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15 July 2024

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 23rd July, 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, vacancy, 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.

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.

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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>

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 10)
To confirm the minutes of the meeting held on 11 June.
3. Declarations of Interest.
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) 24/00265/FUL - Red Lion Inn, Tedburn St Mary (Pages 11 - 26)
 - b) 23/00703/FUL - Land North of Tremlett Grove, Ipplepen (Pages 27 - 40)
 - c) 24/00545/OUT - Pumps Acre, Denbury (Pages 41 - 56)
7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate
There were no appeal decisions received in the last month.
8. S73 Major Decisions Summary (Pages 57 - 58)
9. Discussion with SWW on development related matters
Representatives of SWW in attendance

For Information - Upcoming Site Visit Dates

15 August, 19 September, 17 October

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PLANNING COMMITTEE**11 JUNE 2024**Present:

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

Members in Attendance:

Councillors Swain and Purser

Apologies:

Councillors Buscombe and Hook

Officers in Attendance:

Paul Woodhead, Head of Legal Services & Monitoring Officer
Sim Manley, Interim Head of Development Management
Gary Crawford, Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Lucy Downey, Planning Officer
Ian Perry, Planning Team Lead
Christopher Morgan, Trainee Democratic Services Officer
Raine Tudor-Williams, Democratic Services Administration Assistant
Natalia Anderson, Solicitor

25. MINUTES

It was proposed by Councillor Palethorpe and seconded by Councillor Sanders 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.

26. DECLARATIONS OF INTEREST.

Cllr Nutley declared an interest in application 6a due to his friendship with the applicant. He chose to leave the room during the item and not vote.

Cllr Nutley also declared an interest in item 7 due to his role as ward member resulting in consideration communication with the Parish Council. He spoke on this item but did not vote.

Cllr Bullivant declared an interest in item 6b due to his friendship with the applicant. He chose to leave the room during this item and not vote.

27. 20/00400/FUL ASHBURTON - HIGHER MEAD FARM

The Senior Planning Officer presented the application to the Committee.

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

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

Resolved

That permission be granted subject to the following conditions:

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.

28. 24/00265/FUL TEDBURN ST MARY - RED LION INN

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke On:

- 2 pubs part of village economy
- Social impact with loss of pub
- Community support group
- ACV accepted by Planning Inspectorate

Planning Committee (11.6.2024)

Public Speaker, Supporter – Spoke on:

- Pub is small and doesn't make a lot of money
- High energy costs of running pub
- No serious offers
- Another pub opposite this one
- Development provides housing for local need

Comments from Councillors included:

- Loss of local facilities
- Community group support for buying pub
- Road access issue
- MP support for ACV
- Applicant wants to sell site
- Similar parking situation to other applications
- No comments from South West Water
- Pub is currently closed so no business happening
- Could change business plan
- Insufficient parking

It was proposed by Councillor Sanders and seconded by Councillor J Taylor that decision be deferred pending a members' site visit in order to investigate concerns relating to the road access and public footpath.

A vote was taken. The result was 8 for and 4 against.

Resolved

That decision be deferred pending a members' site visit.

29. 23/01762/FUL DAWLISH - SEA LAWN TERRACE

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- The flat concerned is a second home
- Only one parking space
- Historic terrace
- Dangerous road
- Dawlish Town Council refused application

Comments from Councillors included:

- Historic building
- Private road
- Balcony out of place
- Lack of parking
- Need permission for windows
- No material reasons for refusal
- Sea facing side of building is more attractive
- Good view of back of property

Planning Committee (11.6.2024)

- Trains would pass below roofline
- No change to roof line

In response Officers clarified the following

- Can only assess visual impact
- Parking isn't part of the proposal
- Balcony is part of the skylight
- Window permission only needed due to being flats
- Other flats have skylights

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

A vote was taken. The result was 6 for, 4 against, and 4 abstentions.

Resolved

That 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		
22 Sep 2023		Application Form
22 Sep 2023	PL004 A	Proposed GA (Elevation/Floor/Roof/Section)
22 Sep 2023	PL002 A	Block plan

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 order to ensure compliance with the approved drawings
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.

**30. ENFORCEMENT REPORT WOODLAND - LAND AT CHARDANAY
24/00177/ENF**

The Senior Enforcement Officer presented the enforcement case to the Committee.

Planning Committee (11.6.2024)

Comments from Councillors during discussion included:

- Parish council have reported the breach to the council previously
- Concerns about homelessness as a result of the 6 month notice
- Rationality of the actions taken
- Are the children of occupants attending school
- Is this a gypsy and travellers site?

In response Officers confirmed that:

- This is the second enforcement case
- There is an authorised travellers site nearby

It was proposed by Councillor Sanders and seconded by Councillor Goodman-Bradbury that the enforcement notice be agreed as set out in the report.

