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3 June 2024

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 11th June, 2024** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Atkins, Bradford, Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Sanders, J Taylor, D Cox (Vice-Chair) and Buscombe

Substitutes: Councillors Williams, Clarence, Gearon, P Parker, Ryan, Wrigley and Smith

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.

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

AGENDA

PART I (Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 12)
To confirm the minutes of meeting held on 14 May 2024.
3. Declarations of Interest.

4. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

5. Chairs' Announcements

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

a) 20/00400/FUL Ashburton - Higher Mead Farm (Pages 13 - 20)

b) 24/00265/FUL Tedburn St Mary - Red Lion Inn (Pages 21 - 34)

c) 23/01762/FUL Dawlish - Sea Lawn Terrace (Pages 35 - 42)

7. Enforcement Report: Woodland - Land at Chardanay 24/00177/ENF (Pages 43 - 48)

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 49 - 50)

9. S73 Major Decisions Summary (Pages 51 - 52)

For Information - Upcoming Site Inspection Dates

Should any site inspections be required before the next Planning Committee (23 July 2024) they will be held on Thursday 18 July.

**Public Access Statement
Information for the Public**

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

Please email democraticservices@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting. This will be on a Thursday before the meeting if the meeting is on a Tuesday.

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

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

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

PLANNING COMMITTEE**14 MAY 2024**Present:

Councillors Bradford (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Purser, Sanders, J Taylor and Williams

Members in Attendance:

Councillors Daws and G Taylor

Apologies:

Councillors Atkins and Bullivant

Officers in Attendance:

Trish Corns, Democratic Services Officer
Gary Crawford, Planning Officer
Jennifer Joule, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Ian Perry, Principal Planning Officer
Darren Roberts, Interim Planning Officer
Sim Manley, Interim Head of Development Management
Paul Woodhead, Monitoring Officer

19. MINUTES

It was proposed by Councillor Nutley and seconded by Councillor Nuttall that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

A vote was taken

Resolved

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

20. DECLARATIONS OF INTEREST.

Cllr J Hook declared an interest in applications 6b and 6c as she is acquainted with one of the directors and had met with the directors. She considered that she could speak and vote on this item.

Planning Committee (14.5.2024)

Cllr Nutley declared an interest in application 6a as he is the Executive Member for leisure. He has spoken to the Monitoring Officer and had been advised that he could speak and vote on this item.

Cllr Palethorpe declared an interest in applications 6b and 6c as he is the Executive Member for Estates and Assets. He left the chamber during discussion and voting on this item, and did not participate in either.

a) **24/00328/FUL - Broadmeadow Sports Centre, Teignmouth**

The Interim Planning Officer introduced the application to the Committee. The recommendation was changed to 'delegated authority to approve' due to the need for a bat survey to be carried out before approval could be granted. If the bat survey came back with evidence of bats the application would come back to Planning Committee for agreement.

Comments from Councillors during debate included:

- Ecological survey has been carried out in reception area

It was proposed by Councillor Nutley and seconded by Councillor Williams that delegated authority to approve be granted to the Interim Planning Officer, subject to the conditions listed below including the bat survey.

A vote was taken. The result was 12 in favour, 1 against, and 1 abstention.

Resolved

That delegated authority be given to the Interim Business Manager to approve the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission
REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the application form and the following documents:
 - Site Location Plan 1837-P001 Rev B
 - As Proposed Site Plan 1837-P100 Rev C
 - As Proposed Ground Floor Plan 1837-P101 Rev L
 - As Proposed First Floor Plan 1837- R102 Rev F
 - As Proposed Elevations 1837- P200 Rev DREASON: In order to ensure compliance with the approved drawings.
3. Development shall be carried out in full accordance with the Flood Risk Assessment dated January 2024, including the provision of a refuge at first floor level, use of a Flood Warning and Evacuation Plan, and signing up to the Environment Agency and Met Office warning services, for the lifetime of the development.
REASON: In order to minimize the risk to occupiers of the site in the event of flooding.
4. Prior to commencement of development, an emergence survey shall be

carried out within the bat activity season of May to August, in order to establish the presence of bats within the building.

Alternatively, a close inspection of each of the multiple potential roost features shall be undertaken by a specialist ecologist and any resultant measures undertaken.

The results of the survey or inspection shall be submitted to the local planning authority and agreed in writing prior to commencement of development.

REASON: To safeguard legally protected species and in the interests of biodiversity protection, in accordance with Policy EN8 of the Local Plan.

21. 22/01597/FUL - ALEXANDRA CINEMA, NEWTON ABBOT

The Senior Planning Officer introduced the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Cultural Hub for town
- Atrium extension necessary
- Income generation from bar/café area

Comments from Councillors during debate included:

- Size of auditorium
- View from the extension
- Decision should not consider viability
- Atrium has attractive design
- Why is the business plan condition necessary?
- Harm must be justified with public benefit
- Atrium provides public benefit

In response Officers clarified the following:

- No complaints from highways
- Balance between harm and public benefit
- The business plan helps offset the less than substantial harm and is essential for the officer recommendation

It was proposed by Councillor Macgregor and seconded by Councillor Hall that permission be granted as set out but with the removal of condition 3. Officers considered that the removal of this condition would change their recommendation from approval to refusal.

A vote was taken. The result was 4 in favour, 8 against, and 2 abstentions, therefore the vote was lost.

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

A vote was taken. The result was 8 in favour, 4 against, and 2 abstentions.

Resolved

Planning Committee (14.5.2024)

That permission be granted subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Standard three year time limit for commencement
2. Development to proceed in accordance with the approved drawings
3. Any works in association with or construction of the atrium extension shall not commence until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development to proceed only in accordance with the agreed phasing approach. The phased approach must secure the restoration of the single theatre/auditorium prior to or alongside the construction of the atrium-style southern extension.
4. Detailed drawings of off-site highway works to realigned footway (as requested by the Environment Agency) to be submitted to and approved in writing by the Local Planning Authority prior to any works to the atrium-style southern extension. Development to proceed only in accordance with the agreed footway design.
5. Resilience and resistance measures to protect against flood risk to be submitted to and approved in writing by the Local Planning Authority prior to any works to the atrium-style southern extension. Development to proceed only in accordance with the agreed measures.
6. Prior to occupation, flood emergency evacuation plan to be submitted to and approved in writing by the Local Planning. Plan to be made available to all occupants.
7. Development works to proceed in accordance with the precautions, measures and enhancements described in the Bat and Protected Species Survey.
8. Replacement tree planting to be secured.
9. Installation of cycle parking to be secured.
10. Programme of works to increase public understanding of Frank Matcham, prominent theatre architect from Newton Abbot. Details of which to be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.
11. Proposals for the development to reduce its carbon impact to be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.
12. Details of rooflights and requirement to lie flush as indicated on elevation drawings
13. Slate sample
14. Eaves details and rain water goods specifications
15. External new windows and doors specifications
16. Brick plinth sample

22. 22/01598/LBC - ALEXANDRA CINEMA, NEWTON ABBOT

The Senior Planning Officer introduced the application to the Committee.

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

A vote was taken. The result was unanimously in favour.

Resolved

That permission be granted subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Standard three year time limit for commencement
2. Development to proceed in accordance with the approved drawings
3. Any works in association with or construction of the atrium extension shall not commence until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development to proceed only in accordance with the agreed phasing approach. The phased approach must secure the restoration of the single theatre/auditorium prior to or alongside the construction of the atrium-style southern extension.
4. Demolition to take place by hand (to protect the listed building)
5. Scheme for protection of existing listed building features during works
6. Proposed internal elevation drawings
7. Detailed stage extension drawings
8. Retention and repair of the balcony structure
9. Details of rooflights and requirement to lie flush as indicated on elevation drawings
10. Slate sample
11. Eaves details and rain water goods specifications
12. External new windows and doors specifications
13. Brick plinth sample
14. Programme of works to increase public understanding of Frank Matcham, prominent theatre architect from Newton Abbot. Details of which to be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

a) **23.02157.FUL - Land Off Idestone, Ide**

The Senior Planning Officer introduced the application to the Committee.

