement of any other phase, submission and approval of CEMP. Construction traffic to access site from the north.
9. Details of link road footpath and cycleway connection with the Bridge and Area 2, notwithstanding the submitted plans, to be submitted and approved prior to the commencement of any phase other than Phase Zero.
10. Footpath and cycle route from Shutterton Brook Bridge through to Development Area 2 to be provided and publicly accessible.
11. Prior to commencement of relevant phase, revised drawings for the NW corner of the site to provide appropriate separation with the bat flyway along Shutterton Brook as set out in Section 16 of the AA.
12. Details of boundary treatments with garden boundaries backing onto GI to be 2m tall and opaque.
13. Works to be carried out in strict accordance with the precautions, measures and enhancements described in the submitted Environmental Statement and Ecological Impact Assessment.
14. Pre-commencement of any phase other than Phase Zero, submission of a LEMP and Ecological Monitoring and Remedial Measures Plan.
15. Surveying of trees and buildings for roosting bats and nesting birds prior to works.
16. Submission and approval of a Lighting Mitigation Scheme.
17. Restriction on additional lighting.
18. Restrictions on construction working hours and lighting during active season for bats.
19. Submission and approval of a Badger Protection Plan.
20. Bat boxes, swift boxes and bee bricks shall be provided at a minimum rate of 1 bat box, 1 swift box and 1 bee brick per dwelling (with clustering of provision as appropriate) as well as provision for hedgehog holes.
21. Detailed design of the following matters as requested by the EA: the location and design of any SUDS features in the flood risk area; the new road culvert design; the culvert removal; and the minor watercourse corridor and functional floodplain.
22. Surface Water Drainage Condition as requested by the LLFA.
23. Ground contamination remediation scheme implementation.
24. Submission and approval of a Travel Plan.
25. Car parking and cycle storage to be provided prior to initial occupation of the relevant dwelling.
26. Development to be carried out in accordance with the submitted tree protection measures.
27. Submission and approval of tree pit details.
28. Details of underground service locations to ensure no conflict between new tree planting and services.
29. Tree planting to comply with British Standard; Trees: from nursery to independence in the landscape.

30. Compliance with carbon reduction measures, submission of sample SAP calculations and submission of a solar PV masterplan as requested by the Climate Change Officer.
31. EV charging infrastructure to be installed, at a minimum of one per each dwelling with off-street parking.
32. Revised drawings for affordable housing units to ensure compliance with NDSS if required by the Registered Provider.
33. Submission and approval of external materials and architectural features.
34. Submission and approval of public realm details including surfacing and any public realm furniture / structures.
35. Full details of the proposed public art project / installation including an implementation timetable.
36. Full details of formal and informal play space including equipment, surfacing, and fencing as well as additional footpath provision within the POS.
37. Full details of levels.
38. Removal of PD rights for upward extensions to Affordable and Retirement bungalows.
39. Waste Audit Statement.
40. Link road to Area 5

21. MAJOR DECISIONS SUMMARY

The Committee noted the major decisions summary sheet.

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

The Committee noted the appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 11.30 am.

Chair
Cllr Linda Goodman-Bradbury

Planning Recorded Vote Roll Call Minute Item 20

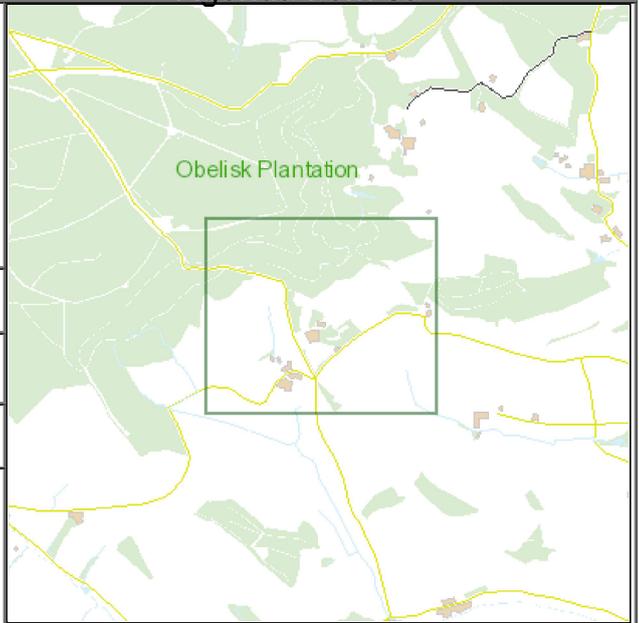
COUNCILLORS	FOR	AGAINST	ABSTAIN
CLLR JANET BRADFORD		X	
CLLR ALAN CONNETT	X		
CLLR HUW COX			X
CLLR ALISTAIR DEWHIRST	X		
CLLR MIKE HAINES	X		
CLLR JACKIE HOOK	X		
CLLR MIKE JEFFERY			X
CLLR ANDREW MACGREGOR			X
CLLR GOODMAN BRADBURY	X		
CLLR JOHN PETHERICK			X
TOTAL	5	1	4

