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13 December 2021

PLANNING COMMITTEE

A meeting of the **Planning Committee** will be held on **Tuesday, 21st December, 2021** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **4.00 pm**

PHIL SHEARS
Managing Director

Membership:

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

Please Note: The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

A G E N D A

Part I

1. **Apologies for absence.**
2. **Minutes** (Pages 3 - 18)
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. **Chair's Announcements**

6. **Planning applications for consideration - to consider applications for planning permission as set out below.**

a) 21/00533/MAJ Sands Copse, Kingsteignton (Pages 19 - 54)

b) 21/01790/FUL Mistleigh Copse Cabin, Teign Valley (Pages 55 - 62)

7. **Major Variations Update** (Pages 63 - 64)

8. **Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.** (Pages 65 - 66)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

PLANNING COMMITTEE**23 NOVEMBER 2021**Present:

Councillors Bradford, Clarence, Colclough, H Cox, Eden, Hayes, J Hook, MacGregor, Nuttall, Nutley, Patch, Parker, Austen (Substitute) and Dewhirst (Substitute)

Members in Attendance:

Councillor D Cox

Apologies:

Councillors Haines, Goodman-Bradbury, Kerswell and Peart

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Anna Holloway, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer

60. ELECTION OF CHAIR

It was proposed by Councillor Nutley and seconded by Councillor Nuttall that Councillor Parker be elected chair for this meeting of the Planning Committee, in light of the absence of the Chair and Vice-Chair.

Members voted by show of hands.

Resolved

Councillor Parker be elected chair for this meeting of the Planning Committee.

61. MINUTES

It was proposed by Councillor MacGregor and seconded by Councillor Nutley that the minutes be agreed as a correct record.

A vote was taken – see attached.

Resolved that the minutes be agreed as a correct record.

62. DECLARATIONS OF INTEREST.**63. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER**

APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

a) **21.01788.HOU 3 Southdowns Road - Dawlish (Pages 9 - 10)**

The Business Manager introduced the application to the committee.

Public Speaker, Objector – Spoke on:

- Overwhelming/Overbearing
- Overlooking/Loss of privacy

Public Speaker, Supporter – Spoke on:

- Provides space for family
- No statutory objections
- Not against any policies

Comments from Councillors included:

- Overlooking concerns
- Loss of privacy
- Could the master bedroom be moved
- Could fogged/frosted glass be used?
- Could a condition be added that may be overturned?
- Obscured glass could be used

The Business Manager clarified that there is a 20 metre separation distance between the property and the property potentially being overlooked, the bedroom shape prevents it from being moved, and a condition could be added.

It was proposed by Councillor Parker and seconded by Councillor Dewhirst that permission be granted as set out in the report.

A vote was taken – see attached.

Resolved

Permission be granted subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be carried out in accordance with the approved drawings.
3. Undertake precautions and recommendations of the ecology report.

b) **21.01851.HOU 5 Woodland Avenue - Teignmouth (Pages 11 - 12)**

The Business Manager introduced the application to the committee.

Public Speaker, Supporter – Spoke on:

- Similar dwellings approved in area
- Height increase is limited
- Network rail have supported similar applications
- Issues with water have been resolved

Comments from Councillors include

- Minor height increase
- Well designed
- Concerns about the potential of a pool being built

The Business Manager clarified that the height increase would be spread out over different areas of the roof of the dwelling, and that if a pool was built, it would come under permitted development rights.

It was proposed by Councillor Nutley and seconded by Councillor J Hook that permission be granted as set out in the report.

A vote was taken – see attached.

Resolved

Permission be granted subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be carried out in accordance with the approved drawings.
3. Undertake precautions and recommendations of the ecology report including enhancements.
4. Installation and commissioning of Carbon Reduction measures

c) **17.02480.MAJ Higher Exeter - Teignmouth (Pages 13 - 16)**

The Senior Planning Officer introduced the application to the committee.

Public Speaker, Objector – Spoke on:

- 7 years since outline planning permission
- Loss of greenfield land
- Concrete runoff
- Lack of schools and other amenities in town
- Topography is wrong
- Lack of CIL funding
- Heavily congested area

Public Speaker, Objector – Spoke on:

- Climate awareness has increased since outline planning permission
- Revised local plan includes carbon neutrality
- Significant carbon dioxide generation
- Wastes energy

Public Speaker, Supporter – Spoke on:

- High demand for houses
- Challenging housing environment
- Well reputed Devon based developer
- 50 houses designated for the site

Public Speaker Supporter – Spoke on:

- Debt funded developer
- Use of local manufacturing companies
- No gas boilers and homes will have EV charging pumps

Comments from Councillors include

- Not enough time to read report or attend site visit
- Flooding issues
- Higher Exeter Road is dangerous
- Not enough school spaces
- Development is 13 hectares which ‘bursts’ the site’s boundaries
- Pollution concerns
- Parking issues
- Concerns about number of houses being built on site
- Footpath doesn’t reach entrance to site
- Loss of hedgerow
- Concerns about water pollution and sewerage
- Lack of information from applicant in report
- Local plan is carbon zero
- Solar panels could be used

The Senior Planning Officer advised the committee that the local plan had not been confirmed and that the application was for reserved matters. She also informed the committee that the application was 13 hectares as the additional space was for a community orchard and other biodiversity benefits. The Business Manager informed the committee that sewerage has been agreed between SW Water and the developer, another site inspection would be necessary if the committee was to defer, and that the developer would be making a financial contribution towards schools.

It was proposed by Councillor MacGregor and seconded by Councillor J Hook that decision be deferred in order to give the committee additional time to consider the report and information.

A vote was taken – see attached. This was an amendment and so an additional vote was then taken – see attached.

Resolved

That decision be deferred in order to:

- Give the committee additional time to consider the report
- Hold an additional members’ site inspection
- Discuss additional conditions with the applicant

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

Planning Committee (23.11.2021)

No appeals had been decided. The Business Manager informed the committee that appeal decisions would now be reported for the entire previous month, rather than the decisions made between committee meetings.

65. MAJOR DECISIONS

The Committee noted the variations of conditions for major decisions.

The meeting started at 10.00 am and finished at 12.15 pm.

Chair
Cllr Colin Parker

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Voters	13	For	10	Against	0	Abstain	3
ClIr Austen-Kingsteignton East							
ClIr Bradford-College							
ClIr Clarence-Shaldon & S-t-head							
ClIr Colclough-Ambrook							
ClIr Dewhirst-Ipplepen							
ClIr H Cox-Ashburton Buckfast							
ClIr Hayes-NA Bushell							
ClIr J Hook-NA Bushell							
ClIr MacGregor-Bishopsteignton							
ClIr Nutley-Ashburton Buck'leigh							
ClIr Nuttall-Kenn Valley							
ClIr Parker-NA Buckland & Milber							
ClIr Patch-Haytor							

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Voters	13	For	7	Against	6	Abstain	0
ClIr Austen-Kingsteignton East		7					
ClIr Bradford-College				6			
ClIr Clarence-Shaldon & S-t-head		7					
ClIr Colclough-Ambrook				6			
ClIr Dewhirst-Ipplepen		7					
ClIr H Cox-Ashburton Buckfast		7					
ClIr Hayes-NA Bushell		7					
ClIr J Hook-NA Bushell		7					
ClIr MacGregor-Bishopsteignton				6			
ClIr Nutley-Ashburton Buck'leigh				6			
ClIr Nuttall-Kenn Valley				6			
ClIr Parker-NA Buckland & Milber		7					
ClIr Patch-Haytor				6			

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Voters	13	For	12	Against	0	Abstain	1
ClIr Austen-Kingsteignton East							
ClIr Bradford-College							
ClIr Clarence-Shaldon & S-t-head							
ClIr Colclough-Ambrook							
ClIr Dewhirst-Ipplepen							
ClIr H Cox-Ashburton Buckfast							
ClIr Hayes-NA Bushell							
ClIr J Hook-NA Bushell							
ClIr MacGregor-Bishopsteignton							
ClIr Nutley-Ashburton Buck'leigh							
ClIr Nuttall-Kenn Valley							
ClIr Parker-NA Buckland & Milber							
ClIr Patch-Haytor							

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Voters	13	For	13	Against	0	Abstain	0
Clr Austen-Kingsteignton East							
Clr Bradford-College							
Clr Clarence-Shaldon & S-t-head							
Clr Colclough-Ambrook							
Clr Dewhirst-Ipplepen							
Clr H Cox-Ashburton Buckfast							
Clr Hayes-NA Bushell							
Clr J Hook-NA Bushell							
Clr MacGregor-Bishopsteignton							
Clr Nutley-Ashburton Buck'leigh							
Clr Nuttall-Kenn Valley							
Clr Parker-NA Buckland & Milber							
Clr Patch-Haytor							

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Voters	13	For	13	Against	0	Abstain	0
ClIr Austen-Kingsteignton East							
ClIr Bradford-College							
ClIr Clarence-Shaldon & S-t-head							
ClIr Colclough-Ambrook							
ClIr Dewhirst-Ipplepen							
ClIr H Cox-Ashburton Buckfast							
ClIr Hayes-NA Bushell							
ClIr J Hook-NA Bushell							
ClIr MacGregor-Bishopsteignton							
ClIr Nutley-Ashburton Buck'leigh							
ClIr Nuttall-Kenn Valley							
ClIr Parker-NA Buckland & Milber							
ClIr Patch-Haytor							

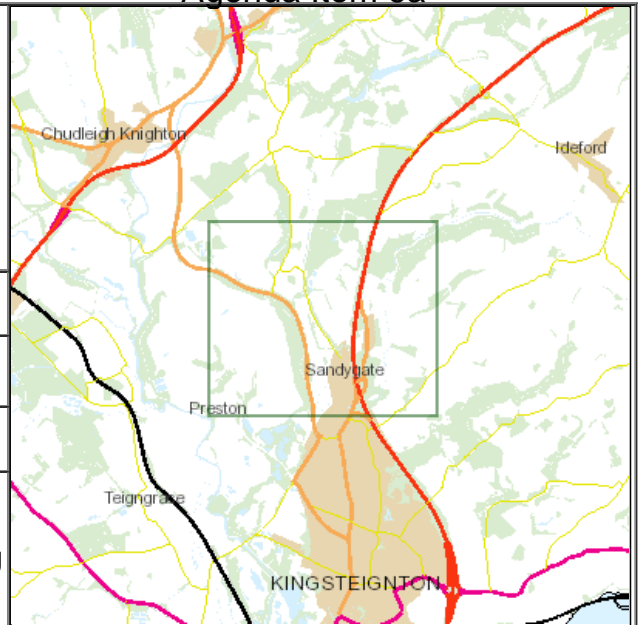
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Planning Committee Report

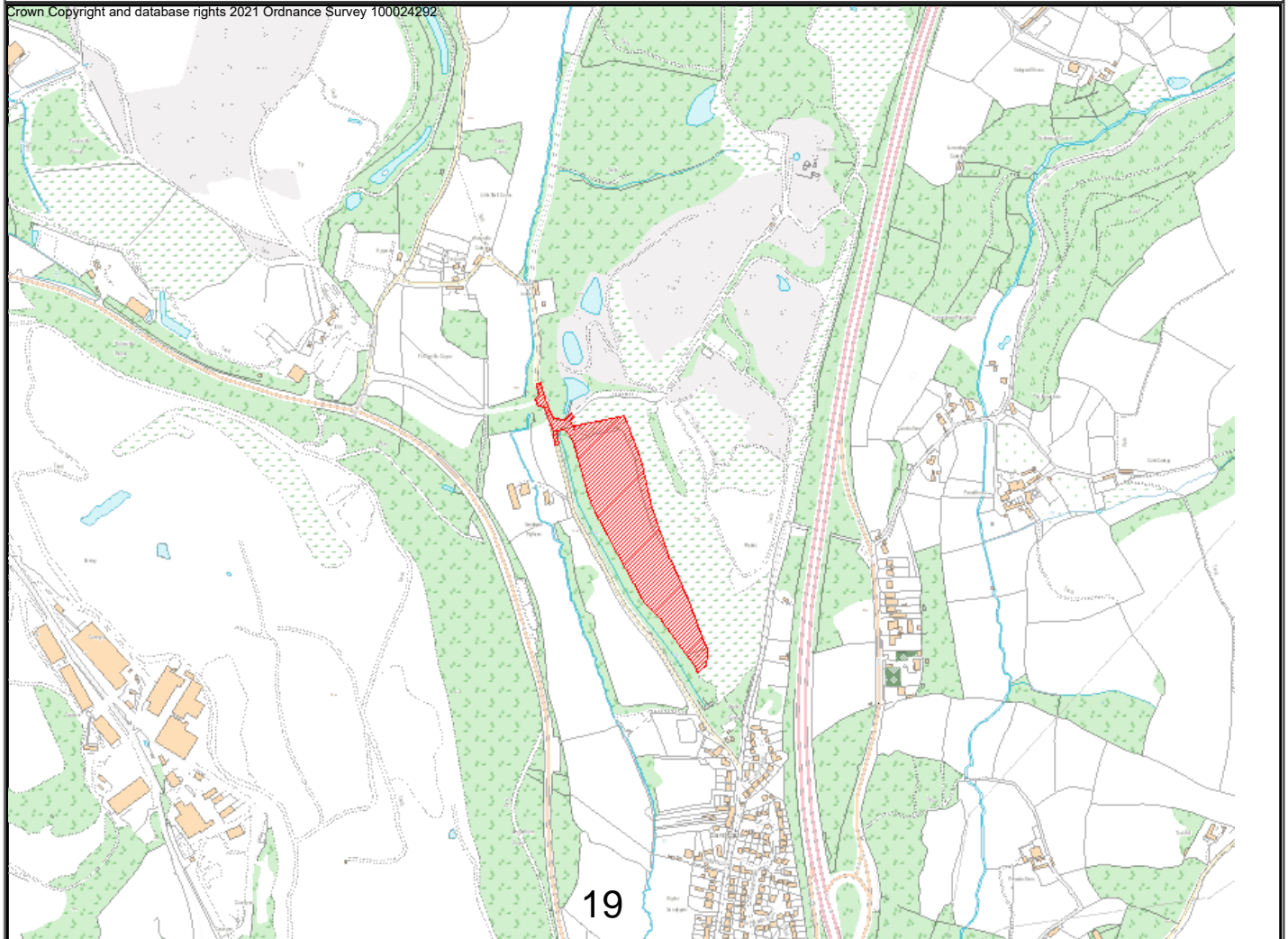
Chairman: Cllr. Mike Haines

Date	21 December 2021
Case Officer	Carly Millman
Location	Land At Sands Copse Kingsteignton Devon
Proposal	Hybrid application comprising full planning application for industrial building (Use Classes B8 and E) and access road and outline planning application (all matters reserved except access) for four further buildings (Use Classes B2, B8 and E)
Applicant	Mr T Murch
Ward	Kingsteignton West
Member(s)	Cllr Bill Thorne, Cllr Dave Rollason
Reference	21/00533/MAJ



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



1. REASON FOR REPORT

- 1.1 Councillor Thorne, as Ward Member for Kingsteignton West made a Cat B request in the event that the application were recommended for approval. The request was made due to concerns that the application submission underestimated the journeys to and from the site and on site vehicle parking. Concerns regarding the carbon management and the use of gas and the issue of energy recovery at Heathfield Landfill. Concerns regarding the implications for Greater Horseshoe Bats and other protected species and habitats. Concerns regarding surface water drainage and flooding. Concerns regarding the need for further gas monitoring as recommended in Contaminated Land Assessments. Concerns regarding lack of consultation with residents. Concerns regarding archeology. Concerns regarding pollution. Concerns regarding the suitability of the site for employment development noting paragraphs 124 and 127 of the National Planning Policy Framework.