Public Speaker, Objector – Spoke on:

- Road accidents in last 5 years
- No local demand
- Other dog walking sites available
- Noise issues
- Biodiversity concerns

Public speaker, Supporter – Spoke on:

- Principle of development supported
- No heritage objections
- Only 1 user with 4 dogs at one time

Planning Committee (14.5.2024)

- Limited number of vehicles per house
- No objections from consultees

Comments from Councillors during debate included:

- 31 objectors
- Agricultural land
- Change of business use
- Dog walkers would be responsible for the dogs
- Dog walking fields needed
- Narrow road
- Increased traffic
- No highways objections
- Good for dogs that struggle with socialisation
- No biodiversity statement
- Generates more traffic
- Better locations elsewhere
- Disruption to wildlife
- Loss of crop

In response Officers clarified the following:

- The site will only be used for dogwalking
- There will be 2 vehicles per hour
- The applicant would check the site daily
- Cirl bunting areas aren't on site
- Land can be converted back to agricultural use
- Biodiversity Officer doesn't consider there to be an impact

It was proposed by Councillor Parrott and seconded by Councillor Nuttall that permission be refused due to environmental and traffic concerns.

A vote was taken – the results were 4 in favour, 8 against, and 2 abstentions and so the vote was lost.

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

A vote was taken. The result was 8 in favour, 4 against, and 2 abstentions.

Resolved

That permission be granted subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Standard three year time limit.
2. Works shall proceed in accordance with approved plans.
3. The development shall not be brought into its intended use until details of the heritage information to be provided online and upon an interpretative display panel located on a publicly accessible boundary fence location have been submitted to and agreed in writing by the Local Planning

Authority.

4. The use hereby approved shall only be used for the exercising of dogs between the hours of 8am to 8pm April – October and 8am to 4pm November - March.
5. Dog walking sessions must be limited to one customer per session with a maximum of two booked sessions permitted per hour.
6. No external lighting shall be installed on, or in association with the development unless otherwise agreed in writing by the Local Planning Authority.

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

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

24. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet.

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

Cllr Colin Parker
Chair

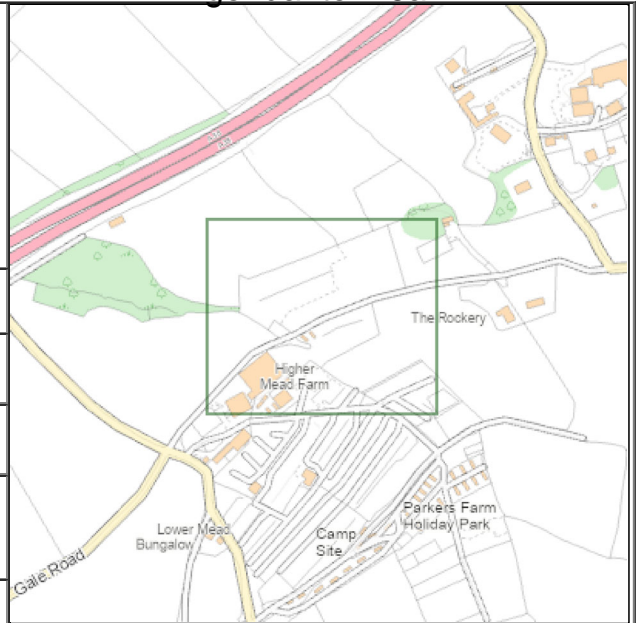
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Planning Committee Report

Chairman: Cllr Colin Parker

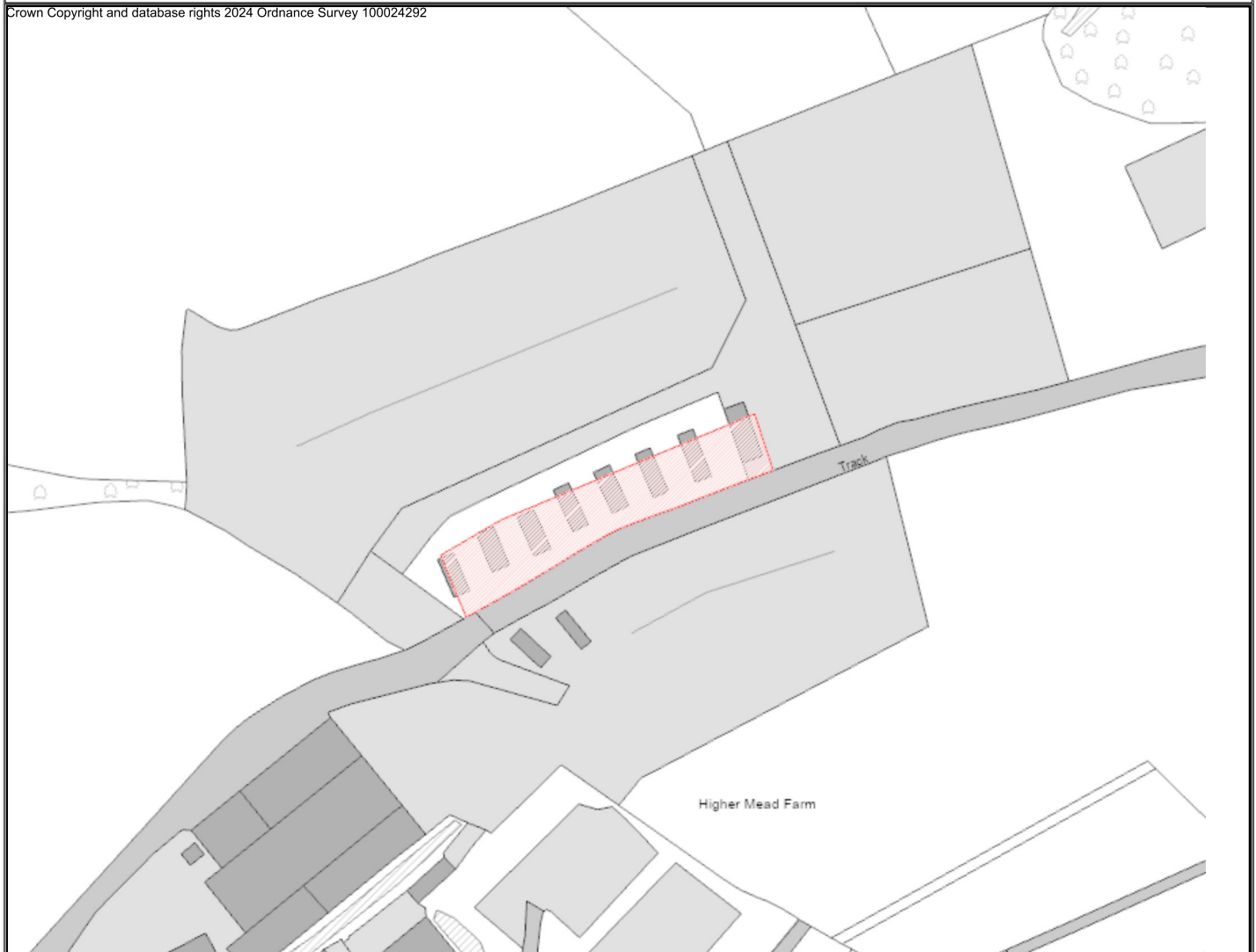
Date	11 June 2024
Case Officer	Gary Crawford
Location	Higher Mead Farm Alston Cross Ashburton Devon TQ13 7LJ
Proposal	Change of use of land to allow the siting of 8 static caravans for holiday use including associated staff accommodation
Applicant	Mr P Parker
Ward	Ashburton And Buckfastleigh
Member(s)	Cllr John Nutley, Councillor Stuart Rogers
Reference	20/00400/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

The applicant is a Council Member.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Works shall proceed in accordance with approved plans.
2. Within 3 months of this decision notice, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall ensure it details retention of the existing hedge along the southern boundary of the site; and the creation of a Devon bank and native-species hedge along the northern, western and eastern boundaries of the site. The work shall be carried out in accordance with the LEMP.
3. No external lighting shall be installed on, or in association with the caravans hereby approved, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), sensitive to large objects only (to avoid triggering by bats or other wildlife).
4. The occupation of the caravans hereby approved shall be for holiday purposes or by persons solely or mainly employed by Parkers Farm Holiday Park only. The caravans shall not be occupied as a person's sole or main place of residence. The owner shall maintain an up-to-date register of the detail of all occupiers, including their names and main home addresses, of the caravans hereby approved and shall make the register available for inspection at all reasonable times by the local planning authority.

3. DESCRIPTION

The site

- 3.1 The application site relates to land located approximately 220m south of the A38 and on the opposite side of the road to Mead Storage, Mead Garage and Parkers Farm Holiday Park. Planning permission was granted under reference number 20/00375/MAJ in March 2021 for a change of use of the land immediately to the north of the application site from agricultural land to storage for caravans, boats and motor homes/vehicles (use class B8).
- 3.2 In terms of planning policy, the site is located within designated countryside. The site also lies within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone and within a Mineral Safeguarding Area for the limestone resource.