This page is intentionally left blank



Planning Committee Report

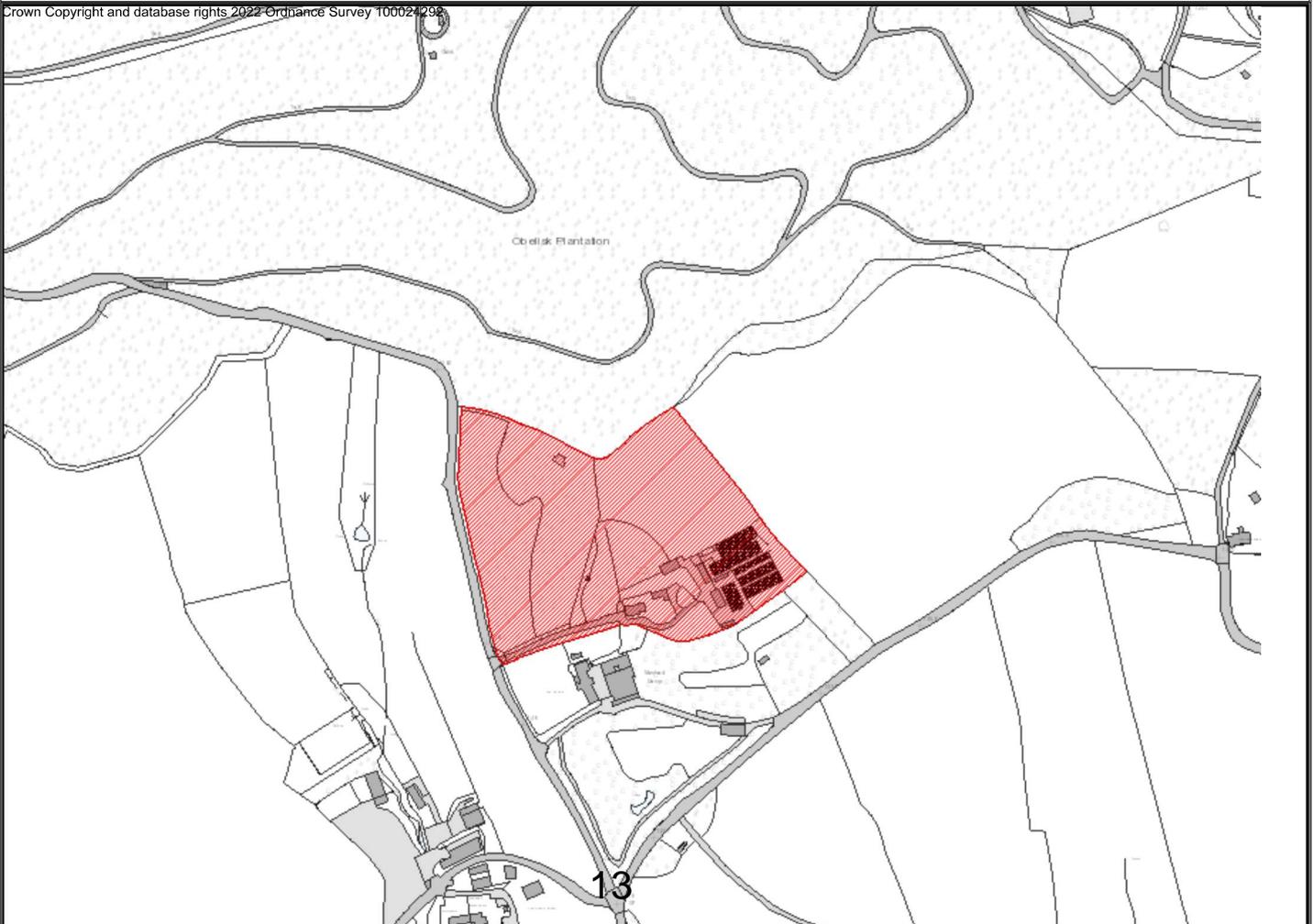
Chairman: Cllr. Linda Goodman-Bradbury



Date	14 December 2022
Case Officer	Cheryl Stansbury
Location	Obelisk Gardens Mamhead Devon EX6 8HG
Proposal	Change of use of land for the siting of 14 holiday lodges and the demolition of glasshouses, the retention of one glasshouse for use as a winter garden, alterations to the access arrangements, construction of internal roads, parking spaces, hard standings, deckings and associated landscaping
Applicant	Mrs D Nyiry
Ward	Kenton With Starcross
Member(s)	Cllr Alan Connett
Reference	21/01352/MAJ

[Online Details and Documents](#)

RECOMMENDATION: CHANGE OF USE APPROVAL - Indicative Plan



1. REASON FOR REPORT

1.1. This application was called to Committee by Cllr Connett for the following reasons:

- This is a major development within proximity of the Listed and Registered Mamhead Park.
- Note is made of the potential impact on the South Hams Special Area of Conservation re bats. Proximity to the Exe Estuary and a suite of Teignbridge Local Plan policies – including whether this can be considered a sustainable development as in Policy S1. Although Policy S12 is applicable re tourism, special consideration needs to be given in light of the location of this application.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the applicant entering into a signed legal agreement to secure Exe Estuary mitigation contributions and conditions covering the following matters, the final wording and number of which shall be delegated to the Business Manager – Strategic Place:

1. Works to commence within 3 years
2. Works shall proceed in accordance with approved plans
3. Submission of Construction Ecological Management Plan prior to the commencement of development, to include provision of protective fencing around retained trees and other habitats and consideration of construction works
4. Detailed drainage design prior to commencement to include construction and management (as requested by DCCLLFA)
5. Submission of an updated LEMP and planting information prior to commencement
6. Construction Method Statement prior to commencement (as requested by DCC)
7. Carbon Reduction Plan to be submitted and agreed prior to commencement, including electric charge points and solar panels
8. Submission of Waste Plan/Waste Audit Statement, to include demolition and construction phase. Prior to commencement
9. Prior to commencement, updated Tree Report (Arboricultural Method Statement and Tree Protection Plans) to include details of ground and floor levels of the lodges to be provided. Tree protection measures to be followed; no burning of any waste on site
10. The lodges shall be occupied for holiday purposes only and shall not be occupied as a main place of residence. The owner shall maintain an up-to-date register of the detail of all occupiers
11. Details of lodges to be submitted, limited to single storey only. To include cycle storage provision
12. Decking to be removed when the use of the land ceases

13. Demolition and clearance of greenhouses to occur before any lodge is brought into use
14. Travel Plan to be submitted and agreed prior to occupation of any lodges
15. Accord with recommendations of ecology report and the ecologist to check trees for bat roosts before any felled/surgery takes place
16. Timing of construction works and no overnight lighting (to prevent disturbance to protected species)
17. Provision and maintenance of visibility splays at site entrance (as requested by DCC)
18. Lighting scheme to be agreed before any lights installed; no additional lights
19. A Management scheme for the site shall be submitted and agreed prior to first use. This shall include that the burning of fire pits and BBQs should cease at 11pm.

3. DESCRIPTION

3.1. Application site

3.2. The application site comprises approximately 3 hectares of land to the north of Magnolia Lake, the applicant's Grade 2 listed property; the land slopes from north to south towards this property. It is in the countryside, with Dawlish around 4km to the southeast.

3.3. The site lies within an Area of Great Landscape Value (AGLV) and is within 10km of the Dawlish Warren Special Area of Conservation (SAC)/ National Nature Reserve (NNR) and the Exe Estuary Special Area of Conservation (SPA) and Ramsar site.

3.4. To the north lies Mamhead Park, a Grade 2* Registered Park and Garden, Mamhead Sensory Trail and Obelisk; this land is heavily forested.

3.5. The site was formerly used in association with a plant nursery and is currently occupied by several derelict greenhouses and associated buildings, many of which are in a usable condition, along with 3 holiday lets (Camelias, Jasmine House and Blue House); the applicant's dwelling along with its extended garden/amenity area and 2 further holiday lets sit outside of the application site, on lower ground to the south. The polytunnels that were once part of the nursery and occupied the north-eastern area have been removed.

3.6. The site is bordered by mature trees and hedgerows of varying quality. Many trees and shrubs exist across the site. There are no Tree Preservation Orders in place. Due to the topography of the site and the surrounding vegetation, the site is well screened from surrounding vantage points.

3.7. The site is located in Flood Zone 1, however it is within a Critical Drainage Area.

3.8. There is an existing access to the site (to the applicant's dwelling) from the southwestern corner, another access to the holiday lets as well as a (currently blocked) access to the northern corner, all leading onto the Class C highway.

3.9. Relevant Site History

96/03316/FUL – Extension on ground floor and provision of first floor to form additional living accommodation. (The building known as The Blue House)

99/03047/FUL - Timber building to form offices, w.c. and shower (approved)

13/03247/CLDE - Certificate of Lawfulness for existing use of building as a single dwelling (approved) Camellias

13/03248/CLDE - Certificate of Lawfulness for the erection of a building and its use as a single dwellinghouse (approved) Jasmine House

14/02856/CLDE - Certificate of Lawfulness for retention of existing structure (known as John's House) (approved)

15/02981/OUT - Outline - replacement dwelling for holiday purposes (all matters reserved) (approved) John's House

3.10. Proposed Development

3.11. This application seeks full planning permission for the change of use of the land to site 14 luxury holiday lodges, the demolition of all glasshouses except one, together with alterations to the access, the construction of internal roads, parking, hard standings, decking and associated landscaping.

3.12. The application originally proposed 24 lodges, but following significant concerns from Historic England, this was reduced to 14. The Planning Statement confirms that the lodges will all fall within the legal definition of a “caravan” as set out in S29 of the Caravan Sites and Control of Development Act 1960, as amended by S13 of the Caravan Sites Act 1968; designed for human habitation, capable of being moved, composed of not more than 2 sections and within the maximum size limits of 20m x 6.8m x 3.05mH (internally).

3.13. The lodges are proposed to be sited in clusters, 4 to the top of the site, a cluster of 4 lower down to the west of the site, 3 further towards the centre and the final 3 to the southeastern corner. The layout has been chosen to retain the majority of on-site vegetation and additional planting is proposed throughout the site.

3.14. Illustrative images of similar lodges have been submitted, all single storey, showing them to be of timber construction using muted colors under darker colored roofs, with small decked areas to their front gable. Illustrative floor plans show lodges of around 14m x 6m with 3 bedrooms and 12m x 6m with 2 bedrooms. Each lodge has 1 parking space, with lodge 11 having 2 spaces, and 2 additional communal/visitor parking areas are proposed providing 11 additional spaces.

3.15. An existing access in the northwest corner of the site will be reopened to serve the lodges; guests will not use the other site access points as there will be no route to the lodges from those. The existing informal tracks around the site will be formalized with hardcore and gravel at a width of 3.7m to 3m.