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO:

- a) consideration of further consultation responses from
 - a. Highways Officer,
 - b. Climate Change Officer and
 - c. Biodiversity Officer,

AND

- b) Conditions covering the following matters and any additional conditions as a result of the above consultation responses, the precise wording, form and number of which to be delegated to the Business Manager – Strategic Place.

Full Application and Outline Application Conditions:

- 1) Completion of 278 agreement prior to the commencement of development to secure off site highways works and their implementation
- 2) Submission of a phasing plan
- 3) Submission of Construction Ecological Management Plan prior to the commencement of development. CEMP to include provision of protective fencing around retained trees and other habitats, no night working or if absolutely necessary, no lighting of the identified Greater Horseshoe Bats flyways and for pollution prevention measures to be employed
- 4) Submission of a Construction Management Plan to include (but not limited to) hours of construction and noise impact report for construction activities
- 5) Submission of a detailed drainage design based upon the approved Flood Risk Assessment, detailed proposals for the management of surface water and silt runoff from the site during construction, proposal for the adoption and maintenance of the permanent surface water drainage system and a detailed assessment of the condition and capacity of the downstream culvert

- 6) Submission of details of access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area, parking space and access drainage
- 7) Submission of Waste Audit Statement
- 8) Submission of Travel Plan
- 9) Submission of details of employment estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, access, car parking and street furniture
- 10) Submission of a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures
- 11) Submission of an Ecological Monitoring Strategy including Light Monitoring
- 12) Implementation of archeological programme of works in accordance with a written scheme of investigation to be submitted
- 13) Development in accordance with Greater Horseshoe Bats Ecological Mitigation Plan Rev02
- 14) Development in accordance with Landscape Ecological Management Plan to be submitted/as approved
- 15) Provision of access in accordance with 01/PHL-101 Rev A
- 16) No external lighting other than approved.
- 17) No external storage on site
- 18) Use and floorspace restriction to business, general industrial and storage and distribution uses (Use Class B2, B8 and E(g)) only
- 19) Reporting and remediation of unexpected contamination
- 20) The site access to be constructed, laid out and maintained for that purpose in accordance with the approved plans
- 21) No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept
- 22) Compliance with Greater Horseshoe Bat Ecological Mitigation Plan Rev02
- 23) Waste disposal by means other than burning
- 24) Noise levels arising from the development should not exceed a continuous sound pressure level (LAeq 5dB) above the background noise level (LA90) prevailing at

the time over any 15 minute duration, at the facade of the nearest noise sensitive dwellings

2.1. **Full Application Conditions:**

- 1) Standard time limit for commencement of 3 years
- 2) Development in accordance with approved plans
- 3) Submission of details of boundary treatments and hard surfaces
- 4) Submission of details of materials
- 5) Submission of details of windows, doors and rainwater goods
- 6) Submission of details of cycle storage stands and provision and retention of cycle storage stands
- 7) Implementation of approved lighting design to include use of LED bollards nearest to vulnerable boundaries (southern and eastern) and column mounted lamps where required with all luminaires to be of warm colour temperature (-3000K) with 0% Upward Light Output Ratio (ULOR). Implementation and maintenance of hedgerow planting at 3-4m height in accordance with LEMP and approved landscaping scheme and implementation of high opacity landscape fabric in accordance with approved documents. Illuminance levels to be kept below 0.5 lux (vertical plane) along all key bat corridors.
- 8) Provision and retention of parking facilities
- 9) Provision and retention of electrical charging bays and passive electrical charging bays
- 10) Development in accordance with Carbon Reduction Plan
- 11) Implementation and maintenance of footpath link from site to Higher Sandygate
- 12) No windows or other opening other than those approved by this permission to eastern or southern boundaries of the site.

2.2. **Outline Application Conditions:**

- 1) Submission of details of the reserved matters
- 2) Reserved matters first application to be submitted no later than 5 years from date of decision
- 3) Development of each phase to be begun before the expiry of 2 years from the date of decision
- 4) Submission of all reserved matters of the development made to the local authority before the expiration of 7 years from the date of the decision
- 5) Development to be in accordance with the approved plans

- 6) Submission of details of a lighting strategy/scheme to ensure that Greater Horseshoe Bat corridors on periphery of site are to be kept dark and under 0.5lux
- 7) Submission of details of parking facilities, cycle storage facilities and electric vehicle and bicycle charging points
- 8) Submission of a Carbon Reduction Plan

3. DESCRIPTION

- 3.1. The application site is approximately 4ha and is allocated within the Teignbridge Local Plan for employment development. The site comprises of some areas of wooded copse and was historically a gravel and sand pit which has now been backfilled. The uses of the site have a number of potential contamination sources including a backfilled quarry pit. The site is edge of settlement and fairly rural in character. The site is located between the A380 and B3193 and wooded areas. The site is located alongside Babcombe/Sands Copse Quarry.
- 3.2. The site falls within a Strategic Flyway, the Sustenance Zone and Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats. The site is within the Cirl Bunting Wintering Zone and the Great Crested Newt Alert Zone.
- 3.3. To the north of the site, the Sand Pit Wood is noted as an unconfirmed wildlife site due to the presence of mixed plantation and broadleaved woodland. Further to the west is Lappathorn Copse, also an unconfirmed wildlife site due to the presence of broadleaved woodland and to the east is Coombe Farm, unconfirmed wildlife site due to the presence of semi improved neutral grassland. 450m north of the site is DRBC County Wildlife Site, Babcombe Copse which is described as secondary broadleaved woodland, broadleaved and conifer plantation. 1km northwest of the site is DRBC County Wildlife Site, Gappah Brake described as dry heath and acidic secondary broadleaved woodland with bird interest. Abbrook Pond and Woodland is 1km south west of the site and is described as pond with broadleaved woodland, wet woodland, scrub and a small area of unimproved grassland.
- 3.4. Southacre Clay Pits SSSI is approximately 0.7km from the site. Ugbrooke Park SSSI is approximately 1.8km from the site. Brock's Farm SSSI and Chudleigh Caves and Woods SSSI are approximately 1.9km and 2.3km respectively from the site.
- 3.5. The site falls within the Haldon Ridge and Foothills Devon Landscape Character Area and abuts the Bovey Basin Devon Landscape Character area. The site is within the Under Great Haldon Teignbridge landscape character area, the Teignbridge Landscape Character Assessment considers this area to have moderate visual sensitivity and high landscape character sensitivity. The overall strategy for this area is conservation and enhancement.
- 3.6. John Acres Lane, which follows the possible prehistoric Goatpath from Gappah to the River Teign is listed on the Historic Environment Record – monument reference MDV46209. Fosterville Lodge and Fosterville Cottage are grade II listed buildings and are located approximately 250-350m north/northwest from the application site.

The Sandygate Inn is also grade II listed and is located approximately 610m south of the application site in Lower Sandygate.

- 3.7. The site is within the Devon County Council Mineral Consultation Area.
- 3.8. The land is not classed as agricultural land. Ugbrooke Stream is located to the west of the application site and is a primary river. At its closest it is approximately 54m from the application site. The area close to the stream is within Flood Zone 2 and 3 but these areas are outside of the application site boundary.
- 3.9. It is proposed to use the existing access to the site as part of the proposal. The access is off Higher Sandygate which is an unclassified road. This road is weight restricted (7.5t), is subject to the rural speed limit, has no footpath and use by vehicles, pedestrians and cyclists has been observed. Higher Sandygate is listed as an 'advisory cycle route' by Devon County Council. Access on to John Acres Lane from Higher Sandygate is via a private road described as 'lane opposite Pioneer Concrete' on the Council's mapping system. The proposals include use of this lane for access to and from the site on to Clay Pits Way.
- 3.10. Sandygate Pig Farmhouse, a residential property is located 50m west of the site and is accessed off Higher Sandygate. Further residential properties are located 250m north and 170m south of the site in Fosterville and Higher Sandygate. An application is currently being considered for a boat storage yard to the south east of the site, the use has already commenced and the site is occupied. Woodland is present both within the site and surrounding it. Agricultural land is also present around the site.
- 3.11. **Proposed Development:**
- 3.12. The application is a hybrid application and seeks full planning permission for an employment building and the access road and outline permission for all matters reserved expect access for four industrial buildings in use classes B2, B8 and E.
- 3.13. The building subject of the full application is 6,263sqm and the buildings subject of the outline application are 7,432sqm in total. The proposed use classes are B8 (storage or distribution), B2 (general industrial) and E (commercial, business and service). The submitted Planning Statement states that building subject of the full application would create / support up to 200 jobs and the building subject of the outline application between 400-500 additional jobs.
- 3.14. The proposals utilise the existing access to the site and it is proposed that the majority of vehicular traffic to the site will be via John Acres Lane as opposed to Higher Sandygate which as existing has restrictions preventing use by vehicles over 7.5 tonnes. The access to the site will be widened to 7m to facilitate two way traffic. The road within the site is then reduced to 6m and runs parallel with Higher Sandygate from the north to south of the site.
- 3.15. The proposals include the reconfiguration of the crossroads at the access point to reflect the future traffic flows.
- 3.16. A 2m wide footpath is proposed within the site connecting the proposed buildings to Higher Sandygate lane at the southern end of the site.

- 3.17. The proposal includes a path from the south of the development on to Higher Sandygate lane. The proposed bituminous footway is located along Higher Sandygate connecting the proposed path within the application site to Higher Sandygate allowing for an improved walking route to the site from Kingsteignton.
- 3.18. The full planning permission includes 67 parking spaces for employees which includes 4 disabled spaces and 10 electric vehicle charging spaces. 70% of the 67 parking spaces are also proposed to include ducting beneath for a future connection for electric charging vehicles should demand arise (passive EV stations). 70 further parking spaces are proposed to serve delivery vans, visitors and the loading and unloading of goods. The proposals include 30 bicycle parking spaces within 15 bike stands. The stands also include ducting beneath for electric charging of electric bicycle charging should the demand arise in the future.
- 3.19. The outline planning permission includes an indicative layout of 163 parking spaces which is made up of two parking areas of 70 spaces each and a third parking area of 23 spaces.
- 3.20. Landscape enhancements are proposed throughout the site and include a new native hedge, tree line and wildflower rich meadow grass.
- 3.21. The proposal is required to provide a level of biodiversity net gain in accordance with both local and national policy. Information has been submitted to suggest that this has been provided on site through the inclusion of native species rich hedgerow and tree planting and improvements to units of heathland and scrub and grassland habitats.
- 3.22. **Principle of Development:**
- 3.23. The application site is located within the settlement boundary for Kingsteignton and is an allocated site, KS1 Sands Copse within the Teignbridge Local Plan. Policy KS1 establishes the principle of employment development, for office, general industrial or storage or distribution uses on the site. Alongside employment development, the policy notes that the development of this site will include traffic management in Higher Sandygate to avoid goods vehicles from accessing the site, a network of green infrastructure to improve accessibility by non-car modes of transport and opportunities for biodiversity, strategic landscaping measures, investigation of the potential of the site to connect to any energy recovery facility at Heathfield landfill site and a bespoke Greater Horseshoe Bat Mitigation Plan. Each of these matters are dealt with in the following paragraphs.
- 3.24. Paragraph 8 of the National Planning Policy Framework states that to achieve sustainable development the planning system has three overarching objectives, economic, social and environmental. The economic objective is to 'help build a strong, responsive and competitive economy'.
- 3.25. Policy S3 of the Teignbridge Local Plan states that the Council will promote an improved balance of jobs to working population by positively supporting business, general industrial and storage and distribution development in sustainable locations to create jobs. Following on from this policy EC1 notes that to support job creation in settlements, office, general industrial and storage and distribution developments will be acceptable in principle within defined settlement limits.