The application

- 3.3 This application seeks retrospective permission for a change of use of the land to allow the siting of 8 static caravans for holiday use, including associated staff accommodation.

Main issues

The main issues for consideration are:

- Principle of the development;
- Impact upon the character and visual amenity of the area/open countryside;
- Impact on residential amenity;
- Biodiversity impacts;
- Drainage;
- Highway safety; and,
- Minerals.

Principle of the development

- 3.4 Teignbridge Local Plan 2013-2033 Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case, it is considered that the principle of the static caravans for holiday use is acceptable as the use of these caravans would be in relation with Parkers Farm Holiday Park on the opposite side of the road and Policies S22 (Countryside), EC11 (Tourist Accommodation) and S12 (Tourism) of the Local Plan allow such development.
- 3.5 With regards to the proposed associated staff accommodation, further clarification has been sought from the applicant with regards to how many of the caravans would be used to accommodate staff and the justification for staff living on the site. The applicant's agent has confirmed that 4 of the 8 statics are proposed for staff accommodation in connection with the caravan park. In addition, the applicant's agent has advised that the applicant has experienced difficulties in recruiting staff locally, particularly site wardens, as they are either on call 24 hours, or work split shifts. The agent has advised further that it would be very difficult for someone living off site to be on call for 24 hours and that the applicant has always had to advertise nationally to attract staff willing to work to those particular work patterns. Officers consider that the applicant has provided sufficient justification for the proposed staff accommodation and it is considered that the proposed staff accommodation is acceptable as it would with the continued operation of an existing Holiday Park.

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

- 3.6 It is acknowledged that the proposal does have an impact upon the character and appearance of the open countryside. However, the site is set down from the A38 and it is well screened when viewed from the A38 by a mature belt of trees and hedges. Furthermore, the site is located adjacent to the storage use approved

under application 20/00375/MAJ and it is set against a backdrop of existing buildings and caravans which form Mead Garage and Parkers Farm Holiday Park. As such, it is considered that the proposal does not appear unacceptably out of keeping with the character of the area.

Impact on residential amenity

- 3.7 Whilst there may be some noise and disturbance impacts upon the occupiers of the static caravans from the adjacent storage use, it is considered that any noise and disturbance impacts would not be significantly harmful enough to warrant a refusal of this application. It is not considered that the caravans themselves would lead to unacceptable levels of noise.

Biodiversity impacts

- 3.8 The application site is located within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone. The Biodiversity Officer has been consulted on this application and they consider that for the benefit of the SAC's greater horseshoe bats, connectivity of bat flyways along linear landscape features should be retained and light spill or pollution should be avoided.
- 3.9 To minimise impacts on SAC bats, the Biodiversity Officer has requested that an external lighting condition is included with any permission. In addition, as there will still be some light spill, to help maintain a choice of dark flyways for SAC bats, the Biodiversity Officer has recommended that a further condition is included which requires the retention of the existing hedge along the southern boundary of the site; and creation of a Devon bank and native-species hedge along the northern, western and eastern boundaries of the site. The recommendations of the Biodiversity Officer are considered reasonable and necessary for the proposal to be acceptable. The lighting condition will be included if Members are minded to approve and the other matters will be requested via the submission of a Landscape and Ecological Management Plan.

Drainage

- 3.10 It is proposed that surface water from the caravans would be drained into the existing gravel on the site, as already approved for the adjacent storage use under planning permission 20/00375/MAJ. Devon County Council's Flood and Coastal Risk Officer has advised that the applicant must ensure that the caravans do not cause an obstruction to maintenance access for the ordinary watercourse and it is recommended that this is included as an informative with any approval.

Highway safety

- 3.11 Devon County Council's Highways department have been consulted on this application and they have commented that they do not consider that the number of vehicles that the site is likely to generate will have a severe impact on the existing Highway network. As such, the Highway Authority have raised no objections to the proposal. The Planning Case Officer has considered this response and has no objection to the proposal in this respect.

3.12 Although the 8 static caravans proposed under the current application are located on the opposite side of the road from Parkers Farm Holiday Park and are subsequently detached from the main site, given that the 8 static caravans are located an approximate 200m walk from the Holiday Park, it is considered that, on balance, the separation between the application site and the Holiday Park is acceptable.

Minerals

3.13 Although the application site is located within a Mineral Safeguarding Area for the limestone resource, given that this area of resource is already constrained by existing development, both Devon County Council's Minerals department and the Devon Stone Federation have raised no objections as the development would not materially increase the degree of constraint. Officers consider, on balance, that there are no objections to the scheme on mineral working grounds.

Conclusion

3.14 The proposal would support an existing Holiday Park in this rural area and it is not considered that there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits that this consent would bring to the local rural economy. The Officer recommendation is therefore to grant conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

Policy S1A (Presumption in favour of Sustainable Development)

Policy S1 (Sustainable Development Criteria)

Policy S2 (Quality Development)

Policy S7 (Carbon Emission Targets)

Policy S12 (Tourism)

Policy S22 (Countryside)

Policy EC11 (Tourist Accommodation)

Policy EN2A (Landscape Protection and Enhancement)

Policy EN4 (Flood Risk)

Policy EN8 (Biodiversity Protection and Enhancement)

Policy EN10 (European Wildlife Sites)

Policy EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Biodiversity Officer (see application file for comments in full):

No objections, subject to conditions with regards to external lighting and the retention of existing/creation of new hedges.

TDC Landscape Officer: No objection.

TDC Drainage Engineers (see application file for comments in full):

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant must submit information regarding the management and maintenance of the proposed surface water drainage system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

DCC Highways (see application file for comments in full):

The Highway Authority does not consider the number of vehicles the site is likely to generate will have a severe impact on the existing Highway network and as such has no objections to the proposal.

DCC Flood and Coastal Risk Officer (see application file for comments in full):

It is understood that the caravans will be able to drain into the gravel as proposed within planning application 20/00375/MAJ.

The applicant must ensure that the caravans do not cause an obstruction to maintenance access for the Ordinary Watercourse.

DCC Minerals:

The application site is within a Mineral Safeguarding Area for the limestone resource, with Policy M2 of the Devon Minerals Plan seeking to protect such resources from sterilisation or constraint by non-mineral development.

In this case, this area of resource is already constrained by existing development, and the proposals would not materially increase the degree of constraint. Devon County Council therefore has no objection in its role of mineral planning authority.

Devon Stone Federation:

The site lies within the Mineral Safeguarding Area defined to protect an important limestone aggregate deposit. In this case, there is already more sensitive development closer to the ongoing and future quarrying of the deposit than the proposal would be and therefore it would not cause additional constraint than exists at present. Therefore, the DSF does not wish to raise an objection to the proposal.

6. REPRESENTATIONS

A site notice was erected.

No representations have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ashburton Town Council: Record a neutral opinion on the application.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Head of Place and Commercial Services

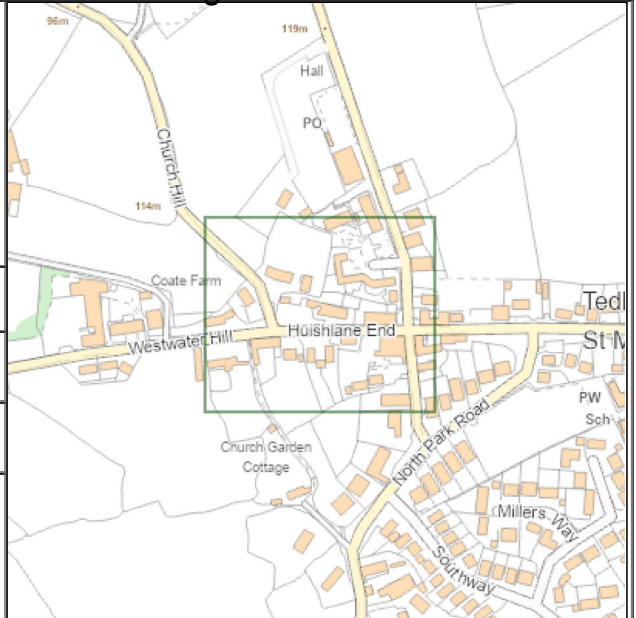
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Planning Committee Report