3.16. Provision for waste recycling and collection will be made by the northern entrance.

3.17. The single retained greenhouse will be repaired and turned into a winter garden, to provide an all-weather on-site facility for guests.

3.18. The application was submitted following pre-application advice which was generally supportive and gave recommendations of various reports that would need to accompany any application.

3.19. Individual soakaways are to be provided for each lodge with a new Package Treatment Plant discharging to an on-site drainage field to accommodate foul flows from 11 lodges; the 3 eastern lodges will utilize an existing septic tank.

3. PLANNING CONSIDERATIONS

4.1. Principle of the development

4.2. The site lies beyond any defined settlement and is therefore within the open countryside. The NPPF and the Teignbridge Local plan support rural economic growth and the expansion of established tourism sites. In particular, Policies S1A, S1 and S22 of the Local Plan are applicable, seeking to guide development across the district to the most sustainable locations.

4.3. Policy S1A supports sustainable development that improves the economic, social and environmental conditions in the area. As set out through this report there is both compliance and conflict with this policy.

4.4. Policy S1 provides detailed criteria to assess proposals against:

“a) accessibility by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education;

b) road safety and congestion;

c) access to necessary services, facilities and infrastructure taking account of plans to provide infrastructure;

d) health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development, including from associated traffic;

e) impact on the residential amenity of existing and committed dwellings, particularly privacy, security, outlook and natural light;

f) impact from existing or committed developments on the health, safety or amenity of occupants or users of the proposed development;

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

h) impact on biodiversity and geodiversity;

i) if possible, construction and demolition materials are re-used on the site; and

j) the impact on mineral extraction and agricultural production.”

4.5. Given the site’s remote rural location and limited access to services and facilities, there is some conflict with S1 a) and c), however, as discussed later in this report, the proposal conforms to other parts of the policy.

4.6. Policy S9 promotes sustainable transport, minimising dependence on cars and promoting links to public transport. There is some conflict with this policy, although the

application does include electric charge points and bicycle storage to try to encourage more sustainable travel. A condition can be imposed to ensure implementation of these measures.

4.7. Policy S12 “Tourism” supports a growing, sustainable tourism sector and proposals that lengthen the tourism season through various measures including “*retention of existing tourist accommodation and attractions which contribute to the local economy*” and “*enhancement of existing tourism accommodation and attractions*”, environmental enhancements and where European protected sites are involved, provided there will be no adverse effects. There is some conflict with point c) of this policy (“...*in locations where the scale of visitor and employee trips is commensurate with the public transport, cycling and walking accessibility...*”) by nature of the location and limited public transport options.

4.8. Policy S22 refers to development in the countryside, supporting this where “...*development and investment will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy.*” The type of developments considered acceptable are listed, with tourism uses included.

“In assessing development proposals, particular account will be taken of:

- f) the distinctive characteristics and qualities of the Landscape Character Area;*
- g) the integrity of green infrastructure and biodiversity networks;*
- h) impact on overall travel patterns arising from the scale and type of development proposed; and*
- i) the need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC”.*

4.9. Rural employment is supported in Policy EC3, and whilst tourism is not explicitly mentioned, the extension or expansion of an existing business will be supported, but again, it must be appropriate in scale in terms of accessibility, plus impacts upon the landscape, wildlife and so on. The site was formerly used as a plant nursery and currently has holiday letting units so can be treated as an existing business.

4.10. Tourism policies are set out in EC11 “Tourist Accommodation” and EC12 “Tourist Attractions”; EC12 is not of direct relevance because it relates to tourism attractions rather than accommodation.

4.11. EC11: “*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 settlement limits.*

Elsewhere, tourism accommodation will be acceptable in principle where it is one of the following:

- a) expand or improve existing tourist accommodation locations;*
- b) support expansion or improvement of an existing tourist attraction;*
- c) provide a new campsite or caravan site;*
- d) involve the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character;*
- e) part of a farm diversification scheme;*
- f) use a dwelling to provide bed and breakfast accommodation; or*

g) provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.”

4.12. The proposal can be considered compliant with EC11 in that it expands an existing tourism accommodation site and comprises a new caravan site.

4.13. Objectors have referred to the lack of on-site facilities and concern for increased visitors and problems that might occur on site. The applicant is seeking to create a quiet holiday experience, for people wanting to holiday in a secluded woodland location to relax, as an alternative to more active and busy holiday parks in the area. The winter garden that will be created in the retained greenhouse is one element of this, and will assist in creating a year round accommodation site, lengthening the season as suggested in Policy S12.

4.14. Furthermore, the applicant resides next to the site, and will be able to manage any problems that might arise promptly as well as check guests in and out.

4.15. As noted in the supporting text to Policy EC11, the tourist economy provides direct local employment as well as additional visitors for local businesses and services. The applicant has submitted a supporting document setting out, based on the report “The Economic Impact of Devon’s Visitor Economy 2019” by the Devon Tourism Partnership, available at <https://www.englishrivierabid.co.uk/wp-content/uploads/2020/12/Torbay-2019.pdf>, that the proposal could result in an estimated 8,820 more visitor nights.

4.16. Direct employment opportunities will be created through staff to service and maintain the lodges and gardens, cleaning, laundry and so on, and there will also be further indirect employment opportunities as local facilities will benefit from increased visitors, albeit the scale of this site is modest and so the likely impact on any individual facility will be similarly so. The applicant anticipates the main holiday season will be April to October, with less letting at other times, and at peak periods, expects to employ between 6 – 8 people on a part time basis, as well as a permanent site maintenance / handyperson and 1 or 2 part time seasonal assistants.

4.17. The proposal will no doubt provide economic benefit and there is therefore some policy support from Policies S1A, S1 and EC3.

Sustainability considerations:

4.18. The Local Plan Policies and the NPPF at paragraph 8 require all 3 dimensions of sustainable development to be secured and where possible, improved (social, economic and environmental).

4.19. Social benefits will be provided through the very nature of having a holiday within a quiet woodland environment.

4.20. Economic benefits are discussed above. Whilst small-scale, in this rural area employment opportunities would generally be limited, so this lends some weight towards the development.

4.21. In terms of the environmental aspect, this is discussed in detail further in this report. Subject to conditions and a legal agreement to secure necessary financial contributions, it is considered this element is achieved.

4.22. The development, by very nature of its remote rural location, could be seen to not be sustainable, however, an assessment must be made against the Local Plan as a whole, in light of the ethos behind the development, its location and current use of the site, that being

holiday accommodation and a former plant nursery, the use of which could potentially recommence. On balance, the principle of the proposed development is considered to be acceptable.

4.23. Design Considerations

4.24. The NPPF and the Teignbridge Local Plan both seek to secure high quality development.

4.25. Policy S22 requires development in the countryside to take account of distinctive characteristics and qualities.

4.26. Policy S2 “Quality Development” requires development to respond to the characteristics of the site, wider context and surrounding area, making the most effective use of land.

4.27. The form and materials of the lodges as shown on the illustrative drawings is considered to be acceptable for the site; they are designed as “log cabins” and would not be out of character for a woodland setting; full details of materials and colours, and ensuring the lodges are single storey, can be secured by condition.

4.28. Following the reduction in lodges to 14, which enables a large open area of the site to the centre/east to remain, the layout is now considered to be appropriate, and no conflict is noted with Policies S2 and S22. Concern has been raised that the proposal may set a precedent for future and further development on the site, given the removal of 10 lodges leaves a large undeveloped area. The proposed site plan details that this application is for 14 lodges only and this number is included within the description of development for the proposal. Any further expansion of the development would require planning permission and any application would need to be assessed against the policies in place at that time.

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

4.30. The site is located adjacent to a Grade II* Registered Park and Garden (RPG), Mamhead Park and within an Area of Great Landscape Value (AGLV). Local and national policy seeks to protect and enhance the landscape. Landscape protection is a key element of the environmental thread in Paragraph 8 of the NPPF and Section 15 “Conserving and enhancing the natural environment”.