- 3.26. Due to changes within the Use Classes Order 1987 in 2020, employment use classes now fall both within Class B and Class E. Class B uses include B2 (general industrial) and B8 (storage or distribution). Class E uses include retail, sale of food and drink for consumption on premises, the provision of financial, professional and other appropriate services in a commercial, business or service locality, indoor sport and recreation or fitness, provision of medical or health services, day nurseries or day centres and offices for operational or administrative functions, research and development of products or processes and industrial processes that can be carried out in a residential area without detriment to amenity. Policy KS1 of the Local Plan refers to the site as being allocated for employment uses which are described as office, general industrial or storage and distribution uses. Policy KS1 also notes that support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses. Whilst this support is noted, with the site being outside of a town centre and in the absence of information to justify alternative employment generating uses, as it stands this site would not be considered suitable for other forms of development listed within Class E. For this reason a condition has been included to restrict the site to Use Class B2, B8 and E(g).
- 3.27. In line with policies S3, EC1 and KS1, the principle of employment development on this site is considered acceptable.
- 3.28. **Highways and Transport Considerations:**
- 3.29. As noted above, the site is accessible via Higher Sandgate, an unclassified road and John Acres Lane, a private road. Higher Sandgate is subject to a restriction preventing vehicles over 7.5 tonnes from using it. The applicants have rights of access over John Acres Lane which is not subject to a weight restriction (primarily being built to serve vehicles associated with the quarry). Information has been submitted that confirms that the applicant has control over the land required to gain access to the public highway.
- 3.30. It is proposed that the existing staggered crossroads which are formed at the quarry entrance and junction of the private road with Higher Sandygate will be reconfigured. The access road on to the application site will be widened to 7m to facilitate two way traffic and a footpath is proposed serve the site at the southern end of the site continuing along Higher Sandygate.
- 3.31. Paragraph 110 of the NPPF requires, that in assessing developments, it is ensured that a safe and suitable access can be achieved, that opportunities to encourage sustainable transport are taken and that the design of streets and the impact of the development on the highway can be cost effectively mitigated.
- 3.32. Paragraph 112 of the NPPF requires that development should give priority to pedestrian and cycle movements followed by access to public transport. Secondly it requires that the needs of people with disabilities are addressed in relation to all modes of transport. In addition it notes that places should be created that are safe, secure and attractive and minimise conflicts between pedestrians, cyclists and vehicles and that access should allow the efficient delivery of goods and access by service and emergency vehicles. Finally reference is made to the need for developments to be designed to enable electric vehicle charging in safe, accessible and convenient locations.

- 3.33. In accordance with paragraph 113 of the National Planning Policy Framework (NPPF), the application is supported by a Transport Assessment and a Framework Travel Plan.
- 3.34. Policies S1, S2 and S9 of the Teignbridge Local Plan include similar provisions including giving priorities to sustainable transport modes to minimise dependence on the private car, providing and improving cycling and walking links, minimising the negative impacts of transport, assessing road safety and congestion and supporting infrastructure for electric vehicles.
- 3.35. Policy KS1 of the Teignbridge Local Plan includes reference to traffic management in the Higher Sandygate area to avoid impact from good vehicles entering the site and a network of green infrastructure to improve accessibility by non-car transport modes and provide connections with existing communities and routes.
- 3.36. The application suggests that the majority of vehicular traffic associated with the application site will access it via John Acres Lane. There are however no restrictions proposed that prevent Higher Sandygate being used as a point of access for vehicles under 7.5 tonnes. The submitted Transport Assessment however suggests that the development will only be expected to generate a maximum two way peak hour movement of around 133 vehicles which is equivalent to approximately two vehicles per minute. These movements could be expected to be shared between the two access points, with John Acres Lane offering a more favourable route. This would therefore suggest that vehicle numbers through Higher Sandygate are unlikely to be substantial even at peak times.
- 3.37. The proposal includes the retention of the 7.5 tonne weight limit to Higher Sandygate. No other traffic management measures are proposed on this road to discourage its use by goods or other vehicles, some of which could be under this weight limit. It is however noted that as a route, access via John acres Lane is likely to be more favourable for private vehicle users being wider, generally free of parked vehicles and it provides a quick and more direct access to the B3193. Irrespective of the omission of any purpose built traffic management measures, it is also recognised that vehicles that park in Higher Sandygate offer informal traffic management which naturally slow vehicles and are likely to discourage its use as an access road to the development. There are also opportunities for the end users of the site to discourage employees and visitors from using Higher Sandygate as an access route through the implementation of a Travel Plan. A condition for a travel plan for each of the units prior to occupation has been recommended.
- 3.38. In light of the above, the increase in vehicle movements as a result of the development can only be expected for an allocated site and the lack of formal traffic management measures is not considered to be so significant as to warrant the refusal of the application. This consideration takes into account the trip rates associated with the development, the existing formal and informal traffic management measures and the inclusion of a condition requiring a travel plan for each of the proposed units which collectively are considered to help mitigate the potential transport related impacts of the development.
- 3.39. As above, both national and local planning policy requires development to prioritise walking, cycling and public transport ahead of private car use. This application includes measures to improve walking routes from Kingsteignton through the inclusion of a footpath on Higher Sandygate lane and through the development

towards the proposed units. The development also proposes cycle storage facilities and a commitment has been made to provide a Travel Plan prior to the occupation of each of the units, which will also be secured by a condition. Electric vehicle and electric bike charging facilities have also been proposed.

- 3.40. Whilst these provisions are welcomed there has been some debate throughout the course of the application about the need for new and improved cyclist and pedestrian access provision particularly to and from the north of the site. This has been noted in both comments from Green Infrastructure Officers and the Highways Officer. As above policy KS1 allocates the site for employment development including a network of green infrastructure to improve accessibility by non-car transport modes. The submitted Road Safety Audit (RSA) refers to pedestrians and cyclists visiting the site from the north and the implications of this. Within the application submission it is suggested that, due to the site's location in relation to the nearest towns and the road/footway/cycle network between them, that cycling and walking to and from the development site is unlikely to be an attractive option for employees and visitors to the site unless they are experienced cyclists. This point has not been contested by the Highway Authority. The submitted information suggests that this is especially the case for trips to and from towns to the north, which are in excess of 2km from the application site, where an off road route is not available for the entirety of the journey. It is also noted that Manual for Streets confirms that the most likely upper limit that walking would replace vehicle trips is 2km. Further, the application submission notes that to walk or cycle from the application site to the north would require walking along existing busy, unlit roads without a continuous footway provision. The Highway Authority has confirmed that there are no established projects to improve cycle provision along the B3193 further and that land ownership issues together with the number of accesses along this distance would make further cyclist provision difficult to achieve.
- 3.41. As an alternative route to the site for cyclists and pedestrians, a route also exists through rural lanes to the site from settlements to the north. These do not include separate cycle provision and as such would not be dissimilar to the existing cycle provision to and at the application site.
- 3.42. For the reasons set out above, the application submission suggests that walking/cycling to and from settlements to the north would not be a favourable or safe option for employees or visitors to the application site. The Highways Authority has confirmed that they are in general agreement with these points and there are therefore on balance no reasonable highway alterations available to improve this situation and support the scheme.
- 3.43. To the south of the application site, the application submission suggests that there is a good network of footways and shared space routes to allow sustainable active travel from Kingsteignton and Higher Sandygate. To facilitate walking, a footpath is proposed from Higher Sandygate and in to the development site. Although this footpath will require pedestrians to cross the highway at points it would still represent an improved route for pedestrians. A concern has been raised within the Road Safety Audit that relates to the width of the footpath. The width is 1.5m and the RSA states that 'ideally' the footpath should have a width of 1.8m. The minimum required width for a footpath is 1m and the proposal exceeds this. To increase the width of the footpath would lessen the width of the carriageway which would not be a suitable option. The Highway Authority have accepted the proposed footpath but have commented that a 'pedestrians in road' sign to the north of the footpath access

into the application site would further improve the situation. Similarly a need for tactile paving has also been noted within the RSA and the Highway Authority. These issues can be dealt with by a S278 agreement/condition.

- 3.44. The application submission has suggested that the proposed on site hoggin footpath would not be suitable for cyclists and the RSA has recommended that the footpath be designed to facilitate its use by cyclists as well. The Highway Authority has commented that hoggin footpaths can be suitable for cyclists and it would be up to the cyclist as to whether they utilise this off road route as opposed to the on road route along Higher Sandygate. The application submission suggests that cyclists travelling from the south may also choose to utilise the rural lane network to access the development site and as these are not dissimilar to others in Devon this would not be problematic. Higher Sandygate is noted as an 'advisory cycle route' on the DCC Interactive Cycle Map and as such is established as a suitable route for active travel as existing.
- 3.45. As above, measures are proposed which would improve the current situation for pedestrians and cyclists and encourage employees and visitors to utilise alternative modes of travel other than the private car. It is difficult to argue that such measures would go as far as to prioritise sustainable modes of travel above the private car. However, it is considered that the location of the development which has been established through the Local Plan allocation together with other matters such as land ownership and the existing highway network limit the scope for further measures to be provided by the applicant. In addition, as has been put forward within the application submission, the existing highway network would facilitate a cycling route should employees/visitors to the site wish to cycle to/from nearby settlements. Should this be a favourable option, the application submission includes measures to encourage cycling and walking such as cycle storage, employee showers (full application) and a commitment to a travel plan. On balance the proposal is considered acceptable in terms of supporting active travel modes.
- 3.46. It is noted within the comments from the Highway Authority that the visibility at the access needs to be confirmed and that this can be agreed post decision at S278 stage. The Highway Authority has adequate confidence that an acceptable level of visibility can be achieved as vehicle speeds along this road are considered to be low and therefore has accepted that this information can be provided at a post decision stage. However Officers considered that further assurance is required pre-decision and has requested additional information. This additional information has now been submitted and is currently being considered by the Highways Officer. This recommendation is subject to consideration of these comments and this additional information. Member will be updated on this matter at the Committee.
- 3.47. Parking is proposed on site to serve the development subject of the full application. Parking is also proposed on site to serve the development subject of the outline application but this will be formalised through future reserved matters submissions. The full planning permission includes 67 parking spaces for employees which includes 4 disabled spaces and 10 electric vehicle charging spaces. 70% of the 67 parking spaces are also proposed to include ducting beneath for a future connection for electric charging vehicles should demand arise (passive EV stations). 70 further parking spaces are proposed to serve delivery vans, visitors and the loading and unloading of goods. The proposals include 30 bicycle parking spaces within 15 bike stands. The stands also include ducting beneath for electric charging of electric bicycle charging should the demand arise in the future. The outline planning

permission includes an indicative layout of 163 parking spaces which is made up of two parking areas of 70 spaces each and a third parking area of 23 spaces.

- 3.48. The Local Plan does not include parking standards except to state within policy S9 that new developments should provide appropriate parking for bicycles, cars and other vehicles. Guidance recommends that a safe and secure location protected from the weather for the storage of bicycles is provided for about 15% of employees. It is also recommended that showers and changing facilities be provided for employees where there are over 20 members of staff. Comments from Green Infrastructure Officers also recommend the inclusion of shower facilities to further encourage sustainable travel modes.
- 3.49. As detailed within the submitted Transport Assessment, TRICS trip rates have been used to determine the likely parking accumulation at the application site. The data indicates that the outline application will have a peak parking accumulation of 80 vehicles and the full application will have a peak parking accumulation of 67 vehicles. Peak parking period for both sites is noted as being 0900-1000. This was analysed further to suggest that the development will have, on average between 50-55% occupied at any one time with spare capacity to allow for higher fluctuation in car park occupancy and to provide spaces for visitors, delivery drivers and for the loading and unloading of goods. The number of parking spaces for the building subject of the full application is considered sufficient. Similarly the number of parking spaces indicated to serve buildings subject of the outline application are also considered sufficient and provide assurance that a building of the size indicated with appropriate parking levels can be accommodated within the site.
- 3.50. As above 30 bicycle storage spaces are proposed to serve the building subject of the full application. The submitted Planning Statement states that this building would create up to 200 jobs and the building subject of the outline application between 400-500 additional jobs.
- 3.51. Details of cycle parking for the outline element of the scheme can be given further consideration at reserved matters stage.
- 3.52. Policy S9 of the Local Plan refers to the need for development proposal to be designed to support infrastructure for electric vehicles. The proposal includes 10 electric vehicle parking stations. The proposal has been welcomed by the Council's Climate Change Officer however he noted that the coverage of electric vehicle charging will need to be increased to ensure that at least one electric charge point is installed per construction phase plus the provision of passive electric vehicle charging infrastructure in at least one in five car parking bays including disabled bays. In light of this requirement the Officer has recommended the inclusion of a condition requiring an increased level of electric vehicle charging. In response to these comments the applicant has proposed to include passive EV charging via the provision of ducting to 70% of parking spaces including disabled spaces. This information is currently being considered by the Council's Climate Change Officer and Members will be updated at the Committee.
- 3.53. Subject to the inclusion of a condition relating to electric vehicle charging points and/or consideration of comments from the Council's Climate Change Officer, the proposals are considered acceptable and in accordance with policy S9 of the Teignbridge Local Plan.