Chairman: Cllr Colin Parker

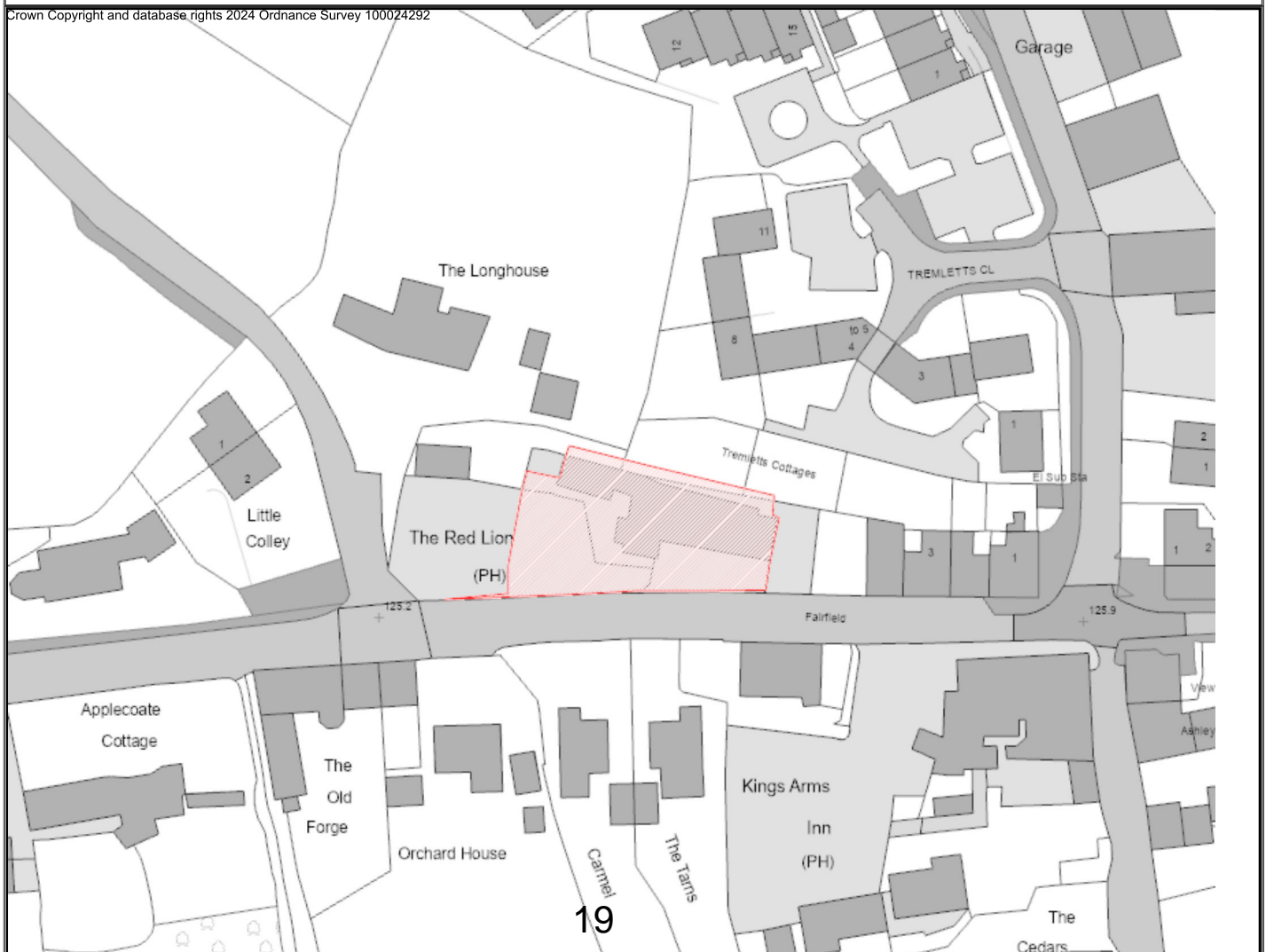
Date	11 June 2024
Case Officer	Gary Crawford
Location	Red Lion Inn Road Past Coate Farm Tedburn St Mary Devon EX6 6EQ
Proposal	Change of use and conversion of public house and one flat into four houses with associated garden and parking including demolition of single storey extensions and retention of an EV charging facility
Applicant	Mr T Tume
Ward	Teign Valley
Member(s)	Cllr Stephen Purser, Cllr Andrew Swain
Reference	24/00265/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This application has been called in by both a Ward Member and by the Parish Council for the following reasons:

- Policy WE12 loss of leisure and community facilities - the loss of the Red lion pub is felt keenly by locals who want to reopen it on a commercial basis as a community pub.
- Lack of parking for the development.
- Highway safety.
- Inadequate drainage.
- The impact on the village community from the proposed change of use.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Head of Development Management:

1. Standard three year time limit for commencement.
2. Works shall proceed in accordance with the approved plans.
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.
4. Prior to commencement of any part of the site, the Local Planning Authority shall have received and approved a Construction Management Plan (CMP).
5. Prior to the commencement of the development, details of carbon reduction measures shall be submitted to and approved in writing by the Local Planning Authority.
6. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with drawing C23219-TP001 Rev B.
7. The works shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report.
8. The dwellings hereby approved shall not be brought into use until the parking area detailed on the approved plans has been completed and this area shall thereafter be retained for the life of the development.
9. Prior to its first use on the building, slate sample details shall be submitted to and approved in writing by the Local Planning Authority.
10. Some permitted development restrictions on proposed properties.

3. DESCRIPTION

The site

- 3.1 The site relates to the Red Lion Inn, Tedburn St Mary, a two storey, detached building with single storey extensions to its front, side and rear. The pub is set back from the road with a beer garden to the front (south) and a car park to the west which contains an electric vehicle charging point. The pub is currently vacant and has been closed since July 2022. The Red Lion was registered as an Asset of Community Value (ACV) on 15 December 2023.
- 3.2 The site is located within the settlement boundary of Tedburn St Mary. The Grade II listed Vennemile (The Longhouse) is located immediately to the north of the car park of the Red Lion Inn. The Grade II listed Kings Arms public house is located to the south east of the application site, on the opposite side of the road, and the Grade II listed Applecoate Cottage is located to the south west of the application site, on the opposite side of the road.

The application

- 3.3 This application seeks permission for the change of use and conversion of the public house into four houses with associated gardens and parking, including the demolition of single storey extensions and the retention of the electric vehicle charging facility within the car park. The new dwellings would consist of 2 x 2 bedroom dwellings and 2 x 1 bedroom dwellings. It is proposed to erect a 1m high rendered blockwork wall to the front of the new dwellings which would be set back approximately 1m from the highway and a path would be formed from the car park to the front of the new properties. It is also proposed that each dwelling would be served by one allocated parking space each and two spaces would be allocated as visitor parking. The existing electric vehicle charging point and its two allocated parking spaces would be retained. It is proposed to erect a chain link fence between the car parking area and the remainder of the former pub car park to the west in order to prevent access to this area.

Main issues

The main issues for consideration are:

- Principle of the development;
- Highway safety;
- Impact upon the character and visual amenity of the area;
- Impact on the setting of listed buildings;
- Impact on residential amenity;
- Drainage;
- Biodiversity impacts
- Carbon reduction; and
- Other matters.

Principle of the development

- 3.4 Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013-2033 (hereafter “the Local Plan”) details that within the settlement limit development will be permitted where it is consistent with the provisions and policies of the Local Plan. As the application site is located within the settlement limit of Tedburn St Mary, the principle of residential development in this location is considered to be acceptable, however, this is subject to compliance with other relevant policies of the Local Plan.
- 3.5 Policy WE12 (Loss of Local Facilities) of the Local Plan sets out that to maintain a range of accessible services within an area, the redevelopment or loss of retail, leisure, community, and other key local community and commercial facilities for another use will not be permitted unless one of the following criteria apply:
- a) there will continue to be a sufficient choice of that type of provision within the local area;
 - b) the existing use is causing a significant problem which can only be resolved with relocation and which outweighs the loss of that type of provision;
 - c) the proposed replacement use has significant benefits which outweigh the loss of that type of provision; or
 - d) it can be demonstrated that the use is no longer necessary or viable in the long term.
- 3.6 Given the close proximity of the Kings Arms public house to the application site and given the size of the village of Tedburn St Mary, it is considered that the proposal would comply with criterion a) of Policy WE12. It is noted that representations have been received to this application which state that the applicant has not demonstrated that the Red Lion is not viable as a public house. However, given that Policy WE12 requires proposals to comply with only one of the policy criteria rather than all four, further information regarding the viability of the pub has not been sought from the applicant.
- 3.7 The Red Lion was registered as an Asset of Community Value (ACV) on 15 December 2023. The Community Right to Bid (‘the Right’), which is also known as Assets of Community Value, is one of the community rights derived from the Localism Act 2011, all of which have a stated aim of devolving power to local communities. The aim of the Right is to empower communities wishing to protect valuable local assets (land and buildings) by requiring the Council to maintain a list of assets in its area which are of community value, so that upon sale, the community will have a chance to delay a sale in order to prepare a bid to buy it. The Right does not restrict in anyway who the owner of the asset can sell their property to, or at what price and it does not confer a right of first refusal to community or voluntary groups.
- 3.8 As such, whilst it is acknowledged that the Red Lion has recently been registered as an ACV, it is considered that given the close proximity of the Kings Arms public house to the application site and given the size of the village, the proposal would

still comply with criterion a) of Policy WE12 and that the principle of the proposed conversion of the Red Lion to residential development would be acceptable.