4.31. Local Plan Policy EN2A advises that to protect and enhance the area’s landscape and seascape, development will be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge, in particular, in Areas of Great Landscape Value.

Development proposals should:

- a) conserve and enhance the qualities, character and distinctiveness of the locality;*
- b) where appropriate restore positive landscape and seascape character and quality;*
- c) protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality; and*
- d) maintain landscape and seascape quality and minimise adverse visual impacts through high quality building and landscape and seascape design.”*

4.32. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), albeit prepared for 24 lodges; given the number has reduced, it is still considered to be applicable as any impacts will be lesser. The LVIA describes the Landscape Character Areas within which the site lies and notes the site falls from 185m AOD to 155m AOD, that land rises steeply beyond the site before reaching a plateau of 250m AOD. Land to the south

falls steeply into ridges and valleys that extend towards the coast. The landscape quality of the site itself is judged to be moderate/low due to its current form and the various buildings across the site.

4.33. Various viewpoints are included in the LVIA using photographs taken in December, representing a worst-case scenario after leaf fall. The assessment concludes that the site is contained visually by higher land of Haldon to the north, and by the ridges to the east and west. Views are generally confined to adjacent points through gaps in vegetation and some high points to the east and west.

4.34. The majority of on-site trees, shrubs and hedging are proposed to remain. Eastern, western and southern site boundaries are to be reinforced with additional planting. On site vegetation will be subject to a LEMP to ensure maintenance and protection. All but 1 of the substantially sized greenhouses will be removed and the LVIA notes the lodges will be single storey with a sympathetic material palette. The LVIA concludes that once landscape planting matures there will be negligible or no adverse impacts upon completion and minor beneficial impacts once fully matured.

4.35. Lighting will be low impact low level bollard lighting only, operated by timers to reduce light spill in this dark, unlit area; a condition is suggested for full details to be submitted and for no additional lighting to be installed.

4.36. The Landscape Officer raised no concerns over the proposal or content of the LVIA, save for queries over tree species and mix; the applicant has addressed these concerns and 10 of the proposed 18 additional trees are Oak.

4.37. The design process has sought to minimize impacts on landscape character through the retention and enhancement of landscape features of value to help assimilate the development into the landscape. The low density of scattered lodges works with existing topography and green infrastructure network, and arguably they will be better integrated into the site than the horticultural structures were. It is also worth remembering a lot of these unsightly structures will be removed and the polytunnels have already been taken down. Given these were sited in the most open part of the site, this represents a betterment, of benefit to the site and local landscape as well as removing perceived harm upon the adjacent Registered Park and Garden.

4.38. Whilst there would inevitably be some adverse landscape impacts and a degree of "change", due to the topography and mature tree screening on and around the site, any impacts will be localized and very limited. The lodges will be single storey only, although they will not be totally invisible. They will be glimpsed when driving the Class C highway adjacent to the site and from some longer-range viewpoints through gaps in vegetation. The illustrative palette of darker, muted colours is seen as a welcome way to limit the landscape impacts of the proposal and in long-range views the use of the site for holiday accommodation will be difficult to detect. Testament to the site being highly visually contained by the mature vegetation are the objection comments received that state the site needs better signage to enable visitors to find it.

4.39. Through conditions as discussed above to secure appropriate lighting, lodge materials, planting and an updated Landscape and Ecological Management Plan (the current LEMP refers to 24 lodges) that sets out the management approach to maintain these features in the long-term, it is considered the proposed development would not result in any unacceptable long-term landscape and visual effects to the local landscape or wider AGLV.

4.40. Therefore, on balance, whilst the landscape will see change, it is not considered the landscape impacts of the proposal would be so harmful to warrant refusal. The proposal is seen to comply with Local Plan policies EN2A, S1A and S2 (where they relate to landscape impacts.)

4.41. Impact on residential amenity of surrounding properties

4.42. Local Plan Policy S1 requires development to not adversely affect residential amenity of existing occupants through noise, traffic and pollution.

4.43. Concerns have been raised that the local community will be negatively affected by the proposal and questions asked around how problems with guests will be managed. It is worth noting the applicant already lives next to the site so will be on hand if needed. The development is relatively small scale and will be low key; there are no bar or entertainment facilities proposed.

4.44. The nearest residential property is Magnolia Lake, the applicant's dwelling. The nearest non-related close residential properties are located approximately 250 metres away, on lower ground to the southwest. Due to the tree cover and distance, it is not considered that noise or light disturbance would be likely. As discussed above, a condition is imposed to ensure any lighting is sensitive to the location and protected species and as requested by the Highway Authority, a Construction Management Statement is requested, along with a condition limiting BBQs and fire pits as requested by Environmental Control (the majority of points they raise would be controlled under the site license and are not for planning conditions).

4.45. In light of the separation distances involved, intervening woodland and that impacts such as lighting and construction activities could be controlled adequately by condition, it is not considered there would be detrimental impacts upon nearby residents.

4.46. Drainage and Flood Risk

4.47. The site sits in Floodzone 1, the lowest risk area, however it is in the Dawlish Warren Critical Drainage area on sloping ground, so has potential for off-site flooding impacts if the drainage proposals were not sufficient. A Flood Risk Assessment (FRA) has been submitted in support of this application; this was updated to reflect the reduced number of lodges and to ensure foul proposals met with the Environment Agency's drainage hierarchy.

4.48. Local Plan Policy EN4 "Flood Risk" is key to this consideration, requiring development to be located in areas of low flood risk. Policy EN4 requires:

"e) the adequacy of existing water supplies, drainage, disposal arrangements, sewerage and sewage treatment facilities;

f) the need for surface water drainage systems, separate from foul drainage systems; and

g) the use of sustainable drainage systems where ground conditions are appropriate.

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"

4.49. Policy S11 requires development to prevent pollution to water. S6 seeks to ensure flood risk and climate change have been taken into account. Section 14 of the NPPF requires the inclusion of SuDS throughout developments unless it has been proven to not be feasible.

4.50. Existing structures on site are served by soakaways and septic tanks. The proposal seeks to minimise surface water run-off through minimal ground level alteration and using hardcore and gravel for the tracks and parking areas, with clean surface water run-off from the lodges dealt with by individual underground soakaways; percolation testing has shown this is suitable. Given the sloping site, overland exceedance measures are also proposed which would direct flows to the open spaces on site and towards undeveloped land, with filter strips directing flows to trench soakaways. The FRA concludes that almost all the current greenfield run-off volume will be captured on site providing a betterment to the downstream catchment and Dawlish Warren CDA.

4.51. DCC, as Lead Local Flood Authority (LLFA), have raised no objections to the proposed drainage system, requesting a condition be imposed for full details of the final system, surface water management during construction and for ongoing maintenance.

4.52. Foul drainage is dealt with by a new Package Treatment Plant serving 11 of the lodges, with a drainage field for clean discharge, with the 3 eastern lodges connecting to an existing septic tank, to which the Environment Agency have not objected, subject to the applicant obtaining an Environmental Permit.

4.53. Concerns have been raised in relation to ground water from residents who are not served by mains. The site is some distance from any Source Protection Zones, approximately 1.75km to the east. No consultees have raised any concerns.

4.54. Subject to the inclusion of conditions recommended by the LLFA, the proposal is considered to be in accordance with policy EN4 of the Teignbridge Local Plan being located within flood zone 1 and due to the inclusion of an acceptable drainage strategy.

4.55. Highway safety

4.56. Teignbridge Local Plan policy S9 “Sustainable Transport” requires development to, amongst other criteria, promote non-car methods of transport, provide links to and strengthen public transport, promote safety and provide improvements where necessary, minimise negative transport impacts, promote electric vehicle use and importantly, reduce the need to travel.