3.54. **Biodiversity Considerations:**

- 3.55. The site falls within the Sustenance Zone and Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats. The site is also within the Cirl Bunting Wintering Zone and the Great Crested Newt Alert Zone.
- 3.56. There are unconfirmed wildlife sites to the north, Sand Pit Wood (mixed plantation and broadleaved woodland), west, Lappathorn Copse (broadleaved woodland) and east, Coombe Farm (semi improved neutral grassland. North of the site is a DRBC County Wildlife Site, Babcombe Copse (secondary broadleaved woodland, broadleaved and conifer plantation) and northwest of the site is DRBC County Wildlife Site, Gappah Brake (dry heath and acidic secondary broadleaved woodland with bird interest). Abbrook Pond and Woodland is south west of the site and is described as pond with broadleaved woodland, wet woodland, scrub and a small area of unimproved grassland. Southacre Clay Pits SSSI, Ugbrooke Park SSSI, Brocks Farm SSSI and Chudleigh Caves and Woods SSSI are all less than 2.5km from the site.
- 3.57. Paragraph 180 of the NPPF requires that when determining planning applications, local authorities apply certain principles including refusing development when significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for.
- 3.58. Policy EN8 requires that decisions on development are taken in light of proportionate biodiversity information and assessments for the site, seek net increases in biodiversity, investment in habitat management and creation, minimise fragmentation and maximize opportunities provide improved habitats, apply policy EN9 to the protection, mitigation and compensation and recognise ecosystem services. Policy EN9 and EN10 relates to protecting and enhancing existing areas of biodiversity and geodiversity and habitat regulation assessments in relation to European Wildlife Sites. Policy KS1 of the Local Plan requires the submission of a bespoke Greater Horseshoe Bat mitigation plan to be submitted and approved before permission can be granted at this site.
- 3.59. The application site is located within the Sustenance Zone for the Chudleigh Caves and Woods SSSI designated roost and is situated 1.9km south east of the roost. Without consideration of any proposed mitigation measures it is considered that the proposal could cause loss, damage or disturbance, to a potential Greater Horseshoe Bat (GHB) commuting route and foraging habitat within a sustenance zone and therefore could have a likely significant effect on the South Hams SAC. An Appropriate Assessment (Habitats Regulation Assessment HRA) has therefore been considered necessary and has been completed.
- 3.60. The applicant has put forward mitigation proposals to prevent a likely significant effect. The mitigation proposals have been split in to construction phase mitigation and operation phase mitigation.
- 3.61. The construction phase mitigation includes the submission of a Construction and Environmental Management Plan (CEMP) which will include the provision of protective fencing around retained trees and other habitats, including important bat flyways, no night working or if absolutely necessary, no lighting of the identified GHB flyways and pollution prevention measures to be employed to ensure no

pollution on important bat flyways. The requirement for a CEMP has been included as a condition.

- 3.62. The operation phase mitigation includes the maintenance of GHB flight lines by design and orientation of the development and the establishment of a new hedge and inclusion of high opacity landscape fabric in specified locations. In addition a sensitive lighting design is proposed, which includes external lighting by LED bollards nearest to vulnerable boundaries and column mounted lamps where a greater spread of light within parking and marshalling areas is required. All lighting is to be of a warm colour temperature with 0% Upward Light Output Ratio (ULOR). New hedgerow planting is proposed in areas which are at risk of permanently installed lighting as well as transient lighting disturbance from car headlights. This planting will link into the existing restoration plan planting beyond the southern and eastern site boundaries. The planting will be augmented by the addition of high opacity landscape fabric around the car parking areas along the eastern and southern boundaries of the site. The hedgerows will be native species and maintained at a minimum 3-4m height to act as a light barrier. Modelling of lighting within the area of development demonstrated compliance with the requirement to keep luminance levels below 0.5 lux along all key bat corridors.
- 3.63. It is noted that lighting modelling required no windows on the elevations of the buildings alongside the boundaries. A condition preventing windows on these elevations of the full application building has been included within the recommendation. Future reserved matters applications will be required to be in accordance with mitigation measures set out within the HRA.
- 3.64. Details will be required at reserved matters stage for the outline element of the application to demonstrate that the GHB corridors on the periphery of the site are kept dark and under 0.5 lux and is future proofed against future lighting such as security lighting.
- 3.65. A Landscape and Ecological Management Plan (LEMP) will be required by condition and must include details of species specification and management. A LEMP has recently been submitted in support of the application and is currently being considered by the Biodiversity Officer. Members will be updated at the Committee. In addition an Ecological Monitoring Strategy will be required by condition and will secure long term compliance monitoring of mitigation measures on and around the site, to provide early warning of the need to implement timely remedial action where mitigation measures are not functional. Light monitoring will also be required as part of the Ecological Monitoring Strategy to ensure that the light levels within the designated areas remain at, or below 0.5 lux and that the development works have not therefore resulted in an unacceptable impact upon identified GHB habitats. Remedial measures will be required in the event that light levels exceed 0.5lux.
- 3.66. Within the Appropriate Assessment HRA, Teignbridge District Council, as competent authority has therefore concluded that, provided the mitigation measures are secured there will be no adverse effect on the integrity of the South Hams SAC or Dartmoor SAC alone or in combination with other proposals or projects. Natural England has confirmed that they concur with this conclusion. Subject to the inclusion of conditions securing the detailed mitigation, the proposal is considered to be in accordance with policies EN8, EN9, EN10 and KS1 of the Teignbridge Local Plan.

- 3.67. Within the application submission, information relating to Dormice, Great Crested Newts, Badgers, Cirl Buntings, nesting birds and reptiles.
- 3.68. The submitted Dormice survey confirms the presence of Dormice onsite and they have been assumed as present within all suitable habitat. There is however no habitat suitable for Dormice within the central flat section of the site (the location of the development). As mitigation for any negative impact of the development both in construction and operational phases, a lighting plan has been submitted and will be implemented to avoid impacts upon this nocturnal species.
- 3.69. The site is located within a Great Crested Newt consultation zone with the nearest record being approximately 2.2km to the north west of the site. The pond on site was tested for the presence of Great Crested Newt and was negative for this protected species. Terrestrial habitats within the centre of the site are dominated by sparse vegetation and has been considered unlikely to support amphibians including Great Crested Newts during their terrestrial stage. The Biodiversity Officer has confirmed that there is unlikely to be any impacts on these species as a result of the development.
- 3.70. No setts or evidence of Badger activity were observed within the survey area, however it is considered likely that Badgers are present within the tree and scrub banks surrounding the site and may potentially use the site for foraging on occasion. During the construction phase, mitigation is proposed requiring that all excavations on site over 1m deep will be covered overnight or have a means of escape for any Badgers that may investigate them. This will be detailed within the CEMP document which is recommended as a condition. A repeat survey for the presence of Badgers prior to the commencement of any site works with associated mitigation/compensation measures (if required) has also been required by condition.
- 3.71. The site is located within a Cirl Bunting consultation zone however there are no suitable habitats for the species within the development area. Suitable habitats surrounding the site are to be retained and the Biodiversity Officer has confirmed that there is unlikely to be any impact on these species.
- 3.72. The submitted information confirms that the trees and shrubs on the banks surrounding the site are suitable for nesting birds but the site itself is sub-optimal for nesting birds. The Biodiversity Officer agrees with this conclusion. It is proposed that any pruning/removal of shrubs and trees on the periphery of the site will be undertaken outside of bird nesting season and a condition has been included to ensure this is the case.
- 3.73. The submitted information confirms that regular management/spraying of grassland within the development site has rendered it unsuitable for foraging reptiles, but reptiles may be present within the grassland and scrub habitat around the site. It is proposed that vegetation within the site will be maintained at short sward height to limit the potential for reptiles to be present at the time of groundworks and avoid harm to reptile species. This will be detailed within the CEMP document which has been required by condition.
- 3.74. Policy EN8 of the Local Plan states that the Council will work to protect, enhance and restore the biodiversity of the area through a series of measures. One of these measures is to seek net increases in biodiversity in association with new

development through habitat enhancement and creation, and through the introduction of appropriate biodiversity offsetting measures.

- 3.75. Insufficient information had been provided as part of the application submission which evidenced that the proposals will achieve a net gain in biodiversity or at the very least a no net loss in development. Initial DEFRA 3.0 biodiversity metric calculations indicated that the proposals will lead to a 46.06% net loss in biodiversity units which included the details of onsite habitat creation. This, however, was not unexpected given the undeveloped nature of the site as existing. Recently information has been submitted to suggest that a net gain can be provided on site through the inclusion of native species rich hedgerow and tree planting (100% change in hedgerow units) and improvements to units of heathland and scrub and grassland habitats (0.03% change in habitat units). This information is currently being considered by the Biodiversity Officer and Members will be updated at the Committee.
- 3.76. Subject to the consideration of comments from the Biodiversity Officer relating to biodiversity net gain/no net loss and the inclusion of conditions to manage any required uplift in provision, in line with the above, the proposals are considered acceptable and in accordance with policies EN8, EN9, EN11 and KS1 of the Local Plan.
- 3.77. **Landscape and Heritage Considerations:**
- 3.78. The site comprises of wooded copse and grassland and was historically a gravel and sand pit which has now been restored. The site is edge of the settlement and fairly rural in character. The site is located between the A380 and B3193 and wooded areas.
- 3.79. The site falls within the Haldon Ridge and Foothills Devon Landscape Character Area and abuts the Bovey Basin Devon Landscape Character area. The site is within the Under Great Haldon Teignbridge landscape character area, the Teignbridge Landscape Character Assessment considers this area to have moderate visual sensitivity and high landscape character sensitivity. The overall strategy for this area is conservation and enhancement. The Devon Landscape Character Type for the area is 3B, lower rolling farmed and settled valley slopes. The Devon Historic Landscape Character Type for the site is noted as quarries.
- 3.80. Policy EN2A of the Local Plan states that development will be sympathetic to and help to conserve and enhance the natural and cultural landscape character of Teignbridge, in particular in Areas of Great Landscape Value (AGLV) and within the setting of Dartmoor National Park. It goes on further to state that development proposals should conserve and enhance the qualities, character and distinctiveness of the locality, where appropriate restore positive landscape character and quality, protect specific features which contribute to local character and quality and maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design.
- 3.81. Policy KS1 of the Local Plan refers to strategic landscaping measures to ensure that the development respects the sensitivity of the existing landscape setting. The supporting paragraph to this policy adds that the development should be designed to take account of the setting and views, with appropriate landscaping to frame, not hide, the structures. In addition it states that existing vegetation should be retained

where possible and replaced where not and elements of green infrastructure should be included to provide opportunities for habitat enhancement and recreation.

- 3.82. The submitted landscape analysis document describes the site as ‘a level depression flanked by an embankment that wraps around the northern, eastern and southern boundaries with an embankment forming a land drain that runs along the western boundary’. It further notes that the topography of the site is as a result of historic quarry works and subsequent remediation work.
- 3.83. The site is not located within any landscape designations but an AGLV abuts the site to the north east and is located east of the site separated by wooded areas. Within a kilometre of the site there are three grade 2 listed buildings to the north and south, the Clay Pits Way cycle way and footpath, a public right of way to the north and a bridle way to the east. Within 2km there is a grade 2* listed building to the north, further grade II listed buildings, registered parks and gardens to the north and south east and the continuation of public rights of way and bridle ways. Beyond this within 3km there is also a grade I listed building to the north and further grade 2 and 2* listed buildings and a scheduled monument to the north.
- 3.84. The submitted analysis states that *‘proposals should aim to retain and enhance the existing landscape features and vegetation through appropriate management’* to provide *‘a mature and robust landscape structure that will assist in softening views of the proposed buildings from the wider landscape’*. In addition it recommends that *‘planting of additional boundary hedges will contribute to enhanced wildlife corridors to support biodiversity aims’*.
- 3.85. Immediate views of the site from close viewpoints on Higher Sandygate lane are obscured by existing heavy intervening vegetation and the landform of the site. A new opening is proposed to serve the proposed footpath through the development but given its position in relation to the position of buildings this opening is not considered to result in a significantly different viewpoint to what currently exists. In winter it is accepted that views of the units may be possible due to thinning vegetation however such views will still remain partially obscured and a significant change in views from the lane is not expected. The access point however will be open and is relatively level in terms of landform and as such will provide unrestricted views into the site and of the proposed units and the wider developed site.
- 3.86. In relation to distant views of the site and in line with the findings of the submitted analysis it is considered that these views of the site will be largely screened by *‘layers of intervening vegetation and landform’*. Similarly to immediate views, it is accepted that partially obscured views of the roofscapes of the units may be possible in winter months due to thinning vegetation but this is unlikely to result in a significant change to views.
- 3.87. The site is allocated for employment development and as such some change in the appearance of the site is expected from viewpoints beyond the development site. Further it is noted that, in supporting paragraphs to policy KS1, landscaping is expected to frame the development and not hide it and therefore the change in views from the access point to the site is not unexpected nor unacceptable.
- 3.88. The reference to strategic landscaping measures to ensure the development respects the sensitivity of the existing landscape setting within policy KS1 is noted.

However the existing vegetation and landform that surrounds the site is considered to be sufficient as to limit the visibility of the site, limiting the impact of the proposals on the wider landscape such that further landscaping beyond that already proposed to mitigate the impact on ecology is not considered necessary.

- 3.89. The design of the building subject to the full application is typical of an industrial building, being designed to meet the needs of the potential occupier being a large single building. The materials are again typical of this type of building featuring grey composite panels. Whilst not considered to be particularly unique as a design, the use of grey panels will further help to limit its impact when the building will be visible in views together with the orientation and window positioning which will restrict light spill beyond the site.
- 3.90. A lighting scheme is proposed to mitigate the impact on ecology which will also limit the impact on the landscape character of the site by maintaining dark corridors beyond the developed area of the site and proposing time limited and low level lighting options where possible. The positioning of car parking areas, proposed vegetation and boundary treatments are also proposed to limit light spill beyond the site. The impact of the development as a result of proposed lighting both from the buildings themselves and external lighting is not considered to result in a significant impact to the landscape character and appearance of the site and wider area.
- 3.91. As above, the AGLV abuts the site to the north east and is located east of the site separated by wooded areas. The established landscaping/vegetation together with the landform provides a buffer between the site and the AGLV. Planting is also proposed to reinforce this buffer to the AGLV, including a new native hedgerow, tree line and flower rich meadow grass. The greatest impact will be when viewed to and from the site access where there is an existing break in vegetation and the land is relatively flat. The impact here is not unexpected given the access is as existing and by utilising this existing opening it prevents the need for the loss of vegetation elsewhere on the site. Whilst it is acknowledged that there may be some impact on the AGLV at this junction, on balance it is not considered unacceptable nor would it warrant the refusal of the application.
- 3.92. In line with the above and subject to the inclusion of conditions relating to landscaping, lighting, the submission of details of proposed materials and no external storage, the proposal is considered acceptable and in line with policy EN2A of the Local Plan.
- 3.93. There are listed buildings, registered parks and gardens and a scheduled monument located within 3km of the application site. In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.94. It has been noted previously that site is well enclosed by existing vegetation and the surrounding landform bounds the site resulting in limited impact on the surrounding character. This is similarly the case of these heritage assets. A viewpoint from the closest heritage asset which is located north of the site is detailed within the submitted landscape analysis. This shows that the site is of limited visibility and whilst the form of the site will change as a result of the development the established

intervening features suggest that this change will not be significant when considered in relation to its impact on the character and appearance of the listed buildings, registered parks and gardens (Ugbrooke Park, Lindridge Park and Stover Country Park) and scheduled monument. The proposal is considered acceptable in relation to these heritage assets and in line with policy EN5 of the Local Plan which requires development proposals to protect and enhance the area's heritage.