A vote was taken – the result was 12 for and 2 against.

Resolved

That

- 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.

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

The Committee noted the appeals decisions made by the Planning Inspectorate

32. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet.

The meeting started at 10.00 am and finished at 11.27 am.

Chair
Cllr Colin Parker

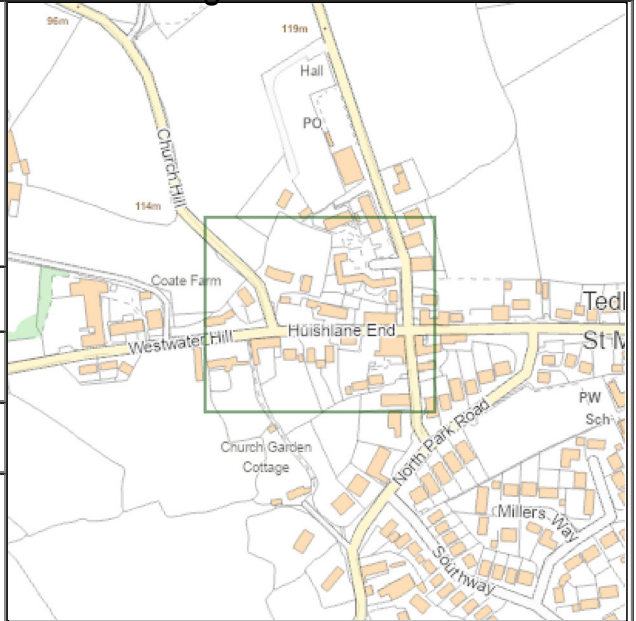
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Planning Committee Report

Chairman: Cllr Colin Parker

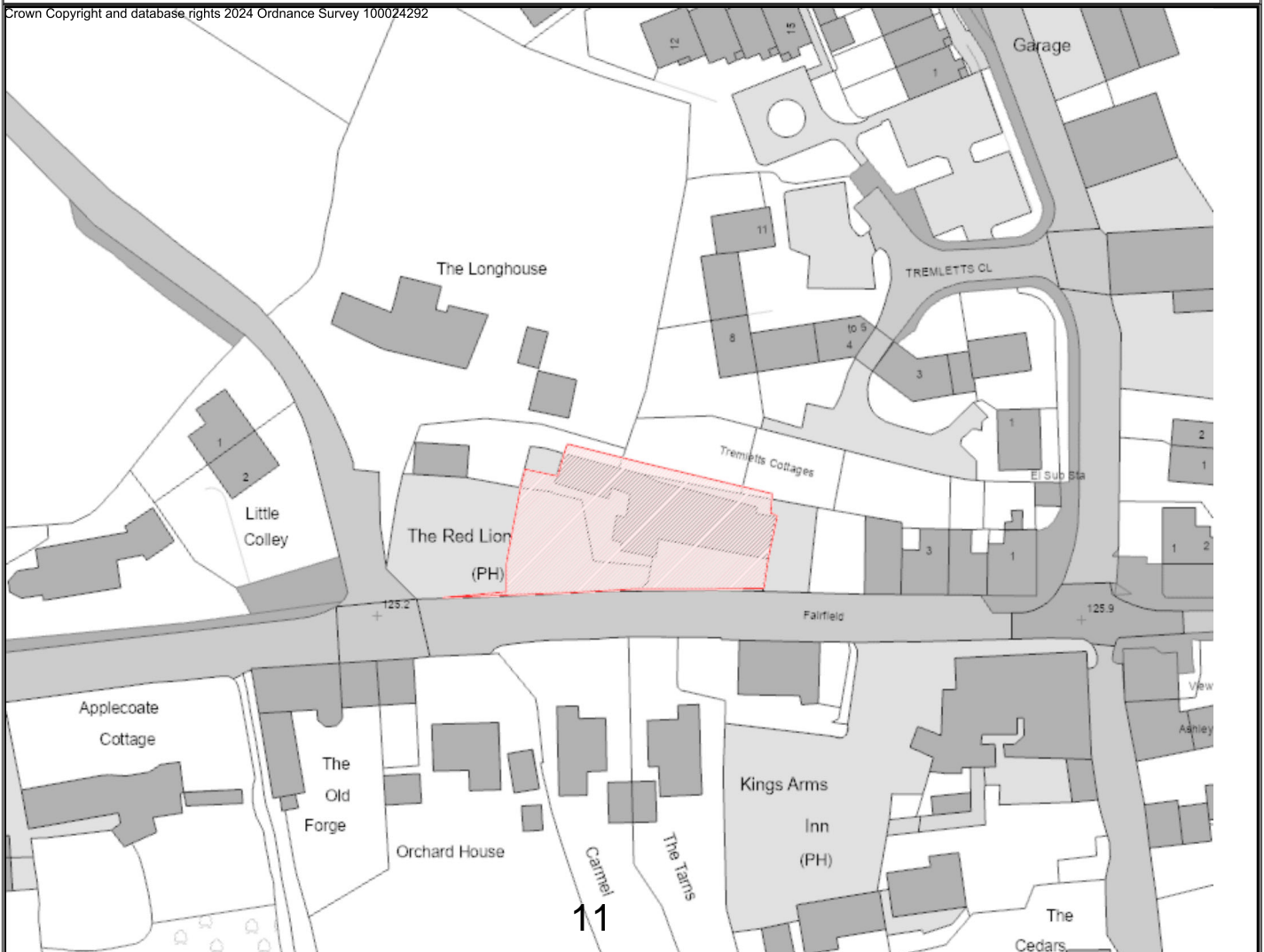
Date	23 July 2024
Case Officer	Gary Crawford
Location	Red Lion Inn Road Past Coate Farm Tedburn St Mary Devon EX6 6EQ
Proposal	Change of use and conversion of public house and one flat into four houses with associated garden and parking including demolition of single storey extensions and retention of 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.