4.57. Policy S10 “Transport Networks” seeks to protect the strategic road network, including the A38 and A380 (both run close to the application site). Also of relevance is Policy S1 “Sustainable Development Criteria” which requires developments to perform well against accessibility by walking, cycling and public transport as well as road safety and congestion.

4.58. Section 9 of the NPPF promotes sustainable transport, requiring impacts to be considered at the early stages in any development proposal, identifying and pursuing transport by means other than private cars and for environmental impacts to be taken into account. Paragraph 111 notes development should only be prevented on highways grounds if the impacts would be “severe”.

4.59. The site is accessed directly from the adjacent Class C Highway, where a 60 MPH speed limit is in place. However, given the width and geometry, actual vehicle speeds are much lower, as noted by the County Highways Officer and recorded in the Transport Statement (TS). The road is single track with informal passing places to the north and south. Around the proposed site access it narrows to 3m width. Further north, where most guests are likely to travel to/from, it widens to double width.

4.60. The TS assesses current traffic counts, predicted movements and the impacts the proposed development would be likely to have upon the local highway network. A 7-day traffic count was carried out in February 2021. Several objectors note this was carried out in a quiet time of year and also question the vehicle movements stated to have occurred with the former nursery that once operated from the site; it is not clear when this ceased to operate, nor the extent of operations because the planning history is unclear, and permission only exists for polytunnels and greenhouses, not any parking areas, retail elements, restaurants and the like that might be expected with a garden centre, but it has not operated since the applicant bought the site in 2007. The TS concludes the proposed development is expected to generate 1 additional trip every 12 minutes, based on there being 24 lodges, in the busier peak PM period.

4.61. The Highways Officer (HO) initially raised concerns with the TS, partly centered on the uncertainty of the lawful use of the site in relation to the plant nursery, that it fails to discuss current vehicular movements from the site or give a worst-case scenario to enable the increase in traffic to be judged, and also noted the traffic count was likely to be lower due to Covid, but speeds higher. It was also noted the TS fails to mention 2 nearby collisions recorded in 2016 and 2020.

4.62. Following the submission of Technical Transport Notes (TTN) and a visit to the site, the HO is satisfied visibility can be achieved in both directions. Due to the lack of clear history for the nursery use, noting the TTN describes it as a plant nursery/garden centre, these uses are quite distinct and would attract different numbers of vehicles as a result, figures for a similar sized industrial development have been taken, considering around 40 vehicle movements a day would have been likely. Based on the originally proposed 24 lodges*, an increase of 20 movements per day is predicted. This does not represent a severe impact upon the local highway network and the HO raises no objection subject to a Construction Management Plan and adequate visibility splays being secured by condition.

*Given the reduction in numbers of units since the comments were submitted and the lack of objection, an updated comment was not sought from the HO.

4.63. In order to ensure the access enables 2 vehicles to pass entering and existing the site, details of this will be required to be submitted and agreed before any lodge can be occupied; indicative details accompanied the TTN. Furthermore, to ensure the development seeks to minimize vehicular movements and promotes sustainable travel as far as is possible, a condition is imposed for a Travel Plan to be submitted and agreed; the TS notes the applicant commits to providing this.

4.64. A significant number of the objections received raise a concern over the highway safety impacts this proposal would generate, noting the road is single track in many places and that it already is under considerable pressure from traffic.

4.65. Whilst there will without doubt be additional traffic movements to and from the site, it is considered the highway network can safely absorb these. The proposed access can provide adequate visibility for emerging vehicles and traffic passing on the highway.

4.66. As already set out in this report, there is some conflict with the sustainable transport aims of the Local Plan and NPPF, but in terms of highway safety, subject to the imposition of the conditions as discussed above, there is considered to not be a resultant severe impact and accordingly, no conflict with Local Plan Policy or the NPPF.

4.67. Impact on trees

4.68. Local Plan Policy EN12 requires development to protect and enhance woodlands, trees and hedgerows, to ensure the relationship between existing trees and development is acceptable and to take opportunities for new planting.

4.69. The application has been accompanied by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan. This notes 61 individual trees and 19 identified tree groups, most are noted as being mature; 6 category c trees (low quality) and 3 category b trees (moderate quality) will be removed, with some pruning works noted to be necessary around the site access. Drainage trenching has been designed to avoid Root Protection Areas (RPAs) and where the lodge bases will encroach into these, ground levels will not be altered.

4.70. The report notes some lodges will be partially shaded but considers this to be acceptable for a holiday use and to secure the “...*pleasant, sylvan environment with light shade providing shelter from full, direct sun over this south facing site.*” Tree protection barriers are recommended during the construction phase to protect RPAs.

4.71. The Tree Officer has not objected but noted some concerns relating to potential impacts where level concrete raft foundations will be installed, associated earth works to achieve usable ground levels and where the tracks will be “formalised”. The applicant has updated the Tree Protection Plan and the details requested by the Tree Officer are proposed to be secured by condition, to be agreed before works commence.

4.72. Subject to conditions to secure the additional details above, tree protection and the methodology set out in the AIA, as well as the proposed landscaping, the proposal is not considered to be likely to harm on-site trees and conforms to Local Plan Policy EN12.

4.73. Heritage Impacts

4.74. Local Plan Policy EN5 requires development to protect and enhance heritage features, giving consideration to their significance, setting and local distinctiveness. NPPF paragraphs 195, 196 and 197 require the significance of heritage assets to be assessed and to minimise conflicts between their conservation and a proposal. Paragraph 199 requires great weight to be given to an asset’s conservation, regardless of the level of harm.

4.75. There are several heritage assets in the immediate area:

- Mamhead Park, Grade II* Registered Park and Garden (RPG): adjacent to northern boundary
- The Grange (Magnolia Lodge), Grade II: adjacent to southern boundary
- The Obelisk, Grade II*: 300m north of the site boundary
- Dawlish Lodge, Grade II: 330m to the west
- The Orangery, GII*: 500m to the northwest
- Church of St Thomas, Grade II*: 530m to the northwest
- Mamhead house, Grade 1: 680m to the northwest

4.76. Between the site and the RPG there is dense mature woodland which prevents intervisibility. Similarly, with Magnolia Lake being sat on lower ground and screened by on-site trees, there is little intervisibility.

4.77. Due to topography, woodland and distances, it is not considered the site has direct relationships with any heritage assets, with the exception of the RPG and Magnolia Lodge.

However, they are not directly affected. It is their setting which must be given due consideration. The Conservation Officer confirmed this following a site visit “...visibility between the immediate setting of the listed building and the development is extremely limited...satisfied that there will be no harmful impact on the setting of the listed building...the listed building and its grounds are not a feature in the long views, as the topography screens them; long views towards it do not make a particular contribution to its significance.”

4.78. As a result of objections from Historic England (HE), 10 lodges were removed from the proposal; these were considered to directly affect the setting through the enclosure of the open space along the boundary of the RPG. HE noted “...long views toward the application site from the south. The surrounding land is undulating, with tree cover mainly limited to the highest ground. Long views of the undulating agricultural land are an attractive characteristic of the wider setting of the heritage assets. Mamhead Park woodland is visible, with the application site located on slightly lower ground. The site contributes to our experience of the park through the juxtaposition of the density of the Obelisk Planation and the open character and borrowed views experienced from the site...” The development would “...would irreversibly change the open nature of the site and the experience of emerging from the constrained views in the wooded park into its surrounding open, rural countryside.”

4.79. In coming to this decision, the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses and have given it considerable importance and weight in the planning balance.

4.80. Objections, including that from the Devon Garden Trust, are noted, but the statutory conservation body and the Council’s professional advisor are both content with the level of supporting documentation provided and conclude the proposal will have no harm to any heritage assets or their setting, and the proposal therefore conforms to Local Plan Policy EN5 as well as NPPF paragraphs 195, 197 and 199.