Highway safety

- 3.9 It is proposed that each dwelling would be allocated a parking space each and two spaces would be allocated as visitor parking within the existing pub car park. In addition, the existing electric vehicle charging point within the pub car park and its two allocated parking spaces would be retained.
- 3.10 Devon County Council's Highways Officer has been consulted on this application and they consider that the visibility at the access to the site is acceptable. The Highways Officer has requested that a condition is included with any approval which requires the visibility splays to be provided, laid out and maintained in accordance with the submitted drawings. If approved Officers consider such a condition is necessary to make the proposal acceptable in these terms.
- 3.11 A swept path analysis has been carried out which shows that a vehicle can turn around, albeit slightly awkwardly, within the curtilage of the site, allowing both access and egress in a forward gear. However, this is reliant on at least one car parking space being available to allow for turning. The Highways Officer has commented that the fact that vehicles may occasionally have to reverse onto the C class road has been considered and he considers this to be acceptable, given both the speed limit (30 mph) and the class of the road.
- 3.12 The Highways Officer has advised that the lack of on-site parking spaces could result in vehicles parking on the public highway, potentially prejudicing highway safety. As such, the Highways Officer has suggested that the provision for additional parking should be made available, or remain available, in the existing pub car park for the new development. The submitted drawings show that it is proposed to erect a chain link fence between the car parking area for the new dwellings and the remainder of the former pub car park to the west, to prevent access to this area. As the western half of the pub car park is located outside of the red line on the site location plan for this application (this land is outlined in blue as it is still owned by the applicant), separation of the eastern and western half of the car park is deemed necessary in order to secure the cessation of the pub car parking on the western half of the car park as this would no longer be lawful in the absence of a pub use to park for. As such, given the proposed chain link fence between the car parking area for the new dwellings and the remainder of the former pub car park to the west, it would not be possible for any additional parking spaces to be made available as part of this planning application.
- 3.13 Given that the proposal seeks permission for the conversion of the pub to 2 x 2 bedroom dwellings and 2 x 1 bedroom dwellings, it is considered that the provision

of one allocated parking space per dwelling and two visitor parking spaces is an acceptable level of on-site parking provision for dwellings of this size in this location. Whilst vehicles could potentially park on the public highway as a result of the proposed development, it is also currently possible for vehicles to park on the public highway in front of the pub and vehicles could have previously parked on the public highway whilst the Red Lion was still in operation as a pub.

- 3.14 The Highways Officer has advised that the number of trips associated with the site, both pedestrian and vehicular, is likely to be less for the proposed development than that of its extant approved use as a public house. As such, the Highway Authority have advised that they are satisfied that the proposed development is unlikely to have a severe impact on the existing highway network in terms of either safety or capacity.
- 3.15 The Highway Authority have recommended that a condition is included with any approval requiring the submission of a construction management plan (CMP) prior to the commencement of any development on the site. As such, Officers have considered the comments of the Highway Authority and subject to conditions to secure the submission of a CMP and for the proposed visibility splays to be provided, the proposal is considered to be acceptable in terms of highway safety.

Impact upon the character and visual amenity of the area

- 3.16 The Red Lion public house is evident in its present siting on the 1840 Tithe Mapping and later on the first edition of the ordnance survey map from 1880. The Red Lion has retained its linear plan form and thick cob walls and the building is considered to be a non-designated heritage asset. It is considered that the proposed removal of the existing flat roofed front and side extensions would be an improvement to the building and these alterations would better reveal the significance of the non-designated heritage asset.
- 3.17 Representations with regards to the potential for domestic paraphernalia to be stored in the front gardens of the proposed properties are noted. However, the proposal includes the construction of a 1m high rendered blockwork wall to the front of the new dwellings and this would enclose the front gardens of the new dwellings and form an element of screening of any domestic paraphernalia. In addition, the submitted plans detail that each property would be provided with a bin and bike store within their front gardens. Furthermore, planning permission would be required for the erection of any buildings within the front gardens of the proposed dwellings as any buildings would be forward of the principal elevation of the new dwellings.

Impact upon the setting of listed buildings

3.18 Paragraph 205 of the revised National Planning Policy Framework (NPPF) 2023 states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

3.19 Paragraph 206 of the NPPF details that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 208 of the NPPF specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.20 The proposed construction of the 1m high rendered blockwork wall to the front of the Red Lion and the formation of the front gardens of the new dwellings would have result in some harm upon the setting of the Grade II listed Kings Arms. However, it is considered that any harm upon the Kings Arms would be less than substantial and it is deemed that the public benefits of the proposal, in the form of the provision of four residential dwellings in a sustainable location, would outweigh this harm. It is considered that the proposal would not result in any harm to the setting of the Grade II listed Vennemile (The Longhouse) to the rear of the Red Lion and that the proposed removal of the existing flat roofed front and side extensions of the Red Lion would result in an improvement to the setting of this building. Due to the distance between the application site and the Grade II listed Applecoate Cottage, and due to the existing buildings which are located between the Red Lion and Applecoate Cottage, it is deemed that the proposal would not result in any harm upon the setting of this listed building.

3.21 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.

Impact on residential amenity

3.22 The proposed development may result in some overlooking or loss of privacy from the first floor windows in the rear elevation of the building upon the amenity areas and properties to the rear of the site. However, given that there are existing first

floor windows in the rear elevation of the Red Lion and, given the distance of approximately 20m between the rear elevation of the Red Lion and the rear elevation of No.8 Tremletts Close, it is considered that the proposal would not amount to a significant impairment of neighbouring living conditions.

- 3.23 It is considered that the proposed development would provide the future occupiers of the proposed dwellings with an acceptable level of internal floor area and external amenity space.

Drainage

- 3.24 It is proposed that surface water and foul sewage from the development would be disposed of via the mains sewer. South West Water's sewerage pipe map shows that there is a combined sewer that runs to both the front and rear of the Red Lion. Given that the proposal involves the demolition of the existing flat roofed front and side extensions of the Red Lion and that lawn and/or planting would be installed in these areas of the site, it is deemed that this would result in a betterment in terms of surface water drainage on the site than the current situation. A number of representations have been received with regards to the impact of the development on the existing sewage system. However, South West Water have been consulted on this application and they have advised that they have no comments to make. It is therefore considered that the drainage proposals are acceptable.

Biodiversity impacts

- 3.25 An ecology report has been submitted which details that a bat and bird survey of the building found no sign of roosting bats or nesting birds in the building. The ecology report makes a suite of recommendations for avoidance/mitigation of harm should protected species be present at the time of works and for biodiversity enhancements and it is recommended that a condition is included with any approval in order to secure these mitigation and enhancement measures.

Carbon reduction

- 3.26 The proposal would facilitate the re-use of an existing building for residential development in a sustainable location. The submitted Planning Statement states that the proposed conversion would increase the energy efficiency of the existing building and would include sustainable building elements where possible. However, no details of how the energy efficiencies would be achieved or what sustainable building elements would be used have been provided. In addition, the submitted Design and Access Statement sets out that the existing building would need substantial upgrading during the development phase of the project and that this would include various energy saving and insulation improvements to existing and new elements of structure. Furthermore, the Design and Access Statement notes that the heating systems would need to be altered and upgraded and consideration given to the installation of energy production including photovoltaic panels. As no specific details of carbon reduction measures have been provided, it is considered necessary to include a pre-commencement condition with any approval requiring details of carbon reduction measures to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Other matters

- 3.27 The Red Lion Inn lies within the historic core of Tedburn St Mary in part of the village that was developed from the 16th century onwards. Historic mapping shows structures to the south of the building in the area to be occupied by the gardens. Groundworks associated with the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic settlement here.
- 3.28 Devon County Council's Archaeology department have recommended that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. DCC Archaeology have advised that if a WSI is not submitted prior to determination, a pre-commencement condition should be included with any approval which states that no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a WSI which has been submitted to and approved in writing by the Local Planning Authority. As no WSI has been submitted, it is recommended that a pre-commencement condition requiring the submission of a WSI is included with any approval.
- 3.29 Representations regarding inclusive access are noted. Proposed Unit 1 includes the provision of a bedroom and level access shower room at ground floor level.
- 3.30 The Parish Council's comment with regards to use of the electric vehicle (EV) point usage on the site being reduced because it is likely that the residents of the site would be using the EV point is noted. Whilst it would be possible for the residents for the proposed dwellings to use the existing EV point on the site, the EV point would still be available for the general public to use. It is not considered that the concerns raised are material enough to warrant refusal of the application.
- 3.31 It is acknowledged that the proposal would result in the loss of an employment site within the village which would have an impact on the local economy. However, it is considered that the public benefits of the proposal in the form of facilitating the re-use of an existing building for four residential dwellings in a sustainable location would outweigh this impact.