- 3.95. Concerns have been raised in the public representations received which relate to the potential impact on the alignment of the Roman Road that lies to the east of the application area as a result of the development. It is not clear within the application submission as to whether the development is likely to have an impact on this heritage asset and therefore the Senior Historic Environment Officer has requested the inclusion of a condition requiring a written scheme of investigation for a programme of archaeological work to be submitted and approved. The applicant has agreed to the inclusion of this condition.
- 3.96. **Design Considerations:**
- 3.97. The supporting information to policy KS1 of the Local Plan states that development should be designed to a high standard, including the design of buildings and materials used in construction, as well as layout and design principles.
- 3.98. The layout of the site is such that the proposed buildings (both full and indicative for the outline proposals) face inwards responding to the proposed access route through the site and assisting in preventing light spill to the wooded areas to the east. Landscaping is proposed to assist with biodiversity mitigation as well as mitigating landscape impact and the overall appearance of the site. The proposed development also includes an area for staff to sit outside and walk through to Higher Sandygate towards the south of the site.
- 3.99. As noted above the design of the building subject of the full application is typical of an industrial building. Materials proposed are Sinusoidal Kingspan Composite Panels in Merlin Grey, Trapezoidal Kingspan Roof Panels in Shale Grey and Microrib Kingspan Composite Panels in Goosewing Gray. No details are provided for windows, doors or rainwater goods and it is recommended that these are requested by a condition alongside details of materials.
- 3.100. The appearance, scale and layout of the outline element of the scheme has been reserved for future consideration.
- 3.101. The unit subject of the full application has been designed to suit the end user and the business it will facilitate. The position of openings, service bays and parking have been somewhat dictated by the ecological considerations of this site. The appearance, scale and layout of the units subject of the outline application will be considered as part of a reserved matters application but the indicative plans details a scheme which would be in keeping with the remainder of the site.
- 3.102. The design of the full application is considered acceptable and typical of its use, the proposal is considered acceptable in relation to policy KS1 of the Teignbridge Local Plan.
- 3.103. **Carbon Reduction Considerations:**

- 3.104. The full application is supported by a Carbon Reduction Report which sets out a strategy to re-use construction and demolition materials on site wherever possible, or to responsibly dispose of those materials, to use locally sourced materials wherever possible, to reduce the building's operational energy usage and to maximise the use of renewable energy. The strategy also includes a plan for the provision of electric vehicle charging infrastructure.
- 3.105. The strategy confirms that the building subject of the full application exceeds the 48% reduction in emissions required by policy S7 of the Teignbridge Local Plan.
- 3.106. The report sets out the measures that are being adopted to reduce carbon emissions and include the following measures. The building has been orientated to benefit from solar gain, glazing has been positioned to suit the internal space and to avoid overheating and glare (as well as to reflect ecological considerations). Artificial lighting is low energy and uses LED light sources. Natural ventilation has been optimised through consideration of dominant wind directions and wind catchers and passive ventilation will be used to take advantage of this further. The proposed warehouse area has been split into ambient and chilled/frozen areas with the ambient storage areas taking up 66% of the internal volume. Ambient areas are proposed to have less insulation to avoid overheating in the summer and frost in the winter. The building fabric has been designed to reduce heat losses and refrigeration units have been designed to minimise thermal losses. Rainwater harvesting has also been adopted. The roof has also been designed to allow for a photovoltaic system to be installed. 10 electric car charging points have been provided with additional infrastructure installed to allow for 70% of parking spaces to be capable of electrical charging in the future. Cycling has also been encouraged as a method of travelling to work through the inclusion of 30 bicycle storage spaces and the inclusion of staff showers within the building.
4. The Council's Climate Change Officer has been consulted on the revised Carbon Reduction Strategy and Members will be updated on his comments at the Committee. The Carbon Reduction Report submitted does however suggest compliance with policies relating to carbon reduction contained within Teignbridge Local Plan.
- 4.1. **Flood and Surface Water Drainage Considerations:**
- 4.2. The application site is located within Flood Zone 1 and this type of development is considered 'less vulnerable' meaning that it is considered to be an appropriate land use for this site. A Flood Risk Assessment (FRA) has been submitted in support of this application.
- 4.3. The proposed surface water drainage strategy is to provide surface water attenuation and long term storage through the use of SUDS to ensure downstream flood risks are not increased. The proposed surface water drainage and attenuation features are proposed to be of a size to accommodate runoff in the 1 in 100 year return period storm with a 40% allowance for climate change. The submitted FRA also confirms that the on-site attenuation for the development has been sized to offer flood protection for the development, its downstream catchment throughout its lifetime with a 40% allowance for climate change being adopted to present a worst case scenario.

- 4.4. During exceedance events beyond the 1 in 100 year return period storm, it is proposed that runoff will overflow from the systems and away from primary access and egress routes, towards areas of open green space and the conveyance swale and attenuation features where any freeboard allowances can be utilised.
- 4.5. Concerns have been raised by the Ward Member relating to heavy storm events and the impact of potentially contaminated surface water. In response to these concerns, clarification has been sought from the Lead Local Flood Authority (LLFA). They have confirmed that there will be no more runoff leaving the site as a result of the development due to the provision of attenuation and the flow control device which restricts flow back to greenfield rates. The provision of the swale, permeable paving and an above ground attenuation basin will act as a treatment train thereby removing any potential contaminants and pollutants in line with best practice guidelines. The LLFA has confirmed that the SuDS strategy is in line with Devon County Council's SuDS for Devon Guidance (2017) and provides a good example of a treatment train. The LLFA have raised no objections to proposed strategy and requested the inclusion of a condition to assess the condition of existing culvert.
- 4.6. 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.
- 4.7. **Green Infrastructure:**
- 4.8. Policy KS1 states that the development of the allocated site includes a network of green infrastructure to improve accessibility by non-car transport modes and provide connections with existing communities and routes including new or improved off road walking and cycling routes. In addition it also notes the inclusion of areas of green infrastructure providing opportunities for biodiversity enhancement and informal recreation.
- 4.9. Policy HT3 of the Teignbridge Local Plan also refers to the Heart of Teignbridge Green Infrastructure Strategy being supported including reference to specific proposals. These include no net loss of green infrastructure through development and creating a comprehensive network of walking and cycling routes for utility, recreation and health promotion.
- 4.10. The proposals include areas of green space, footpaths through the development and measures to encourage cycling including secure cycle storage and showers for employees. Areas for biodiversity mitigation have also been incorporated to ensure there is no net loss of habitat.
- 4.11. Green Infrastructure colleagues have noted that they would expect the site to include cycle access provision and the improvement of pedestrian routes to ensure adequate provision and for these to include lighting (whilst being mindful of the biodiversity considerations). Reference is also made to secure and covered cycle storage, the provision of showers and electric vehicle charging.
- 4.12. Whilst comments are awaited from the Biodiversity Officer, the DEFRA metric suggests that the development ensures no net loss of biodiversity has occurred through landscape mitigation and ongoing maintenance. Members will be updated on comments from the Biodiversity Officer at the Committee.

- 4.13. Improvements to pedestrian routes have been proposed as part of the development and these have been discussed within earlier paragraphs. Efforts have also been made to encourage cycling as a form of transport to and from the units through the inclusion of secure and covered cycle storage and employee shower facilities. As noted in earlier paragraphs no new cycle routes have been proposed as part of the development. Despite the lack of new dedicated cycling routes as part of the development, this is not considered to warrant the refusal of the application having considered the existing routes available to and from the site and potential uptake for cycling to and from this development being mindful of the location of the development. As above, electrical charging facilities have been proposed as part of the development. Conditions have been recommended to secure this provision.
- 4.14. On balance, the development is considered acceptable in relation to green infrastructure and policies KS1 and HT3 of the Teignbridge Local Plan.
- 4.15. **Minerals:**
- 4.16. The application site lies within the Mineral Safeguarding Area for the sand and gravel resource. It is noted that part of the sand and gravel quarry remains in operation but has ceased from the application area. Policy M2 of the Devon Minerals Plan allows for non-mineral development where there is no mineral resource of economic value, and also where there is an overriding strategic need for the non-mineral development. Paragraph 3.3.10 of the Devon Minerals Plan suggests that the allocation of a site in an adopted development plan will normally be considered as an overriding strategic need.
- 4.17. The site is allocated for development within policy KS1 of the Teignbridge Local Plan. In light of this allocation and in the absence of any remaining mineral reserves within the site, in line with comments from Devon County Council as the Mineral Planning Authority, the development is considered to be in accordance with Policy M2 of the Devon Minerals Plan and is therefore considered acceptable. The Devon Stone Federation have raised no objections to the proposal.
- 4.18. **Waste:**
- 4.19. The application site is within the Waste Consultation Zone. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement to that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy.
- 4.20. The application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is included to require its submission prior to the commencement of the development. For the outline element of the development, a Waste Audit Statement will be required at reserved matters stage. Conditions for both parts of the application have been included.
- 4.21. The application site lies partially within the Waste Consultation Zone associated with the Heathfield complex of waste management facilities. Policy W10 of the Devon Waste Plan seeks to protect waste management capacity by avoiding constraint by non-waste development. In line with comments from Devon County

Council as Waste Planning Authority, the proposed development is commercial in nature and will be in excess of 400m from the closest waste management facility and therefore it is considered that no constraint of the waste management facilities will occur as a result of the development.

- 4.22. Policy KS1 of the Teignbridge Local Plan suggests that the development allocation includes investigating the potential of the site to connect to any energy recovery facility that might be located at the Heathfield Landfill site. The application submission does not include any information to suggest that this forms part of the proposal. Part 2(c) of Policy W6 of the Devon Waste Plan identified an area of land south of Heathfield Landfill site as a Strategic Energy Recovering Location however Devon County Council as Waste Planning Authority have confirmed that they are not aware of any proposals in the pipeline for such a facility. Whilst they also note that a waste management company might bring this forward in the future, it is considered that it would not be reasonable to request that the applicant explore this further in this instance.
- 4.23. Subject to the inclusion of conditions, the proposals are considered acceptable in relation to waste management and are in accordance with relevant policies of the Devon Waste Plan.
- 4.24. **Environmental Health and Residential Amenity:**
- 4.25. The application site formed part of a gravel and sand quarry and as such the site has potential for a number contamination sources including the backfilled quarry pit. A Desktop and Ground Investigation Contaminated Land Assessment has been submitted in support of the application. The Desktop Preliminary Human Health and Environmental Risk Assessment found that the site has a moderate risk from contamination present beneath the site, a negligible risk from migration of radon gas, a low risk from migration of landfill gas and a moderate risk from migration of ground gas. This Assessment concluded that the overall risk was moderate and therefore recommended that a Ground Investigation Assessment be undertaken and include site specific soil chemical testing in order to determine ground conditions, soil chemistry and any environmental liability associated with the site. A Ground Investigation Assessment was submitted at the same time and confirmed that whilst there were no elevated levels of contaminants across the site, no remediation was required and that there was low risk to the aquatic environment, a further 5 carbon dioxide monitoring visits were recommended to fully assess the risk of gas migration. The Assessment also made recommendations relating to the construction and engineering methods. Following comments from Environmental Health, the additional gas monitoring was completed and confirmed that the site is classed as very low risk for gas migration.
- 4.26. In response to the most recent Ground Investigation Report, the Environmental Health Officer confirmed that he had no objections to the application. Conditions have been recommended relating to the reporting of unexpected contamination and development proceeding in accordance with the recommendations of the submitted Contaminated Land Assessments. Subject to the inclusion of conditions, the proposal is considered acceptable in accordance with policy EN7 of the Teignbridge Local Plan.
- 4.27. Environmental Health have also been consulted in relation to the impact of noise. Conditions have been recommended that relate to noise levels arising from the

operation of plant and machinery not exceeding a continuous sound pressure level (LAeq 5dB) above background noise level (LA90), restrictions on construction working hours. Comments have been made in relation to the need for technical details relating to mechanical power generation and a noise impact report for the construction phase. A Construction Method Statement has been requested which will include matters relating to noise which can include an assessment of noise and as such a separate condition isn't considered necessary. The request for technical details of mechanical power generation can be requested by condition. Conditions has also been included relating to waste disposal and illumination.