4.81. Impact upon Ecology/Biodiversity

4.82. The site is within the Exe Estuary SPA/Ramsar Site 10km mitigation zone and the South Hams SAC Landscape Connectivity Zone; the site is over 6km from the nearest known SAC roost.

4.83. An ecology survey accompanied the application, concluding that the development poses some risk to ecological receptors. Avoidance and mitigation measures are recommended, with a requirement for these to be firmed up should permission be granted. The recommended bat activity surveys were subsequently submitted with recommendations for lighting.

4.84. The following Local Plan Policies all directly seek to protect species and habitats:

- 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

4.85. The NPPF, section 15, particularly paragraphs 174, 179, 180, 181 and 182, seeks to conserve and enhance the natural environment, minimising harm and providing biodiversity net gain. Where harm cannot be avoided, adequately mitigated or compensated for, planning permission should be refused (paragraph 180 (a)) and where affecting a SSSI, should only be permitted where the benefits of the development outweigh the impacts (180b).

4.86. As set out in paragraph 182: The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

4.85. With the site being in the Exe Estuary SPA/Ramsar Site mitigation zone, a financial contribution is required to mitigate in-combination recreation impacts. A Unilateral Undertaking (UU) has been signed to secure the contribution and at the time of writing this report, a variation to that is being progressed by the Council's legal team to amend the sum being secured to reflect the reduction in the number of lodges proposed. An Appropriate Assessment concludes no adverse effect on the integrity of the sites.

4.86. In relation to the South Hams SAC Landscape Connectivity Zone, the Council's ecologist has recommended conditions including securing a detailed lighting strategy to ensure no detrimental impacts upon the use of the site by bats for foraging or commuting. The Council's Biodiversity Officer has carried out Screening for Likely Significant Effect on the SAC and concludes Appropriate Assessment and concludes it unlikely that there would be Significant Effects either alone or in combination with other projects.

4.87. Conditions have also been recommended to ensure works proceed in accordance with the ecology report, that a check is made for roosting bats before any trees are removed, and for construction works to commence after sunrise and before sunset, with no overnight lighting.

4.88. Objectors are concerned the ecology report is not adequate and that the development will harm protected species. Given the low impact nature of the development, that very little ground works are proposed and the majority of vegetation across the site is being retained, in this instance, it is considered sufficient.

4.89. Subject to the modified UU being signed and the imposition of conditions as discussed above, it is considered the proposal will not result in harm to habitats and protected species and conforms to the aforementioned planning policies and guidance.

4.9. Other matters

4.91. Objectors state there is enough tourism development in the area already and question if finance is in place to deliver the development. These are not material planning considerations to be taken into account in coming to a decision.

4.92. A Waste Audit Statement has not been submitted but it is considered this can be adequately dealt with by a pre-commencement condition, as noted by the DCC Waste Officer. Given the nature of the development, significant levels of construction waste would not be generated, although there will be materials to take off-site through the demolition of the greenhouses. Operational waste will be largely confined to "domestic" type waste from the guests.

4.93. Concerns have been raised that the lodges would be in breach of caravan regulations and sited closer than 6m. Distances are set under an individual site license, not in legislation or planning policy, and the Council's licensing team would be responsible for this. As the units will be of modern construction, conforming to necessary standards and fire regulations, they are not concerned with the proposal stating units can be set 5 metres apart with 3.5 metres at the corners. It is worth noting most lodges are set in excess of 9 metres apart, with just a handful less than 6 metres.

4.94. Whilst the applicant might not have held direct public consultation prior to the application being submitted, there has been ample opportunity since then for local residents to comment. Noting the number of objections received, many have done so. Officers do not feel anybody has been disadvantaged in any way.

4.95. Conclusion

4.96. The proposal is considered to support an existing business, albeit of small scale, in this rural area. It also provides an element of betterment in that large unsightly structures, which are detrimental to the heritage assets, will be removed.

4.97. Whilst there is some policy conflict in relation to the rural location and reliance on private cars, this is not considered to significantly or demonstrably outweigh the benefits that this consent would bring to the local rural economy.

4.98. The recommendation is therefore one of approval subject to conditions and a legal agreement to secure financial contributions towards Exe Estuary mitigation.

5. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S9 Sustainable Transport

S12 Tourism

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

Natural Environment and Rural Communities Act 2006

The Conservation of Habitats and Species Regulations 2017

6. CONSULTEES

Full / Older comments, where applicable, are available in the online case file

6.1. TDC Conservation Officer - 25th February 2022

I visited on 7th October 2021 and assessed the likely impact on the setting of designated heritage assets. I walked the site and grounds of Mamhead Grange to assess the impact of near views and immediate setting and assessed the likelihood of long views from public rights of way which cross rising ground south of the site.

Due to the topography of the land and the siting of the lodges, visibility between the immediate setting of the listed building and the development is extremely limited. I am satisfied that there will be no harmful impact on the setting of the listed building from the proposed lodges, provided that existing mature planting is retained as proposed, and a landscaping plan is conditioned as part of any consent granted.

There are long views toward the application site from the south. The surrounding land is undulating, with tree cover mainly limited to the highest ground. Long views of the undulating agricultural land are an attractive characteristic of the wider setting of the heritage assets. Mamhead Park woodland is visible, with the application site located on slightly lower ground.

The listed building and its grounds are not a feature in the long views, as the topography screens them; long views towards it do not make a particular contribution to its significance.

I understand Historic England are now satisfied that the revised siting and reduced number of units will avoid unacceptable harm to the setting of Mamhead Park. Therefore, my advice is the proposal has addressed the previously identified harm to the setting of heritage assets, and there is no longer a heritage related refusal reason.

6.2. Historic England - 18th February 2022

Historic England has provided three letters in respect of these proposals, which should read in conjunction with this latest response.

A detailed assessment of significance can be found in our earlier letters. In summary, the application site sits adjacent to the SW boundary of the grade II* registered Mamhead Park (RPG). The site contributes to our experience of the park through the juxtaposition of the density of the Obelisk Planation and the open character and borrowed views experienced from the site, which forms the termination point of one of the park's woodland paths.

The application relates to the installation of lodges into the former nurse site and our interest is in relation to the impact of the development on the registered landscape at Mamhead Park.

Revisions have reduced the number of lodges from 24 to 14; this retains lodges to the west, which we have not objected to in our earlier correspondence. The latest drawings have removed lodges from the eastern section of the site, retaining 3 lodges on the lower portion formerly occupied by greenhouses. HE welcomes these revisions which are in line with advice set out in our earlier letters. The amendments retain the open character of the RPG's boundary and our concerns have been addressed.

6.3. DCCLFA - 20th October 2022

No in-principle objection. Request the following pre-commencement planning condition is imposed:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

6.4. TDC Tree Officer - 15th November 2022

No objection to the principle of the scheme.

Given the site has a reasonable slope, I have some concerns over current and proposed levels, and the impact on RPA of retained trees. In particular where level concrete raft foundations will be installed to achieve usable ground levels.

The proposed conversion of the informal tracks to formal access roads, presents a hazard to retained trees; we need to see areas identified within the AMS where construction of the access road impacts on the RPA of retained trees. This should include details such e.g. existing and proposed levels (No dig construction, subbase type and depth, finished surface treatment, haunching / edging details).

The AIA and indicative TPP needs updating to show the amended site plans. This could also then take this opportunity to include the drainage plans.

Regarding TPO as referenced in the pre-app comments, I have not received any reports of pre-emptive felling. In this instance I am happy to maintain the current status quo and continue to work positively with the applicant in achieving an approvable scheme without the need for formal protection of the trees.

6.5. TDC Landscape Officer - 16th July 2021

No major concerns. The only minor concerns being:

- the proposed native tree list includes Tilia Cordate "Streetwise", an amenity tree variety not suitable for a natural context. I recommend straight Tilia cordata be used instead
- there is no indication of individual tree species numbers. I would prefer to see a predominance of oak being used as part of the mix.