Conclusion

- 3.32 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S9 Sustainable Transport

S21 Villages

S21A Settlement Limits

WE12 Loss of Local Facilities

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Biodiversity Officer:

The Bat and Bird survey found no sign of roosting or nesting birds in the building, but the report makes a suite of recommendations for avoidance/mitigation of harm should protected species be present at the time of works and for biodiversity enhancements as required by NPPF and EN8. Please condition compliance with these recommendations.

DCC Highways:

The site is accessed from a C class County Route, restricted to 30mph.

There have been no personal injury collisions reported to/by the police, in the vicinity of the site, between 01/01/2018 and 31/12/2022.

Vehicular access makes use of an existing access. Following a site visit the visibility at the access is acceptable. The Highway Authority previously had concerns over the height of the new block "garden" walls, that they may impede visibility for both this access and for that of adjacent properties. The height of these walls has been shown to be less than 600mm on drawing 01/Block/24 and will therefore not restrict visibility.

The Highway Authority had concerns over access to the properties directly from the highway in the previous application 23/00898/FUL. As part of this application there is now a pedestrian link to the car parking spaces, separated from the road by existing walls and a proposed chain link fence.

A swept path analysis has been carried out showing a vehicle can turn around, albeit slightly awkwardly, within the curtilage of the site, allowing both access and egress in a forward gear.

This is however reliant on at least one car parking space being available to allow for turning. The fact that vehicles may occasionally have to reverse onto the C class road has been considered and is seen as acceptable given both the speed limit and class of the road.

Although the number of parking spaces is a matter for the Planning Authority directly, the lack of spaces provided could lead to vehicles parking on the public highway potentially prejudicing highway safety. Provision for additional parking should be made available, or remain available, in the existing pub car park for the new development.

The number of trips associated with the site, both pedestrian and vehicular, is likely to be less with this proposal than that of its extant approved use. The Highway Authority is satisfied that it is unlikely to have a severe impact on the existing highway network in terms of either safety or capacity.

The Highway Authority recommends that conditions requiring the submission of a construction management plan and the provision of the proposed visibility splays shall be incorporated in any grant of permission.

DCC Archaeology:

The Red Lion Inn lies within the historic core of Tedburn St Mary in part of the village that was developed from the 16th century onwards. Historic mapping shows structures to the south of the extant pub in the area to be occupied by the gardens. Groundworks associated with the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the historic settlement here. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest.

If a WSI is not submitted prior to determination, the Historic Environment Team have advised that a pre-commencement condition should be included with any approval which states that no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a WSI which has been submitted to and approved in writing by the Local Planning Authority.

South West Water:

No comment.

6. REPRESENTATIONS

A site notice was erected. 54 letters of objection have been received which have raised the following concerns:

- Insufficient parking allocation.
- The whole of the car park should be included in the application.
- Highway safety impacts.
- Visual impact from washing lines, trampolines, garden furniture, bins etc. in the front gardens of the proposed houses.
- Not in keeping with the village.
- Loss of a social amenity in the village and surrounding area.
- Increase in traffic.
- Impact on the sewage system.
- The proposed gardens are too small.
- The proposed conversion does not produce accommodation that is consistent with the housing needs of the parish.
- Not been demonstrated that the Red Lion is not viable as a public house.
- Loss of employment.
- Impact on tourism and local economy.
- The Red Lion is important to Tedburn St Mary's history and character.
- Not been demonstrated that the proposal complies with Policy WE12.
- The proposal does not provide inclusive access or is suitably designed for everyone.
- The pub has been insufficiently marketed.
- The pub is an Asset of Community Value (ACV).
- Overdevelopment of the site.

7. TOWN / PARISH COUNCIL'S COMMENTS

Tedburn St Mary Parish Council:

Concern about the development for the following reasons:

- Gardens being to the front of the buildings would change the character and look of the village as well as the potential impact of the installation of trampolines and washing lines. The gardens cannot currently be situated at the back as there is no land available.
- The planning statement is incorrect as the sewage pipes are not located as shown.
- Visibility on this main road through the village is an issue already and conversion of the site to residential use will increase the number of cars likely to take the option to park on the road; there are no reasonable alternatives.
- If you look at the proposed car park, there are only two car spaces for visitors. The proposal creates 5 new homes so it is inevitable there are times when more than two visitor spaces are required. There is no reasonable car parking alternative to this site and it is inevitable that cars will park on the road, which, as said before, has no pavements and thus risking both driver visibility of pedestrian safety.
- If the residential and two visitor car park spaces are full it restricts space and as the exit must be left in forward gear how will vehicles negotiate this, reversing out onto a congested main road is impossible to do safely.
- The parish council are sceptical that the sewage services are able to take on increased output despite SWW response, empirical evidence would prove otherwise.
- Use of the electric vehicle point usage be reduced because it is likely the residents of the site will be using the EV point.

The council resolved not to support the application by a show of hands – vote was 2 for and 8 against.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is less than 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. The CIL liability for this development is therefore zero.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Head of Place and Commercial Services



Planning Committee Report

Chairman: Cllr Colin Parker

Date	11 June 2024
Case Officer	Lucy Downey
Location	Flat 3 8 Sea Lawn Terrace Dawlish Devon EX7 0AD
Proposal	Sea Loft conversion
Applicant	Mr & Mrs Rowe
Ward	Dawlish North East
Member(s)	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley
Reference	23/01762/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This has been called to Planning Committee by the Town Council as they recommend refusal on the basis that:

- The skylight balcony is not in keeping with the other houses on the street.
- It sets an undesirable precedent
- None of the applications on this road have been refused by Devon Highways because they don't consider themselves responsible for this road as it is a private road. Therefore the response of no comments is misleading as it doesn't mean no objection. If Teignbridge want an accurate representation they should talk to the Highway Authority- the local residents of the road.
- There are concerns over issues with extra cars.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following documents:

Date Received	Drawing/reference number	Description
22 Sep 2023		Application Form
22 Sep 2023	PL004 A	Proposed GA (Elevation/Floor/Roof/Section)
22 Sep 2023	PL002 A	Block plan

REASON: In order to ensure compliance with the approved drawings.

3. The works hereby approved shall proceed in strict accordance with the recommendations described in the Preliminary Ecological Assessment (Bat & Nesting Bird Survey) by George Bemment Associates, dated 22 December 2023.

REASON: In the interests of biodiversity protection and enhancement

4. Prior to the occupation of the loft conversion the window in the new dormer on the north west elevation serving the proposed bathroom shall be fitted with a minimum of level 3 obscured glazing over the entirety of the window with no clear areas. The window shall thereafter be permanently retained in that condition.

REASON: To protect the privacy of adjacent occupiers.

3. DESCRIPTION

The site

- 3.1. The application site is Flat 3, located on the top floor of a terraced property located along Sea Lawn Terrace, Dawlish. The site can be directly accessed from Exeter Road.

The Application

- 3.2. The proposed works include a loft conversion, implementing a small roof dormer and roof light on the north west elevation and two balcony rooflights and one small rooflight on the south east elevation.

Site history

- 3.3. 22/02204/HOU Loft conversion including proposed front and rear dormer windows and balcony – REFUSED on 5th July 2022

Main issues

- 3.4. The concerns raised by the Town Council are set out in their call in to Committee amongst other matters are considered below under the following headings:
- Principal of development/Sustainability
 - Impact upon the character and visual amenity of the area
 - Impact on residential amenity of surrounding properties
 - Highway Safety
 - Impact of the proposal on biodiversity
 - Impact on climate change

Principal of development/Sustainability

- 3.5. The application is for adaptations and extensions to an existing dwelling. Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 (hereafter named the Local Plan) supports minor developments of this nature, where the design and materials are complementary to the existing building and on a scale that is appropriate to the existing building.
- 3.6. The principal is therefore supported. However, the proposal will need to be considered in greater detail in terms of the specifics but the principal of such works is supported.