- 4.28. A condition has also been requested in relation to hours of operation and whilst noted, this is not considered necessary in light of the other conditions imposed which are considered sufficient in terms of noise control and protecting residential amenity. The powers afforded by Environmental Health legislation in relation to noise nuisance are also noted and therefore such a condition is not considered necessary in this instance.
- 4.29. Subject to the inclusion of conditions and with consideration of comments from Environmental Health, the proposal is considered acceptable in relation to impact on health, safety and residential amenity in accordance with policy S1 of the Teignbridge Local Plan.
- 4.30. Having considered the distance from residential properties and the existing landform and vegetation that surrounds the development site, the proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, privacy or by reason of being unduly dominant or overbearing.
- 4.31. **Other Matters:**
- 4.32. Concerns have been raised in comments from Kingsteignton Town Council regarding the date at which the site notice was put up at and around the site. The site notice was placed at the site on the 28th April 2021 and the date of expiry was the 29th May 2021. An advert was also placed in the local newspaper on the 7th May 2021 stating the same expiry date of the 29th May 2021.
- 4.33. Concerns were raised regarding the lack of public consultation by the applicants prior to the application submission to the Local Planning Authority. Whilst these concerns are noted they would not warrant the refusal of the application. Since its submission to the Council, statutory consultation has taken place with opportunity for the public to make representations about the application. To date 6 representations have been received.
- 4.34. **Conclusion Summary:**
- 4.35. To conclude the proposal is for employment development within an allocated site for employment uses in accordance with policy KS1.
- 4.36. The site is towards the edge of the settlement of Kingsteignton and the road network is somewhat typical of its location. Whilst measures have been proposed to encourage sustainable modes of transport, owing to its location and the type of employment uses proposed, a larger proportion of car and commercial vehicle use is anticipated than might be otherwise preferred within local policy. Whilst this is recognised as an issue within the recommendation, the benefits of job creation on

an allocated site within settlement boundaries is given significant weight within the decision making process. Having considered such benefits, in addition to the measures put forward within the application submission to encourage uptake amongst employees of sustainable modes of transports and the future proofing of the site through additional ducting for increased levels of electric vehicle charging bays, the lack of dedicated continuous off road cycle route and pedestrian route provision to both nearby settlements is not considered to warrant the refusal of the application. It is also noted that if and when the passive EV provision progressed to a full provision of EV charging bays then this site could be capable of facilitating a higher proportion of staff and visitor trips by sustainable modes of transport and that the final travel plan, as required by condition could further encourage such uptake beyond that demonstrated within the application submission.

- 4.37. With consideration of the road network and the routes to and from the site, the road conditions would be expected to draw the vehicle user to and from the site via the private road to the B3193 which is within the control of the applicant avoiding Higher Sandygate. Current highway restrictions would restrict use of Higher Sandygate by larger vehicles and this will remain in situ. Whilst domestic vehicles and smaller commercial vehicles would not be restricted to only the private road, the number of vehicle trips associated with the development are not considered to be harmful to highway safety or residential amenity. Subject to conditions and consideration of comments from the Highways Officer, other highway matters are considered acceptable and in accordance with local policy including parking levels, cycle storage and EV charging bay levels.
- 4.38. Within the Appropriate Assessment HRA, Teignbridge District Council, as competent authority has concluded that, provided the mitigation measures are secured there will be no adverse effect on the integrity of the South Hams SAC or Dartmoor SAC alone or in combination with other proposals or projects. Other mitigation measures can be secured by condition to ensure other protected species are protected. Matters of biodiversity net gain/no net loss remain under consideration but information submitted suggests compliance with the relevant local policies. Members will be updated on this at the Committee.
- 4.39. The design of the proposals subject of the full application are considered acceptable and the design, scale and layout of the proposal subject of the outline application will be considered at reserved matters stage. Matters relating to landscaping, layout and scale are considered acceptable subject to conditions as set out previous paragraphs.
- 4.40. Subject to conditions, matters relating flood risk and surface water drainage are considered acceptable and in accordance with local policy. Conditions have been imposed in relation to noise and unsuspected contamination and the proposal is considered acceptable in relation to these matters. Carbon reduction measures have been put forward and suggest a policy compliant scheme. Comments are awaited from the Council's Climate Change Officer and this recommendation is subject to consideration of these comments.
- 4.41. To conclude and as above, subject to conditions and consideration of comments from consultees, on balance the proposal is considered acceptable and therefore recommended for approval.

5. **POLICY DOCUMENTS**

5.1. 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

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S11 Pollution

STRATEGY PLACES

S15 Kingsteignton

PROSPEROUS ECONOMY

EC1 Business Development

WELLBEING - INFRASTRUCTURE

WE11 Green Infrastructure

QUALITY ENVIRONMENT

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

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

KINGSTEIGNTON

KS1 Sands Copse

5.2. Devon Waste Plan

5.3. National Planning Policy Framework

5.4. National Planning Practice Guidance

6. CONSULTEES

Full details of all comments received are available on the application file

6.1. Natural England (18th October 2021):

6.2. *'Your appropriate assessment (AA) concludes that Teignbridge District Council is able to ascertain that the proposal will not result in adverse effects on the integrity of the South Hams SAC. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we **concur** with the assessment conclusions, **providing that** all mitigation measures specified in the AA are appropriately secured by conditions in any planning permission given.'*

6.3. Devon County Council Lead Local Flood Authority (5th May 2021):

6.4. No in-principle objections to the above planning application, from a surface water perspective. If the Planning Officer is minded to grant planning permission in this instance, pre-commencement conditions are requested relating to detailed drainage design, proposals for adoption and maintenance of the permanent drainage system, details of how exceedance flows will be managed and a detailed assessment of condition and capacity of the downstream culvert relating to the outline and full applications.

...

In summary, the proposed surface water drainage strategy will provide a betterment over the existing scenario.

6.5. Devon County Council Highway Authority (6th May 2021):

6.6. ... All efforts should be taken to discourage vehicles from using Higher Sandygate.

The existing staggered crossroads which are formed by the quarry entrance and the junction of the private road with Higher Sandygate will be reconfigured to reflect future traffic flows to the site. The route from the private road will form the main through road, with Higher Sandygate forming two T-junctions with the access road. Further details of this arrangement are required along with the Stage 1 and 2 safety audits. The applicant will need to enter into a Section 278 Agreement with DCC to undertake these works.

...

... There is no change to the pedestrian and cycling provisions heading towards John Acres Lane and the B3193. As this is the main route traffic will be directed a 'shared surface' arrangement isn't appropriate and further provisions must be provided for both pedestrians and cyclists. There is also no street lighting at present and the provision of this would help to make all users feel safer and more likely to use this route.

Parking accumulation analysis indicates that the proposed level of parking on site will be more than sufficient to meet the needs of the development. This will prevent overspill parking into local residential areas.

... It is concluded that the existing highway network would satisfactorily accommodate the additional traffic arising from the proposed development without any severe impacts.

A Framework Travel Plan has been provided, setting out measures to promote the use of sustainable forms of transport for journeys to and from the site. These measures are expected to minimize the residual cumulative traffic impact of the development further.

The Highway Authority requires further details of the proposed junction realignment works; the Stage 1 and Stage 2 safety audits; and further details of pedestrian/cycle improvements, before a recommendation can be made.

6.7. Devon County Council Highway Authority (1st October 2021):

6.8. No further details of the junction realignment have been forthcoming and the following issue was raised, along with a recommendation, in the safety audit;

“The Audit team note from the drawing that a new double bend will be formed between the site access and the private road which will also incorporate junctions with Higher Sandygate to the north and south of the double bend. Given the prevailing speed limit on Higher Sandygate the Audit team are concerned that forward visibility from both approaches through the double bend could be inadequate.”

“The proposed double bend should provide adequate forward visibility for the prevailing speed limit or alternatively it should be based on the measured 85th percentile speed of Higher Sandygate. Additionally, the proposed double bend system should be provided with adequate traffic signage in accordance with The Traffic Signs Regulations and General Directions 2016.”

The required forward visibility will need to be proven and provided at Section 278 stage.

A technical note has been prepared to provide additional information on the walking and cycle infrastructure to the proposed development site at Higher Sandygate. It states that “none of the settlements to the north are located within 2km – the distance that Manual for Streets states is most likely the upper limit that walking would replace vehicle trips.”

“In addition to this, there is no continuous footway link between these developments and Kingsteignton. Pedestrians are vulnerable road users, and for individuals to walk between Chudleigh, Chudleigh Knighton or Bovey Tracey would require them to walk along existing busy, unlit roads which do not have footway provision. “

“It is therefore considered that no individuals would walk from these settlements to the north to the development site. “

“From the south there is a good network of footways and quiet shared space routes to allow sustainable active travel access from Kingsteignton and Higher Sandygate. Higher Sandygate is around a 10-minute walk (800m) from the development site. “

The Highway Authority is in general agreement with these statements.

The Highway Authority is satisfied that drawing NPA 10249 001 PRE04 shows that the links to the public Highway are under the applicant's control.

Drawing 01/PHL-103 Rev C, and associated safety audit, show the proposed link back towards Higher Sandygate. Given the number of accesses and the width of the road, the Highway Authority accepts this limited solution. The Highway Authority had concerns over pedestrian having to walk in the road, but this hasn't been raised as an issue by the safety auditors. That being said the scheme could benefit from an addition "pedestrians in road" sign to the north of where the proposed site footpath is to egress onto Sandygate Lane.

Tactile paving will need to be added to the final design, but this can be dealt with at the Section 278 stage.

Subject to the developer first entering into an appropriate agreement to provide, at their own expense, prior to the occupation of any of the units hereby approved, the works necessary to provide access and improve pedestrian connectivity to the site all as generally shown on drawings 01/PHL-103 Rev C and 01/PHL-101 Rev A.

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission.

1. Submission and approval of a Construction Management Plan
2. Provision of access in accordance with 01/PHL-101 Rev A
3. Provision of highway works prior to occupation
4. Submission of details relating to highway works

6.9. **Additional Comments Awaited.**

6.10. **Devon County Council Mineral Planning Authority (28th April 2021):**

In conclusion, Devon County Council has no objection in its role as Mineral Planning Authority.

6.11. **Devon County Council Waste Authority (28th April 2021):**

...

In conclusion, Devon County Council has no objection in its role as Waste Planning Authority subject to waste audit statements being secured through appropriate conditions in the event of permission being granted

6.12. **Additional Comments (26th May 2021):**

Part 2 (c) of Policy W6 of the Devon Waste Plan identifies an area of land south of Heathfield landfill site as a 'Strategic Energy Recovery Location'.

However, at this stage, there have been no proposals for an energy from waste plant at the site and Devon County Council as Waste Planning Authority are not aware of any proposals in the pipeline for such a facility. This is not to say that a waste management company might bring a facility forward in future, but as Waste

Planning Authority Devon County Council have no certainty on that. In this context, it is considered reasonable for the applicant not to explore (f) of Policy KS1 of the Teignbridge Local Plan, that refers to the investigation of the potential for the site to connect to any energy recovery facility that might be located at Heathfield Landfill site, further.

6.13. Devon County Council Archaeology (17th June 2021):

The Historic Environment Team have recommended a condition relating to the implementation of archaeological work in accordance with a written scheme of investigation (WSI). The condition is to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

6.14. Biodiversity Officer (29th September 2021):

The report identifies a number of GHB corridors which need to be kept dark throughout the operation of the site and also lengths of hedgerow planting to strengthen certain boundaries. A CEMP will be submitted and agreed with the Local Planning Authority, which will include details of environmental protection throughout the construction phase. The following CEMP principles will be adhered to in the submission of a CEMP document:

1. Provision of protective fencing
2. No night working or if necessary, no lighting of the identified GHB flyways
3. Pollution prevention measures to be employed to ensure no pollution on important bat flyways.

GHB flight lines to be maintained along the boundaries by design and orientation of the development and the establishment of a new hedge and inclusion of high opacity landscape fabric in specific locations.

A sensitive lighting design is proposed, supported by modelling to mitigate the impact of light spill from the buildings on the site.

The production of an Ecological Monitoring Strategy by condition including light monitoring.

The HRA concluded that providing mitigation measures are secured by condition, there will be no adverse effect on the integrity of the South Hams SAC alone or in combination with other proposals or projects.

Comments and recommendations for conditions in relation to Bats, Dormice, Great Crested Newts, Badger, Cirl Buntings, nesting birds and reptiles have also been provided.

...

This project has been subject to an appropriate assessment for which the competent authority has concluded that with proposed mitigation measures in place, there would be no adverse effect on integrity on the South Hams SAC.

6.15. **Additional Comments Awaited**

6.16. **Green Infrastructure Officer (14th September 2021):**

These comments relate to sustainable travel and do not encompass other GI elements.

- 1) ...
- 2) Noting ecology considerations, all opportunities for lighting the pedestrian and cycle routes incorporated that's of an appropriate colour spectrum level and level of luminosity are expected.
- 3) Whilst Kingsteignton is the nearest settlement, there are communities to the north and west of the site (including Chudleigh and Chudleigh Knighton) from which employees could commute by sustainable modes and we would want to see pedestrian and cycle access from the northern boundary of the development provided.
- 4) Where the application refers to provision of secure cycle facilities it should confirm that covered, convenient and visible facilities will be provided. As with the vehicular traffic assessment, it should also provide for sufficient cycle spaces per employee in a manner that is informed by a robust assessment of current and future needs.
- 5) Infrastructure for cyclists also includes shower and changing facilities and a commitment to deliver of these facilities for employees is expected. This will help to demonstrate that appropriate opportunities to promote sustainable transport modes have been taken up.
- 6)

6.17. **Environmental Health Climate Change (11th June 2021):**

Before works commence on each development phase, the applicant will need to evidence what measures will be implemented to:

- Mitigate carbon emissions associated with the use and disposal of materials on site including ground workings and construction wastes and
- Increase the use of locally sourced or recycled materials where appropriate to reduce embodied carbon emissions. This applies to all elements covered by the hybrid application including access roads, carparks, hard standings and buildings.

Initial proposals set out in the carbon reduction plan indicate that the first building covered by the Full Planning Application will meet or exceed a 48% reduction in emissions relative to the 2006 building regulations. A condition should be secured against the application to ensure that all phases of development (covered by the full and outline elements of the application) achieve a minimum 48% reduction in emissions, as the development is built up in further detail, the applicant is advised to follow the energy hierarchy and adopt measures in the order of: building fabric energy efficiency, energy efficient equipment, low carbon heating and low carbon power. Improvements in the building fabric efficiency should target the notional building specification.

The carbon reduction plan and transport plan submitted with the application don't appear to include provisions of electric vehicle charging. Each building should be equipped with at least one 'active' EV charging bay plus a further one in five bays being made 'EV ready'. A condition should be secured to achieve this.