6.6. DCC Highways - 1st October 2021

Further observations following additional information from the applicant: It is noted in the Transport Technical note dated 11th August 2021 that "The access would be 4.1m wide for the first six m, which Manual for Streets advises is sufficient for 2 vehicles to pass. There will be additional passing places provided throughout the internal road network – sufficient intervisibility will be provide between these passing places."

Whilst no further drawing has been supplied, the Highway Authority (HA) is satisfied following a site visit that satisfactory visibility is achievable in both directions.

In terms of the existing lawful use of the site, Teignbridge have no planning history records indicating that planning permission has been granted for either a plant nursery or a garden centre. That being said, other planning applications dating back to 1993 show the siting of various polytunnels and glasshouses in situ but not a car parking area or any retail space. As such, the Planning Authority is considering the lawful use of the site to be a Plant Nursery, with a primary horticulture use and not a garden centre (former A1/now Class E).

The HA is discarding the restaurant use and various configurations of the main house and concentrating on the difference between the number of vehicles likely to be attracted to a plant nursery compared to 24 holiday lets. The range of 18 to 209 is unhelpful so the figures for an industrial unit of the same size have been used, in the region of 40 vehicle movements a day. 24 holiday lets would likely generate 60 (24 x 2.492) vehicle movements a day which would represent an increase of 20 vehicles throughout the day and would not represent a severe impact on the existing highway network.

Recommend conditions for a CMP and provision of visibility splays.

6.7. Devon Garden Trust – 30th July 2021

We have considered the Landscape and Visual Appraisal (March 2021). We have concerns over the scope of this document and the analysis of the impact of the development on the setting of Mamhead Park. We note this document assesses the areas of the nationally designated designed landscape abutting the proposed development site as "forestry" rather than "formal parkland". We find this analysis to be overly simplistic and not fit for the purpose of determining this application. Historic map evidence shows the level of tree planting in the parkland to the east, and in the Obelisk Plantation to the north, is now significantly more dense than was the case in the nineteenth century; historic views indicate very clearly that

the obelisk was visible as a landmark within and above the trees, which seems no longer to be the case.

We are not convinced that sufficient evidence has been brought to demonstrate, beyond doubt, that the development would not be visible from the designed historic walks in Obelisk Plantation; furthermore, we are not convinced that if, in the future, the level of tree cover in the adjoining historic parkland was reduced to its historic density, the development would not be visible from within the Grade II* designated parkland.

In these circumstances we advise you are not in possession of sufficiently clear and appropriately detailed evidence (as required by the NPPF), to determine this application or to assess its impact on the heritage assets. In considering the proposed development, we advise that your Authority should satisfy itself, beyond any reasonable doubt, that the development, if implemented, would not have an adverse and harmful impact on the setting of the Grade II* designated landscape, and the designed views, especially from the high ground to the north of the site and the parkland to the east. This assessment should be based upon historic levels of planting and tree cover in order to reach a proper understanding of the likely impact of the development on the significance of the designed landscape at Mamhead.

6.8. TDC Biodiversity Officer – 27th July 2021 and updated 15th November 2022

The site is within 10km Exe Estuary SPA/Ramsar site and Dawlish Warren SAC, within which new tourist accommodation is likely to add to in-combination recreation impacts on the special interest of these international wildlife sites. Mitigation for these impacts is required and can be secured via a financial contribution in a S106. Appropriate Assessment has been completed and confirms No Adverse Effect of the integrity of either site.

The site is within the South Hams SAC Landscape Connectivity Zone, identified for greater horseshoe bats. This species is very light averse, so lighting conditions are required. Other light adverse species including other bats and dormice will benefit from these lighting conditions. Screening for Likely significant Effects on the SAC concludes LSE is unlikely.

Various species were recorded on site including greater horseshoe and other legally protected, light-averse bats. The Ecological Appraisal recommends a suite of measures to compensate for impacts on other species and habitats. It also proposes biodiversity enhancement measures as required by NPPF and LP policy EN8.

Recommend conditions if approved to secure ecological mitigation, tree inspection for bat roosts, a lighting assessment and control timing of works.

6.9. Environment Agency – 3rd November 2022

No objection in principle. Welcome the revised foul drainage scheme which proposes a private Package Treatment Plant in place of the previous proposal of 2 septic tanks. We have reviewed the Foul Drainage Assessment form. We consider the answer to question 11 is incorrect. The discharge is for more than 2m³/day (2000litres/day) to ground. This means that the discharge doesn't meet rule 1 of the General Binding Rules and, as such, will require an Environmental Permit before any foul drainage is discharged to the PTP.

6.10. Devon County Council Waste - 22nd July 2021

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major developments to be accompanied by a Waste Audit Statement (WAS). This ensures that waste generated during both construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part is to consider the potential for on-site reuse of inert material which reduces the generation of waste and need to export waste off-site. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

It is noted that this application is not supported by a WAS. Recommended a condition is attached to any consent to require this in advance of the commencement of development.

6.11. TDC Environmental Control – 16th November 2022

To prevent any smoke nuisance to surrounding residential properties, the burning of fire pits, to be restricted to seasoned logs only and BBQs/charcoal and all burning should cease at 11pm. Any burning should be within a safe distance from any mobile units. BBQs and Fire pits must be raised off the ground to prevent the risk of fire.

The site license conditions will be set by the Food Health and Safety Team.

7.0. REPRESENTATIONS

7.1. At the time of compiling this report, approximately 64 letters of objection have been received. These can be viewed in full on the file and are summarised as follows:

- Even reduced to 14 units, there will still be significant impacts. Any further expansion must be ruled out
- The highways are not adequate for more traffic. Roads are narrow, hilly with few passing places and already busy from visitors and farm traffic
- Car park for historic site is often full and parked cars spill out onto the road
- Traffic surveys were only carried out in the winter weekdays, when roads are generally quieter
- The nursery that used to operate on site was far lower key than suggested with very few traffic movements. It has been closed for many years and never saw visiting customers.
- The Transport Technical note is based on inaccuracies and unsubstantiated claims. Local residents can testify there were few vehicle movements
- Providing bike stores is not realistic given steep hills
- There are no local amenities. Guests will have to drive for everything. What facilities will be provided for them?
- Ecology surveys are not sufficient
- Has not addressed the need to contribute to the Exe Estuary SPA or Dawlish Warren SAC
- Will be detrimental to wildlife, including bat roosts. A 10 m dark corridor will be needed along the roadside boundary
- There will be noise and light pollution; no mitigation given for Dark Skies protection. A full lighting assessment is needed
- There has been no public consultation nor consideration for the Mamhead community

- Community would support housing rather than holiday lodges; suggest a much smaller number
- Will be detrimental to the local landscape
- The power grid is inadequate and will need upgrading
- The sewer/waste systems in the area are inadequate
- Concerns over water supply
- Will present a flood risk to downhill properties. Concerns over water pollution for properties not on mains supply
- Presents a fire risk
- Mamhead residents will see zero benefits and are united in their opposition
- There has been no consideration given to the dynamics with Obelisk and Haldon Hill
- Will cause harm to Mamhead Park G2* and Mamhead House G1 Listed
- Out of keeping with this rural and historic area
- What is proposed for waste storage and collection? Will increase littering in the area
- There is no Waste Audit Statement
- Would set a precedent for future development
- How will problems with guests be managed
- More signage is needed because guests struggle to find the existing holiday lodges and go to neighbours instead
- Already enough holiday chalets in the area
- The caravans are sited too close together, not complying with the lawful 5/6 m distance
- No evidence put forward to evidence the carbon reduction claims, which are misleading; the lodges will be built to BS3632 caravans standards, heated by propane gas, with poor insulation levels. The application fails to comply with Policies EN3, S1, S7 and S9.

8.0. TOWN / PARISH COUNCIL'S COMMENTS (Parish Chair – 27th July 2021)

As Parish Chair I would like to add my voice to all those in our locality who are opposing this holiday development at Obelisk Gardens.