Impact upon the character and visual amenity of the area

- 3.7. Taking in to account the provisions of Policy S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Local Plan, the proposed fold out balcony would not significantly alter the overall appearance of the property due to it not being in the open position on a permanent basis. With the option to retract the balcony, the roof lights would lie flush to the existing roofscape, ensuring minimal disruption to the existing character and appearance of the host dwelling and wider neighbourhood. When open there may be limited views of the vertical aspects but

the most likely view would be of the open rooflights section which would not be inappropriate.

- 3.8. With the height of the property in combination with the narrow width of the residential road, it would limit the overall view of the balconies located on the roof of the terraced property when viewed from street level. This is shown in the image below taken during the Officer's site visit, property under consideration is the blue building.
- 3.9. Whilst this approach may be different to other works in the street this does not in itself mean the works are unacceptable. The proposal is considered to be of an appropriate scale and design to the host dwelling and it is considered that it will have no adverse effects on the character or visual amenity of the area.
- 3.10. The proposed elevations show that the rear dormer would be located on the north-west elevation, demonstrating it would not be widely visible to the public realm. The roof dormer is appropriately scaled and its design would be in keeping with the existing property.
- 3.11. Therefore, it is considered that the impact is limited, and the proposal is acceptable in terms of its design and impact upon street character.

Impact on residential amenity of surrounding properties

- 3.12. The proposal demonstrates the implementation of an obscure glazed window on the northwest elevation in the proposed dormer, which would reduce the potential risk of overlooking and reduction of privacy levels for neighbouring properties.
- 3.13. Due to the scale, design and siting of the proposed developments, there are no foreseen issues with overbearing or over dominating impacts.

Highway safety

- 3.14. The proposed development does not propose any alterations to the existing access or parking arrangements and due to the nature of the proposal being a relatively minor addition to an existing property resulting in one additional bedroom, there is no foreseen significant increases in regard to the number of vehicles accessing the site as a result of the loft conversion.
- 3.15. In addition the property has a designated parking space along Sea Lawn Terrace and a garage located at the rear of the property. Therefore, there is not considered to be any impact on highway safety. The comments in relation to the road being privately owned and maintained are not considered to be an overriding consideration for this proposal which is limited in scope and impact.

Impact of the proposal on biodiversity

- 3.16. A preliminary ecological survey was submitted with the application. The survey found no evidence of bats or nesting birds. It also states that the proposed development is unlikely to impact on bats nor cause a disturbance. It identified several best practice recommendations and biodiversity enhancement. These recommendations and enhancement will be secured through condition to ensure that, should bats or nesting birds be identified, protection measures are in place.

- 3.17. The application is therefore considered to be acceptable in this respect, subject to the condition being applied.

Precedent

- 3.18. The Town Council raised concerns regarding the undesirable precedent which would be set from the proposed development. It is considered that the proposal would remain in-keeping with the existing street scene and neighbouring properties due to the appropriate design and scale, reducing the risk of creating an undesirable precedent along Sea Lawn Terrace and the wider local area. Precedent alone is not a reason to approve or refuse any future schemes and they would also need to be considered on their own merits.

Impact to property structure

- 3.19. A number of representations have been received with regards to the potential impact to the structure of the building as a result of the proposed loft conversion. The potential harm caused to the structure of the building or neighbouring properties is not a material consideration and therefore cannot be considered in the determination of the proposal. Such works would be covered by the Building Regulations system and there is no need for duplication of these considerations within the planning system.

Holiday Use

- 3.20. Several representations have been received with regards to the property being converted for the use of a holiday home. There is no direct correlation with the proposal leading to the use of a holiday home and this reason alone cannot warrant a refusal. Furthermore the use of residential space for holiday use may not be a material change of use and often requires no permission.

Impact on Climate Change

- 3.21. As a householder proposal, an informative encouraging the use of sustainable construction techniques will be applied to the permission.

Conclusion

- 3.22. The application has been assessed against the relevant planning policy context and is considered to be acceptable. It is considered that the site can accommodate the additional storey and there will not be adverse impact on the qualities of the local area, residential amenity, or ecology.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S7 Carbon Emission Targets
EN3 Carbon Reduction Plans
EN8 Biodiversity Protection and Enhancement

5. **CONSULTEES**

Network Rail:

Network Rail has no objections to the proposal.

6. **REPRESENTATIONS (Full responses on file)**

A site notice was posted.

29 representations were received in objection to the application. The objections may be summarised as:

- The proposal would not remain in keeping with the appearance of the terrace.
- The balcony would overlook neighbouring properties.
- The intent for holiday letting would increase the number of vehicles within the area without any additional parking.
- Structure not being safe enough for this type of conversion causing damage to neighbouring properties.

7. **TOWN / PARISH COUNCIL'S COMMENTS**

Dawlish Town Council: Meeting of 5th October 2023 – Recommends refusal

Councillors have concerns about the following aspects:

- The skylight balcony not remaining in-keeping with the other houses on the street
- It would set an undesirable precedent within the terrace.
- The response of no comments from Devon Highways is misleading as it doesn't mean no objection.
- There are concerns over issues with extra cars within the area.

The Parish Council requests that this application be considered by the planning committee and not by delegated power.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

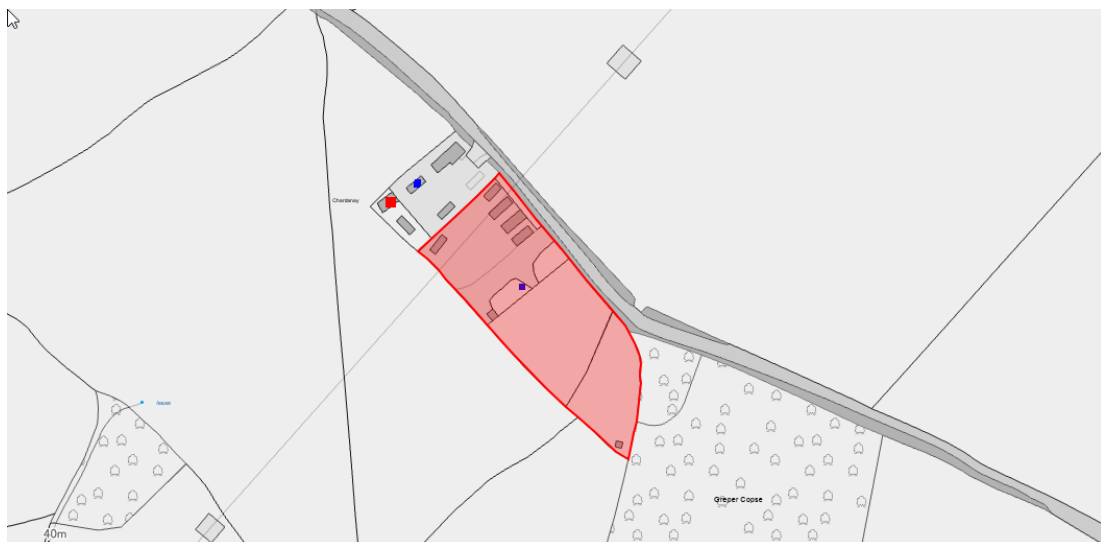
Head of Place and Commercial Services

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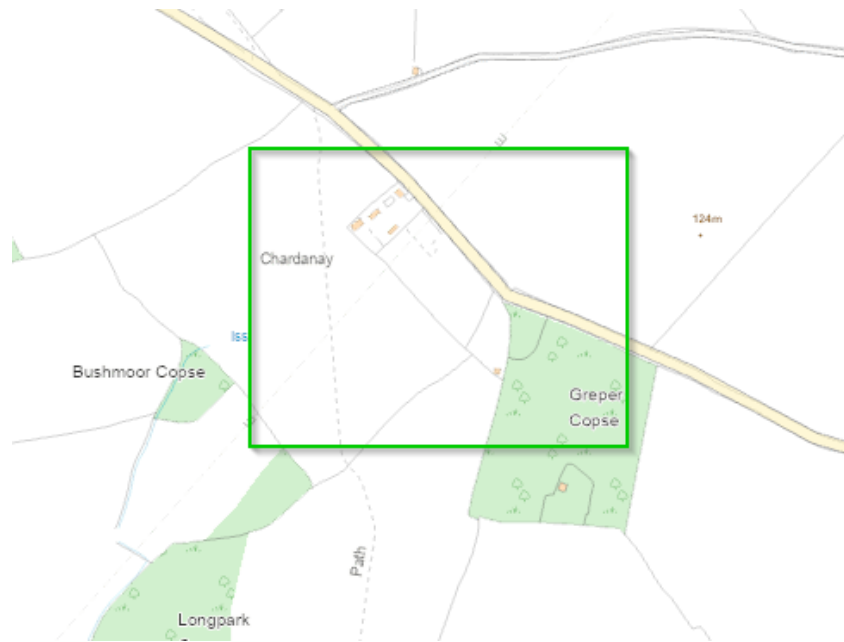
TEIGNBRIDGE DISTRICT COUNCIL