6.22 Additional Comments (11th October 2021):

6.23. The carbon reduction plan shows that the current design delivers a 25% reduction in emissions relative to Part L2A 2013, which is a welcome step. The design appears to rely on a solar PV system to offset carbon emissions from gas-fired heating and other sources of energy consumption. Given that the grid-supplied electricity has decarbonised significantly since Part L 2013, in reality the carbon reduction generated from the solar PV system will be less than the emissions stated in the accompanying SAP calculations, as such, this approach is not considered good practice; as an alternative, I would encourage the applicant to increase building energy efficiency standards by targeting the notional building specification under Part L2A; this would demonstrate steps following the energy hierarchy and compliance with Policy 6(c), as raised in the initial climate change consultation response.

Regarding the updated proposals for EV infrastructure, provision of EV charging in ten bays is a welcome proposal, however the coverage of EV charging will need to be increased, to ensure that at least one EV charge point is installed per construction phase plus the provision of “Passive” EV charging infrastructure in at least one in five car parking bays (20%) including disabled bays. The minimum specifications for EV charging infrastructure are set out in the initial climate change consultation. A condition is recommended to secure this infrastructure.

6.24. Additional Comments Awaited:

6.25. Environmental Health Noise (20th May 2021):

The close proximity of residential dwellings to this proposal means that complaints of noise nuisance are likely to be received, with particular reference to noise and light intrusion.

...

Should the application be approved the following conditions are recommended:

Noise levels arising from the operation of plant and machinery should not exceed a continuous sound pressure level (LAeq 5dB) above the background noise level (LA90) prevailing at the time over any 15 minute duration, at the facia of the nearest noise sensitive dwellings

During the construction phase works that are likely to give rise to significant levels of noise, including vehicle movements should be restricted to the following hours

0800-1800 Monday- Friday
0800-1300 Saturday

There should be no works carried out which create significant levels of noise outside of these times, on Sundays, or on Bank Holidays.

Waste arising from the clearance of the site should be disposed of by alternative means other than by burning.

6.26. Environmental Health Contaminated Land (19th April 2021):

6.27. Additional Comments (20th August 2021):

No further concerns and no objections to the application.

6.28. Designing Out Crime, Police Architectural Liaison Officer (9th April 2021):

Provided design feedback / comments

6.29. Devon Stone Federation (28th June 2021):

No objection.

7. REPRESENTATIONS

7.1. 6 representations have been received (4 comments, 2 objections). Issues raised:

- Queries regarding what will be done to protect Sandygate / Higher Sandygate and highway access, safety and usage
- Request for additional 7.5t weight limit restriction signage at Sandygate roundabout and no access to new development signage
- Request for confirmation that private road will be available in perpetuity for use by new development
- Concerns that there are no existing footpaths along Higher Sandygate lane to the development so employees and visitors to site will be encouraged to drive
- Queries regarding the number of parking spaces available
- Concerns regarding light and disturbances to nearby residents at night
- Concerns regarding surface water run off and the impact on the Ugbrooke Stream
- Issues relating to the need for archaeological investigation and concern for the Roman Road
- Concerns regarding the loss of recreation space and impact on flora
- Suggestion that the land be returned to natural woodland

8. TOWN / PARISH COUNCIL'S COMMENTS

8.1. Kingsteignton Town Council:

8.2. 30th April 2021: *No objection, subject to some of the issues we have pointed out, need to be taken into account.*

CAT B Mitigation as a Town Council

Access should be from Clay Pits Way

Ecology issues – the loss of natural habitat (Greater Horseshoe Bats)

Light pollution

Pollution from excess traffic

Local plan KS3 concerns

8.3. 4th June 2021: *We would like to make the following observations on the above planning application:*

- *Consideration to be given to the fact that this application could provide up to 500 jobs*
- *R D Johns will take over one unit and they employ 200 members of staff. Would all jobs with R D Johns be new or the same as at their present premises in Newton Abbot. We know nothing about the remaining units*
- *Distribution hubs will add noise, light and air pollution to an areas of Kingsteignton already under pressure from increased traffic flow.*
- *The Town Council need to know more facts and figures i.e. what sort of work – warehouse, admin etc., rate of pay being offered and whether being offered a zero hour contract or contract giving hours.*
- *There has not been a detailed consultation, it has not been widely consulted on and none of the residents nearby have been consulted.*
- *Site notice re planning application was not in place on the day it should have been.*
- *The whole of the summer should be spent carrying out surveys on the Bats and traffic etc. The traffic survey was taken in December, 2020, with the Country in Lockdown and the schools on holiday and the Bat survey was taken at a time when no bats are around.*
- *Biodiversity Assessment was carried out at the wrong time of year and assessment is very poor*
- *There are not just bats in this location but also dormice, newts, a herd of wild deer*
- *Lighting on site could be harmful to bats, if too bright, and other wildlife.*
- *Will the hedgerow be preserved*
- *There are various Orchids on this site, which should be protected*
- *A lot of work is needed to be carried out before the building can go ahead*
- *Devon Wildlife Trust should be asked to assess the site*
- *Main access to R D Johns runs along the hedge bank. Will this be removed to enable access? Also how many trees will be removed as this will all affect habitat in this area.*
- *Identification of vegetation needs to be obtained. There is an ancient lane in this area which will require an Archeological Report.*
- *Information on contaminated land required as there are unanswered questions as to why this area is so high. Reports of CO2 rising from the ground than would be expected.*
- *This application should be held up as there are weaknesses. Clarity and clarification required*
- *What is this site infilled with and who filled it in?*
- *There were recommendations for this site to be turned into a Wildlife and Eco Park, but these vaporized.*
- *Tests should be carried out on the bund to ascertain what is likely to be buried in this site.*
- *There are too many questions not answered in enough detail*
- *Highways are unimpressed as not sufficient preparation to protect walkers and cyclists. The road through Higher Sandygate is used by a lot of people.*
- *Concern over queues of traffic already seen from Newbridge turning right onto the B3193. Concerns of Air Pollution, noise and fumes which need to be monitored along Clay Pitt Road. This will be increased if this new site continues due to increase traffic levels.*
- *Suggest additional testing equipment be installed in this area*

- *Traffic survey to be carried out.*
- *Concern for Bats as traffic will cause havoc.*
- *Request for traffic flow count to be carried out in this area*
- *Request more work on what is going to happen on this site.*
- *How warehouse will blend into the habitat*
- *Take into consideration that the owner of this piece of land also owns the land the other side of the road*
- *Land near the Roman Road has been disturbed less and the old land is very ancient and Devon Archeological Society may like to carry out a quick survey*
- *How will disposal of materials be dealt with.*
- *Unclear what is being done to protect everyday green space*
- *Carbon calculations should be carried out – what sort of heating being used in buildings; impact of a large carpark; whether workers using cars to get to work will be taxed; whether only electric vehicles should be allowed on site, car sharing*

The Town Council are concerned that there are too many unanswered questions for this application to proceed at this present time.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Full Application: 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.
- 9.2. Outline Application: This is an outline application. CIL liability will be calculated when the reserved matters application is submitted, employment floorspace is zero rated and therefore no liability is expected.

10. ENVIRONMENTAL IMPACT ASSESSMENT

- 10.1. 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
- 10.2. 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, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

11. CARBON/ CLIMATE IMPACT

- 11.1. The full application is supported by a Carbon Reduction Report which sets out a strategy to re-use construction and demolition materials on site wherever possible, or to responsibly dispose of those materials, to use locally sourced materials wherever possible, to reduce the building's operational energy usage and to maximise the use of renewable energy. The strategy also includes a plan for the provision of electric vehicle charging infrastructure.
- 11.2. The strategy confirms that the building subject of the full application exceeds the 48% reduction in emissions required by policy S7 of the Teignbridge Local Plan.

- 11.3. The report sets out the measures that are being adopted to reduce carbon emissions and include the following measures. The building has been orientated to benefit from solar gain, glazing has been positioned to suit the internal space and to avoid overheating and glare (as well as to reflect ecological considerations). Artificial lighting is low energy and uses LED light sources. Natural ventilation has been optimised through consideration of dominant wind directions and wind catchers and passive ventilation will be used to take advantage of this further. The proposed warehouse area has been split into ambient and chilled/frozen areas with the ambient storage areas taking up 66% of the internal volume. Ambient areas are proposed to have less insulation to avoid overheating in the summer and frost in the winter. The building fabric has been designed to reduce heat losses and refrigeration units have been designed to minimise thermal losses. Rainwater harvesting has also been adopted. The roof has also been designed to allow for a photovoltaic system to be installed. 10 electric car charging points have been provided with additional infrastructure installed to allow for 70% of parking spaces to be capable of electrical charging in the future. Cycling has also been encouraged as a method of travelling to work through the inclusion of 30 bicycle storage spaces and the inclusion of staff showers within the building.
- 11.4. The Council's Climate Change Officer has been consulted on the revised Carbon Reduction Strategy and Members will be updated on his comments at the Committee. The Carbon Reduction Report submitted does however suggest compliance with policies relating to carbon reduction contained within Teignbridge Local Plan.

12. HUMAN RIGHTS ACT

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

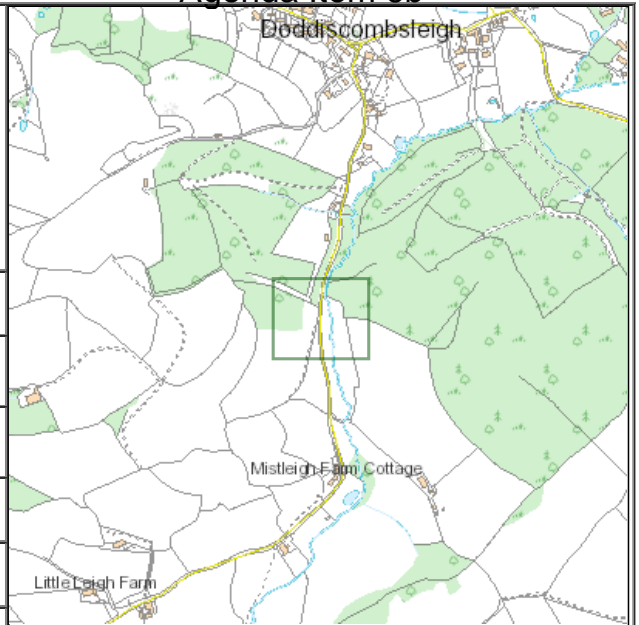
Business Manager – Strategic Place



Planning Committee Report

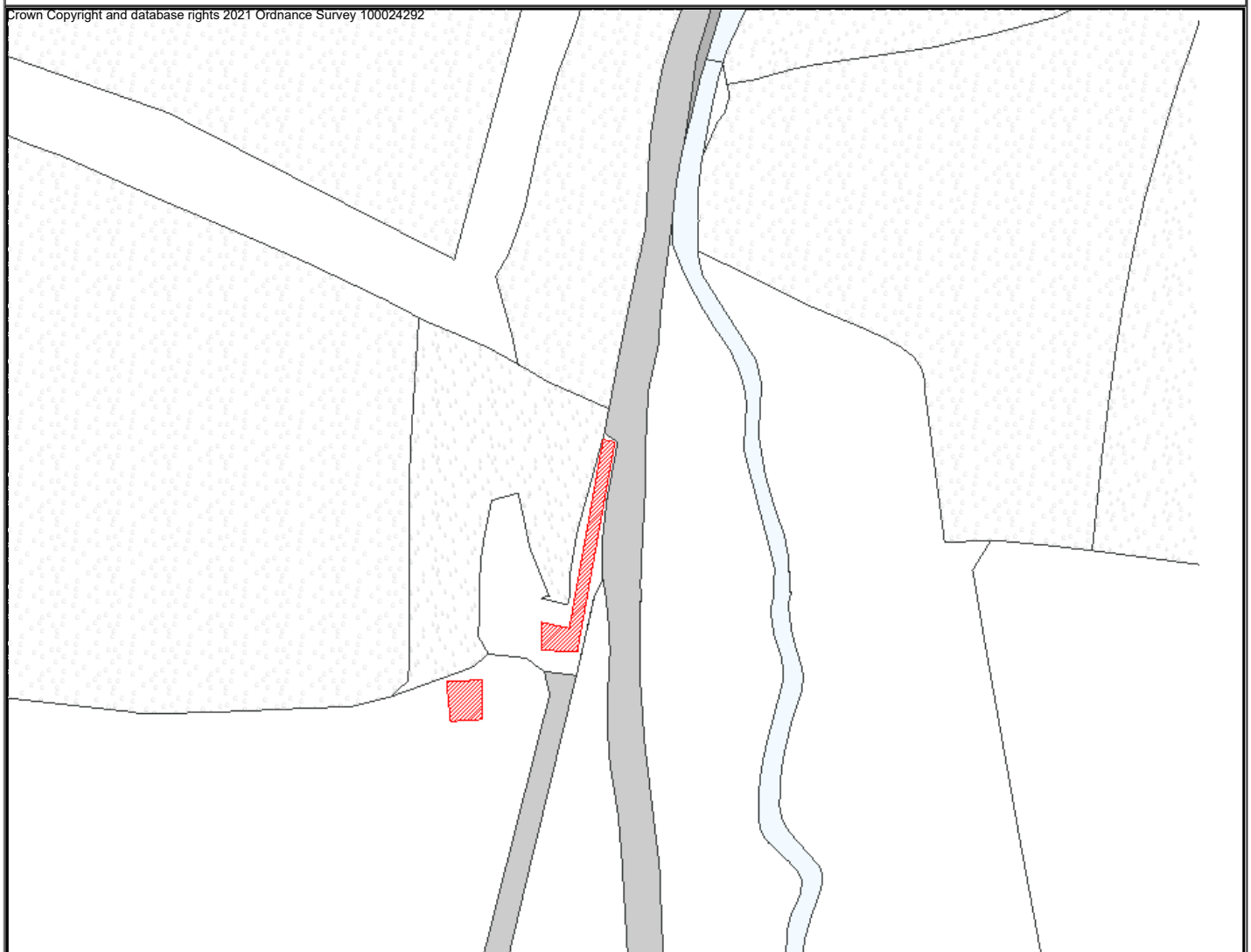
Chairman: Cllr. Mike Haines

Date	21 December 2021
Case Officer	Helen Murdoch
Location	Mistleigh Copse Cabin Ashton Lane Doddiscombsleigh Devon EX6 7RF
Proposal	Retention of wooden cabin for residential use
Applicant	Mr J Howson
Ward	Teign Valley
Member(s)	Cllr Stephen Purser, Cllr Terry Tume
Reference	21/01790/FUL