While recognizing the important weight given by the council to developing the local tourist industry, I believe that a sensitive division between sites of tourist residence and the areas of beauty that the visitors come to enjoy must be maintained. It is self-evident that allowing the proliferation of substantive holiday accommodation in areas of natural beauty, as in this case, threatens to undermine the very basis of a coherent tourist industry. This is a business model which left unchecked ultimately destroys the proverbial golden egg.

Dawlish Warren and its environs have very successfully evolved a large and varied range of camping and chalet sites and from these centres of readily accessed residence the sea and countryside provide a fantastic and memorable draw. I cannot see the logic or need for transferring accommodation into the assets themselves. In the case of Mamhead the glorious countryside is enhanced further by Capability Brown Parkland and also a Grade II listed country house and gardens. Both of these estates are immediate neighbours.

Beyond these introductory observations my main objections relate to

- a) significant impact on traffic utilising an inadequate road infrastructure in the locality
- b) lack of due process in following up on TDC requests for pre app appraisal, especially from an ecological perspective

Mamhead and by extension Port Road leading down to the A379 enjoy a diversity of business and leisure activities that offer alternatives to a purely tourism-based economy. There are several thriving farms and small holdings, a number of equine businesses, agricultural contractors and other small enterprises for whom ready and repeated use of the road system is crucial. We are a parish of exclusively single-track roads where functionality resides in infrequent but well-known passing spaces and the ability to reverse.

Over the years GPS has created a veritable rat-run from the A380 to the A379 funneling down through this inadequate road system. The applicant, a long-standing resident of the area, states that this development would have no impact on traffic. She reassures us that she would insist her residents depart for the coastal towns, beaches and supermarket to the south by heading in the opposite direction north and taking a massive circular detour via Haldon and Starcross. Anyone acquainted with modern driving and the power of Sat-Nav will recognise this as delusional. All traffic will head south through narrow lanes, with an associated inability to reverse when faced by tractors and vehicles that are towing loads.

There are at least two hazardous crossroads along this route which involve blind corners and where accidents, injuries and at least one horse death have occurred in recent years. By contrast the roads are very suitable for walkers, runners, cyclists and horse riders who are of course here seeking freedom from high volume traffic. The Haldon Hills and forests are a fantastic asset and a magnet for local visitors and tourists from further afield often exploring on foot or bicycle.

This development of 24 chalets between a well-known pinch point at the Obelisk and a dangerous crossroad at Westley Cross will create further traffic nuisance and degrade this beautiful attraction.

My second specific area of concern relates to a less than satisfactory ecological survey and report undertaken by the applicant. Important issues such as light pollution, impact on habitats including damage to biodiversity eg horseshoe, Grey long eared and other bats, cirl bunting numbers, various fritillary butterfly populations and other species relevant to the area seem to have been given scant recognition.

On our farm we strive to provide wildlife margins to all the fields as well as setting aside flourishing rewilding areas in multiple spaces with obvious benefit to insect, butterfly, bee and bird populations. We host barn owls and nurture woodland with its tawny and little owls, all of these rely on hunting territory that extends to the proposed area of development. Water as a natural resource is likely to be affected given that the proposed park is not on mains water and may impact upon the supplies to the housing at Westley crossing as well as the adjacent properties at the Orangery and Mamhead House. The Latter properties have already had disputes over provision of water supplies from the source on this area of hill side.

There is the separate issue of concrete and tarmac ground cover and the impact on water drainage and flash flood risk. This is pertinent to our changing climate and potentially of concern to the roads and properties to the south. I am not aware that this has been addressed and will be even more relevant once the park has been inevitably expanded by new owners.

Given that the development will effectively increase the local population by a third I am surprised that there has not been more rigorous assessment of its need and negative impact on traffic, utilities, water, flood risk and the environment. I feel more transparent public consultation should be provided with all of these areas being explored. Once a park has

been developed these consequences to the environment and local population will be irreversible.

Finally, from a parish perspective, we struggle to provide a viable social and community network. I fear a holiday park or even holiday chalets that have been sold will provide no benefit to supporting and running institutions like our church and village hall. The only beneficiaries will be the likely developers who will move in once the applicant has established this and moved on leaving residents to suffer the consequences outlined above.

There was an initial plan for limited housing at this location which with careful provision of water supplies and flood prevention I and members of the community would have supported especially given the potential value of permanent residents and the benefits that would have brought us. In communicating with the applicant initially I made a reasoned plea for a small number of chalets which would have been sustainable and in keeping with local nature and without the significant impact we are now facing. Again, I feel that the residents could have seen their way to supporting this kind of endeavour but sadly this has again fallen on deaf ears.

I apologise for the lengthy email but the volume of this as well as the number of other likely objections reflect local dismay at the inappropriate scale and location of what is being planned.

9.0. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development (based on all units meeting the definition of caravans as set out in the Caravan Sites and Control of Development Act 1960) is Nil as caravans are exempt as their development represents a use of the land rather than built development under the Regulations.

10.0. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma; the proposal does not constitute EIA development.

11.0. CARBON/CLIMATE IMPACT

11.1. The application is supported by a Carbon Reduction Statement which sets out the applicant's intentions to minimise carbon.

11.2. The lodges themselves will be of modern, highly insulated construction, delivered to site on flat-bed vehicles. They have, by their very nature, a lower carbon footprint than a traditional build. Minimal construction materials will be required, essentially limited to providing bases for the units; tracks and parking areas will be low impact gravel.

11.3. Other mechanisms include:

- Electric car charging points externally to each lodge
- Solar panels to each lodge to supplement use of mains electricity supply
- Water butts to catch and utilise rainwater for plant watering
- Bicycle storage & parking area to each lodge

11.4. The layout was designed around the trees on site, the majority of trees on site will be retained and additional planting proposed.

11.5. Whilst recognised due to the site's location, reliance on a car is somewhat inevitable, the type of guests the applicant seeks to attract are similar to the current holiday provision, more sedentary, retired visitors, who tend to enjoy the peacefulness of the site and spend a considerable amount of time on site.

11.6. The applicant has previously provided shared transport to collect staff (when there was a restaurant on site) and intends to do so again to minimise staff journeys. They aspire to provide employment from nearby villages.

11.7. Subject to a condition to secure further details and implementation before any of the units are occupied, it is considered the proposed strategy broadly confirms with Policies S7 and EN3 of the Teignbridge Local Plan.

12 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

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE: 14 December 2022
REPORT OF: Business Manager – Strategic Place
SUBJECT: S73 major decisions summary in November 2022

There were no such determinations made in this period.

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

This page is intentionally left blank

TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Linda Goodman-Bradbury

DATE:	14 December 2022
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Appeal Decisions received during previous calendar month

21/00046/ENFA **KINGSKERSWELL** - 21 Fluder Crescent Kingskerswell
 Appeal against grounds F against Enforcement Notice
 18/00471/ENF 'Without planning permission, the non-compliance
 with condition 1 of the planning permission (reference
 18/00313/FUL) granted on appeal on 9 August 2018 for the
 retention of decking to rear with structure below'

Appeal Withdrawn.

21/00065/NONDET **DAWLISH** - Hill Drive Secmaton Lane
 Appeal against the non-determination of 19/01449/MAJ: Hybrid
 application comprising a full application for construction of site
 access and roads and outline application for up to 24 dwellings
 (approval sought for access and layout)

Appeal Dismissed.

22/00032/REF **ILSINGTON** - Land To The South East Of The Old A38
 Liverton
 Appeal against the refusal of 21/02847/FUL: Replace existing
 agricultural building with an agricultural worker's dwelling

Appeal Dismissed. Delegated Decision

22/00052/FAST **KINGSTEIGNTON** - 64 Ley Lane Kingsteignton
 Appeal against the refusal of 22/00929/HOU: Construction of off
 street parking space

Appeal Allowed. Delegated Decision

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