<p>PLANNING COMMITTEE ENFORCEMENT REPORT</p> <p>CHAIRMAN: Cllr Colin Parker</p>	
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DATE:	11 June 2024	
REFERENCE NO:	24/00177/ENF	
SITE:	Land at Chardanay, Woodland	
ENFORCEMENT ISSUE:	Unauthorised siting of a residential mobile home	
REASON FOR COMMITTEE CONSIDERATION:	The proposed enforcement action has the potential to render a person homeless (<i>see TDC Constitution, Section 6, Schedule 6, paragraph 5.1</i>)	
RECOMMENDATION:	<p>It be resolved that:</p> <ul style="list-style-type: none"> i) An ENFORCEMENT NOTICE be issued to cease the unauthorised residential use of the land and remove the unauthorised mobile homes / caravans within 6 months ; and ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution. 	
WARD MEMBERS:	Cllr John Nutley Cllr Stuart Rogers Cllr Jack Major	Ashburton & Buckfastleigh



TEIGNBRIDGE DISTRICT COUNCIL



1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

1.1 Chardanay is located within the open countryside, approximately 2.5 kilometres from Ashburton, 3 kilometres from Denbury and 650 metres north of Woodland. The site comprises of a rectangular piece of ground that is split into two parts. One part consists of an authorised gypsy and traveller site which provides three pitches. The other part is a strip of agricultural land that is the subject of other enforcement action. This relates to an unauthorised storage use of mobile homes and caravans and other non-agricultural items, and the unauthorised creation of an area of hardstanding. The key facts in this case are as follows:

- A number of mobile homes had originally been stored on the land without consent which resulted in an enforcement notice being issued on 2 November 2021 for the unauthorised change of use of the land from agricultural land to the storage of mobile homes, caravans, vehicles and various other items.
- Although the land has been used to store mobile homes it appears that the residential use started in 2023 so would not be immune from enforcement action.

The land has been the subject of a number of planning applications to be used for the siting of residential mobile homes / caravans but these have all been refused and two applications were dismissed at appeal.

- There is no lawful reason for the mobile homes to be sited on the land for

TEIGNBRIDGE DISTRICT COUNCIL

residential purposes and the Council must therefore consider whether enforcement action is expedient to remedy the planning breach.

2. BACKGROUND & CONTEXT

- 2.1 On 2 November 2021 the Council issued two Enforcement Notices relating to the Land at Chardanay, Woodland. The first Enforcement Notice was for the unauthorised change of use of the land from agricultural land to the storage of mobile homes, caravans, vehicles and various other items. The second Enforcement Notice was for the unauthorised formation of an area of hardstanding. Following an appeal that was dismissed on 15 February 2022 to comply with the Notices it was necessary by 15 May 2022 to cease using the land for the storage of mobile homes, caravans, vehicles and any other items not associated with the permitted agricultural use of the land, remove from the land all the mobile homes, caravans, vehicles and any other items not associated with the permitted agricultural use of the land, and remove the area of hardstanding.
- 2.2 Following the period for compliance it was clear that the requirements of the Notices had not been complied with. Despite further correspondence with the owner, it was clear that no steps were being taken to comply with the requirements of the Notices. As such the matter was passed to the Council's Solicitor to take legal proceedings.
- 2.3 Although during previous investigations it was claimed that the mobile homes sited on the land were only being stored, it became apparent during the Court process that they were being used for residential purposes. This has subsequently been confirmed by the landowner. It seems from recent correspondence with the owner that three of the mobile homes are being used for residential purposes. Although it appears that three of the mobile homes are being occupied further information is being sought to clarify this. If the information is submitted in time, then the Planning Committee Members will be updated accordingly. However, as the use of the land for residential purposes results in a change of use of the land, and no planning permission has been granted, a planning breach has occurred.
- 2.4 With regards to the two existing Enforcement Notices that have been served, they do remain in place. However, as it is clear that a new planning breach has occurred it is necessary to pursue this.
- 2.5 In this instance the land in question has been the subject of a number of planning applications to change the use of the land for residential purposes. Applications (references 17/01064/FUL and 17/02827/FUL) were for an extension to the existing authorised gypsy site to provide two additional pitches. However, these were refused, and subsequent appeals dismissed. Further applications (references 20/00353/FUL and 22/01310/FUL) were submitted to extend the existing approved gypsy site, but these were also refused though no appeals submitted. Finally, another planning application (reference 23/02189/FUL) was submitted in 2023 to extend the existing

TEIGNBRIDGE DISTRICT COUNCIL

gypsy site to add four mobile homes. However, this was also refused and is currently being appealed.

3 PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 3.1 Although it appears that mobile homes have been sited on the land for a number of years, it does not appear that it has been continuously used for residential purposes for the necessary ten years to be established.
- 3.2 In this instance the mobile homes sited on land are outside any settlement limit and no evidence of any essential need to have mobile homes on the land for residential purposes has been provided. As such the stationing of the mobile homes on the land are considered contrary to Policies of the Teignbridge Local Plan 2013 – 2033.
- 3.3 The Policies of our Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on sustainable development and focusing new residential development into settlements and other sustainable locations. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in Paragraph 78 of the NPPF for the reasons as set out above.
- 3.4 Officers consider enforcement action is necessary and expedient to ensure the unauthorised use ceases and the unauthorised mobile homes are removed from the land. This is considered to be expedient and in the public interest in order to support and maintain the delivery of the Strategy of our Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason and to maintain wider principles of sustainability and good design whilst protecting the character and appearance of the area.

4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve:

To serve an Enforcement Notice to:

- i) cease using the mobile homes for residential purposes, and
- ii) remove the mobile homes from the land.

The compliance period for both is recommended to be six months.

In the event of the Notice not being complied with, authorisation is given to take action as necessary including proceeding to prosecution.

5 HUMAN RIGHTS ACT

- 5.1 The recommendation 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 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.

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TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	11 June 2024
REPORT OF:	Head of Place and Commercial Services
SUBJECT:	Appeal Decisions received during previous calendar month

23/00018/HHA **DAWLISH** - 10 Windward Lane Dawlish
 Appeal against the decision of 22/01212/HH: High hedge complaint

Appeal Withdrawn. Delegated Decision

23/00063/REF **BISHOPSTEIGNTON** - 12 Murley Grange Bishopsteignton
 T1, Turkey Oak: Fell

Appeal Withdrawn. Delegated Decision

23/00057/COND **SHALDON** - 9 Oak Tree Grove Shaldon
 Appeal against condition 3 on planning permission
 23/00338/HOU - Single storey side extension with terrace over, porch and external alterations

Appeal Dismissed. Delegated Decision

23/00058/REF **HOLCOMBE BURNELL** - Montgomery House Higher
 Wheatley Farm
 Appeal against the refusal of planning application 22/01396/FUL -
 Change of use from office use (Use Class Eg) to
 residential/commercial (live-work) unit

Appeal Dismissed. Delegated Decision

24/00001/REF

KINGSKERSWELL - Wheatsheaf Barn Lower Cuthill Farm
Appeal against the refusal of planning application Application
23/01838/NPA for Prior Approval under Part 3 Class Q (a) and
(b) and paragraph W of the GDPO for change of use of
agricultural building to a dwelling

Appeal Allowed. Delegated Decision

24/00007/FAST

BROADHEMPSTON - Bow Barn Bow Cross
Appeal against the refusal of planning application 23/02177/HOU
- Single storey rear extension

Appeal Dismissed. Delegated Decision

24/00009/FAST

IDEFORD - Glendon Ideford Combe
Appeal against the refusal of 23/01297/HOU - Balcony

Appeal Allowed. Delegated Decision

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

TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	11 June 2024
REPORT OF:	Head of Place and Commercial Services
SUBJECT:	Major variation applications approved in previous calendar month

There were no such applications approved during the period.

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