[Online Details and Documents](#)

RECOMMENDATION: null



1. REASON FOR REPORT

- 1.1 Cllr Purser has asked that the application be presented to Members of the Planning Committee should officers be minded to refuse. This is due to the difficult circumstances that the applicants find themselves in.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposals set out a scheme for the retention of a building and for its continued use as a dwelling house. The site lies within the open countryside beyond and removed from any defined settlement as set out in the Teignbridge Local Plan 2013 – 2033. In the absence of any overriding planning justification it is considered that the proposals fail to accord with policies S1A, S1 and S22 of the Teignbridge Local Plan 2013 – 2033, and the guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance.
2. The site lies within a designated Landscape Connectivity Zone associated with Greater Horseshoe Bats from the South Hams SAC. In the absence of any supporting Ecological Survey work it has not been demonstrated that the proposals would not have a detrimental impact on Greater Horse Shoe Bats and/or other biodiversity within this location nor has an appropriate scheme of mitigation and net gain been set out. As such the proposals are contrary to policies S1, S22, EN8 and EN11 of the Teignbridge Local Plan 2013 – 2033 and the guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance.
3. The application site lies within the open countryside in an Area of Great Landscape Value. The proposals see the domestication of an area of woodland / scrubland, through the introduction of access tracks, parking areas, a building and associated domestic paraphernalia surrounding the building to the detriment of the character and appearance of this area. The proposals do not accord with policies S1, S2 and EN2A of the Teignbridge Local Plan 2013 – 2033 which aims to conserve and enhance the qualities of such designated areas nor the guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance.
4. Insufficient information has been provided to demonstrate that surface and foul water generated from the site is handled appropriately and without detriment to the wider area, this is particularly important given the topography of the site and the proximity to the Shippen Brook. As such it is contrary to policy EN4 of the Teignbridge Local Plan 2013 – 2033 and to the guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance.

AND

5. Authority to take relevant enforcement action in relation to the use of the building be granted.

3. DESCRIPTION

The Site

- 3.1 The applicant owns a modest area of land some 4.5 hectares in size (approximate). The land comprises a mix of woodland and scrub land/grass land. The majority of the site but not the area where the cabin is located falls within an Unconfirmed Wildlife Site known as Doddiscombsleigh Hill. The site and wider area is within the Teign Valley and Slopes landscape Character Area and is part of a designated Area of Great Landscape Value. The site falls within a Bat Landscape Connectivity Zone associated with the South Hams SAC for Greater Horseshoe Bats. The site is accessed via a narrow track leading off of Ashton Lane. Parking is provided within the site. The site lies approximately 0.6 Km to the south of the village of Doddiscombsleigh. The site is set on a graded site sloping down from west to east.

The Proposal

- 3.2 This application seeks permission for the retention of a building, known as “The Cabin” which was completed on site in March 2020 and for its continued use as a single dwelling. The building is a timber clad structure of simple form providing very modest living accommodation – for reference purposes, it is significantly below the Nationally Described Space Standard suggestion of 50 sqm for a 2 person flat or 58 sq m for a 2 person house. Surface water drainage is taken to a sustainable drainage system and foul water is treated by a septic tank. No details of either have been provided so as to assess suitability or effectiveness. There is a solar panel to provide a 12v lighting system. Whilst the applicant’s parents have been residing in this building and seek permission for its continued use as a dwelling, the building itself does not meet any of the required building regulations for residential buildings. In particular Devon Building Control Partnership have highlighted that the building breaches Building Regulation requirements relating to Part A (Structure), Part B (Fire), Part C (Resistance to Moisture), Part H (Drainage) and Part L (Thermal Insulation). Policy S1 requires that development proposals should ensure that the health, safety and amenity of future occupiers are duly taken account of.

Principle of the Development / Sustainability

- 3.3 The application site lies in the open countryside beyond and not adjoining any defined settlements. Doddiscombsleigh is the nearest settlement some 0.6Km to the north of the site. There is no safe walking access route leading directly to Doddiscombsleigh. Residents would need to walk along Ashton Lane. Doddiscombsleigh is defined as a village in policy S21 as being an appropriate location for limited development which meets its social and economic needs and protects its rural character. Policy S22 makes provision for a number of limited circumstances when a dwelling in such a location may be acceptable, the application does not make a case that any of these circumstances apply. As such the scheme as set out presents a scheme for a dwelling in the open countryside in an unsustainable location contrary to Local Plan policy.

Impact upon the character and visual amenity of the area

- 3.4 The existing building is small, just 6m x 5.6m and comprises two ground floor rooms with a mezzanine above. As such the building itself has limited visual impact as it is largely screened from the wider area by trees and due to the topography. The application itself does not set out a clear defined domestic curtilage. However, it is

inevitable that domestic paraphernalia will spread beyond the building, and it is already doing so. This spread of domestic activities such as washing lines, outside seating, plant pots etc are not in-keeping with the character of the area and would be unwelcome additions within this rural setting contrary to policies S2 and EN2A of the Local Plan. The formation of tracks, parking areas and the clearance of the site for the setting of the cabin have all had a detrimental impact on the character of the site. Given the sensitivities of this designated Area of Great Landscape Value it is not considered that such an intrusion into the site would accord with policy EN2A of the Local Plan.

Biodiversity

- 3.5 The site lies within a Landscape Connectivity Zone associated with the South Hams SAC for Greater Horseshoe Bats. The introduction of a residential use within this woodland area is considered unfavourable and could give rise to detrimental impacts on the local ecology and biodiversity of the area through loss of habitat, light and noise pollution. The application has not been supported by any form of Ecological Survey work to help better understand the potential impacts of such a scheme and how, if at all they could be mitigated. No scheme showing a net gain has been provided either. As such the proposals do not accord with policies EN8 and EN11.
- 3.6 The site lies within 10Km of the Exe Estuary SPA and Ramsar site and will increase recreation impacts on these interest features. As such it is concluded that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA and Ramsar Site SAC, in the absence of mitigation. An appropriate payment has been made through the Joint Approach to fund appropriate mitigation this was made following the completion of an Appropriate Assessment.

Access

- 3.7 Access to the site is via an access gate and associated track. Whilst the access point is not formally laid out, given the quiet nature of the road it is considered acceptable. It is understood that there are concerns regarding the number of vehicles already using a difficult network of roads which are narrow and in places have poor alignment. It is not considered that a single dwelling would generate a significant level of additional vehicular trips such that it would have a detrimental impact on highway safety in this area. The applicant or family could attend the site on a daily basis in order to manage and maintain it.

3.8 Drainage

The application sets out that surface water is handled via a sustainable surface water drainage system and foul water is taken to a septic tank. No details of either system have been provided to demonstrate that they are adequate and fit for purpose. Given the topography of the site and the proximity to Shippen Brook it is considered that the drainage schemes for both surface and foul water need to be assessed fully. The application has provided insufficient information to assess this matter.

Circumstances of the Applicant and Enforcement Action

- 3.9 The applicant's parents have found themselves in an unfortunate situation. They were asked to move out of their rental accommodation where they had resided for some 25 years in Dunchideock. This coincided with a difficult time for Mr & Mrs Howson who after a period have found themselves residing at "The Cabin" and now seek to regularise this. It is understood that they are not in a position to purchase a property nor have the funding for long term rental. Our Housing Services Team have confirmed that emergency housing was provided but their homelessness application was closed when they surrendered the accommodation and indicated that they were going to live with family in Exeter and seek social housing. As such it is an unfortunately set of circumstances which have led to the applicant's parents being homeless and deciding to move into "The Cabin". However, the Local Plan does not make provision for personal circumstances such as these. The Ward Member has enquired as to whether a personal consent might be granted in light of the fact that there are difficult circumstances which have led to this situation recognising that an unfettered consent for a dwelling in this location would be contrary to Local Plan policy.
- 3.10 Unless the permission otherwise sets out, planning permission runs with the land and it is rarely desirable to provide otherwise. However, there may be occasions where it is proposed exceptionally to grant permission for use of a building or land for some purpose which would not normally be allowed at that site, simply because there are strong compassionate or other personal grounds for doing so. The Circular goes on to set out that such a personal condition will "scarcely ever be justified in the case of a permission for the erection of a permanent building."
- 3.11 Although the width and length of the building do not exceed that set out in the definition of a mobile home the nature of the building does not suggest that it could be moved in two halves. As such it is not a mobile home/caravan.
- 3.12 Whilst the circumstances of the applicant's parents are unfortunate it is not considered that a substantive case has been made to justify a personal consent nor has it been demonstrated that all other options, including working with the Housing Services Team further have been fully explored. The building regulations failures identified above support the clear position that this is not an appropriate place for anyone to be living at this time. Furthermore, the CIL liability (that would fall immediately to be due as the proposal is retrospective) generated by the development being approved may actually render the applicant's circumstances more rather than less difficult.
- 3.13 As such it is recommended that permission be refused and necessary enforcement steps taken against the use of the building for residential purposes – its retention in support of managing the land may be appropriate and will be considered further. In light of the difficult circumstances we would of course consider affording the applicants a longer timeframe to comply with any enforcement action to ensure that they do not find themselves without accommodation.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)
S2 (Quality Development)
S21 (Villages)
S21A (Settlement Limits)
S7 (Carbon Emission Targets)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN8 (Biodiversity Protection and Enhancement)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Full text is available on the file

Natural England

This development falls within the 'zone of influence' for the Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured. ...

6. REPRESENTATIONS

Full text is available on the file

6.1. Two letters of objection have been received raising the following planning related concerns:

- This retrospective approach could set a precedent for others the planning system is there to protect the countryside from such development.
- Built outside the settlement limit
- Built in rural land within an AGLV
- Have Building Regs been complied with?
- There have been a lot of excavation works to create the access and site for the cabin, which will have compacted the ground.

- Extra load on the already poor infrastructure, the roads are narrow with poor alignment.
- If approved it should be restricted to the applicants only
- There is regularly a generator running on site as the PV panel is not sufficient. This is noisy. If permitted its use should be restricted.
- What will happen in the future when family no longer have a need for it?
- Biodiversity implications no scheme showing a net gain has been provided.
- Concerns re loss of trees and damage to existing trees in close proximity to the Cabin
- Concerns regarding waste/ refuse
- Concerns regarding foul surface water, the site is close to the Shippen Brook watercourse

7. TOWN / PARISH COUNCIL'S COMMENTS

Doddiscombsleigh Parish Council discussed the 21/01790/FUL Mistleigh Copse Cabin planning application and decided to object to the proposal for the following reasons.

- The Parish Council is concerned about the principle of building first and applying for permission later. It is very likely that if permission were granted, it would create a negative precedent and similar cases would follow. This practice would have a detrimental effect on the landscape in an Area of Great Landscape Value, in close proximity to the National Park.
- The development happened on green land, outside of the village, in a forested area without previous consultation and in an uncontrolled way. The Parish Council would like to stop uncontrolled development and the erosion of the landscape.
- Impact on infrastructure. The property is accessed from a very narrow road and the development has a cumulative impact on traffic.
- Noise and impact on the environment. Although there is a solar panel installed which provides some of the energy that the property needs, it is not enough and a generator is frequently in operation as well. The noise has an impact on neighbours and on the environment.
- There are questions whether the drainage solution is adequate at this location.

8. COMMUNITY INFRASTRUCTURE LEVY

- The proposed gross internal area is 28.33 m². 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 zero. The CIL liability for this development is £7,894.46. This is based on 28.33 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. CARBON/ CLIMATE IMPACT

- 10.1 It is considered likely that the overall carbon/climate impact of this proposal will be low due to the small scale nature of the proposal. The scheme incorporates a solar panel and the building is of timber frame construction. The proposals are retrospective giving limited opportunity to incorporate carbon reducing technologies and techniques.

11. 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 COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE:	21 December 2021
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Major variation applications approved in previous calendar month

There were no such decisions during November 2021.

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

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TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE:	21 December 2021
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Appeal Decisions received during previous calendar month

21/00033/REF **ABBOTSKERSWELL** - Woodlands Stoneyhill
 Appeal against the refusal of 20/02364/FUL: Retention of building and alterations to form holiday accommodation

Appeal Dismissed. Delegated Decision

21/00031/NONDET **TEIGNMOUTH** - 1A Somerset Place Teignmouth
 Appeal against the non determination of 20/02154/FUL: Change of use, alterations and extension to form a three bedroom dwelling (description amended 03.12.2020)

Appeal Dismissed.

21/00032/FAST **ABBOTSKERSWELL** - 8 Wilton Way Abbotskerswell
 Appeal against the refusal of 21/00550/HOU: Demolition of existing entrance canopy and construction of new entrance porch with balcony over

Appeal Dismissed. Delegated Decision

21/00036/FAST **KINGSTEIGNTON** - 14 Clifford Avenue Kingsteignton
 Appeal against the refusal of 21/00638/HOU: First floor rear extension

Appeal Allowed. Delegated Decision

21/00043/FAST

TEIGNMOUTH - 15 Lyme Bay Road Teignmouth
Two storey extension

Appeal Dismissed. Delegated Decision

21/00057/FAST

TEIGNMOUTH - 92 Coombe Vale Road Teignmouth
Appeal against the refusal of 21/00768/HOU: Erection of garage
to front

Appeal Dismissed. Delegated Decision

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