This application was previously considered by Members at Planning Committee on 11th June 2024. Members voted to visit the site; this will have taken place on the 18th July 2024.

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. The development hereby permitted shall begin 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 approved plans/documents:

Date Received	Drawing/reference number	Description
13 Feb 2024	00764526 3041CE	Site Location Plan
13 Feb 2024	SWE 853 VERSION 1	Ecology Report by South West Ecology, dated 30 May 2023
13 Feb 2024	01/BLOCK/24	Block Plan
13 Feb 2024	C23219-ADV-RP-HTN-1000 (B)	Highways Technical Note by Advance Consulting Engineers Ltd, dated February 2024
13 Feb 2024	05/P/23	First Floor Plan & Roadside Elevation as Proposed
13 May 2024	04/P/23 REV. A	Ground Floor Plans as Proposed
13 May 2024	06/P/23 REV. A	Elevations as Proposed

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

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. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with paragraph 211 of the National Planning Policy Framework (2023) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

4. Prior to commencement of any part of the site, the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays inc.; 09:00 to 13:00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: In the interests of local amenity. Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

5. Prior to the commencement of the development, details of a package of carbon reduction measures designed to reduce carbon emissions from the development beyond building regulations requirements shall be submitted to and approved in writing

by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to first use.

REASON: In order to ensure that the development delivers a reduction in carbon dioxide emissions in accordance with Policies EN3 and S7 of the Teignbridge Local Plan taking into account the Climate Emergency declared by Teignbridge District Council.

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 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

7. The works hereby approved shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by South West Ecology, dated 30 May 2023).

REASON: For the benefit of legally protected species and to provide biodiversity enhancements.

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.

REASON: To ensure adequate parking facilities are provided to serve the development.

9. Prior to its first use on the building, a sample of the slate to be used on the new pitched roof element of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved material.

REASON: In the interest of visual amenity of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B, C, D, E and G of Part 1 of Schedule 2, Class A of Part 2 of Schedule 2 and Classes H and I of Part 14 of Schedule 2 shall be constructed (other than those expressly authorised by this permission).

REASON: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.

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.

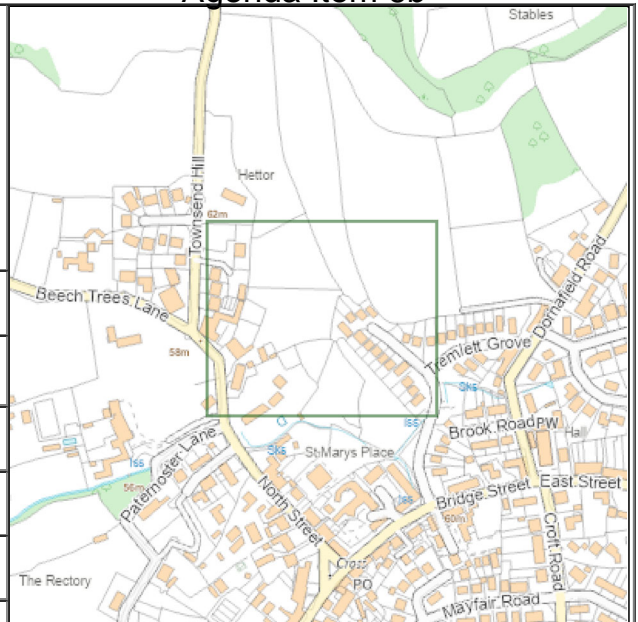
Head of Place and Commercial Services



Planning Committee Report

Chairman: Cllr Colin Parker

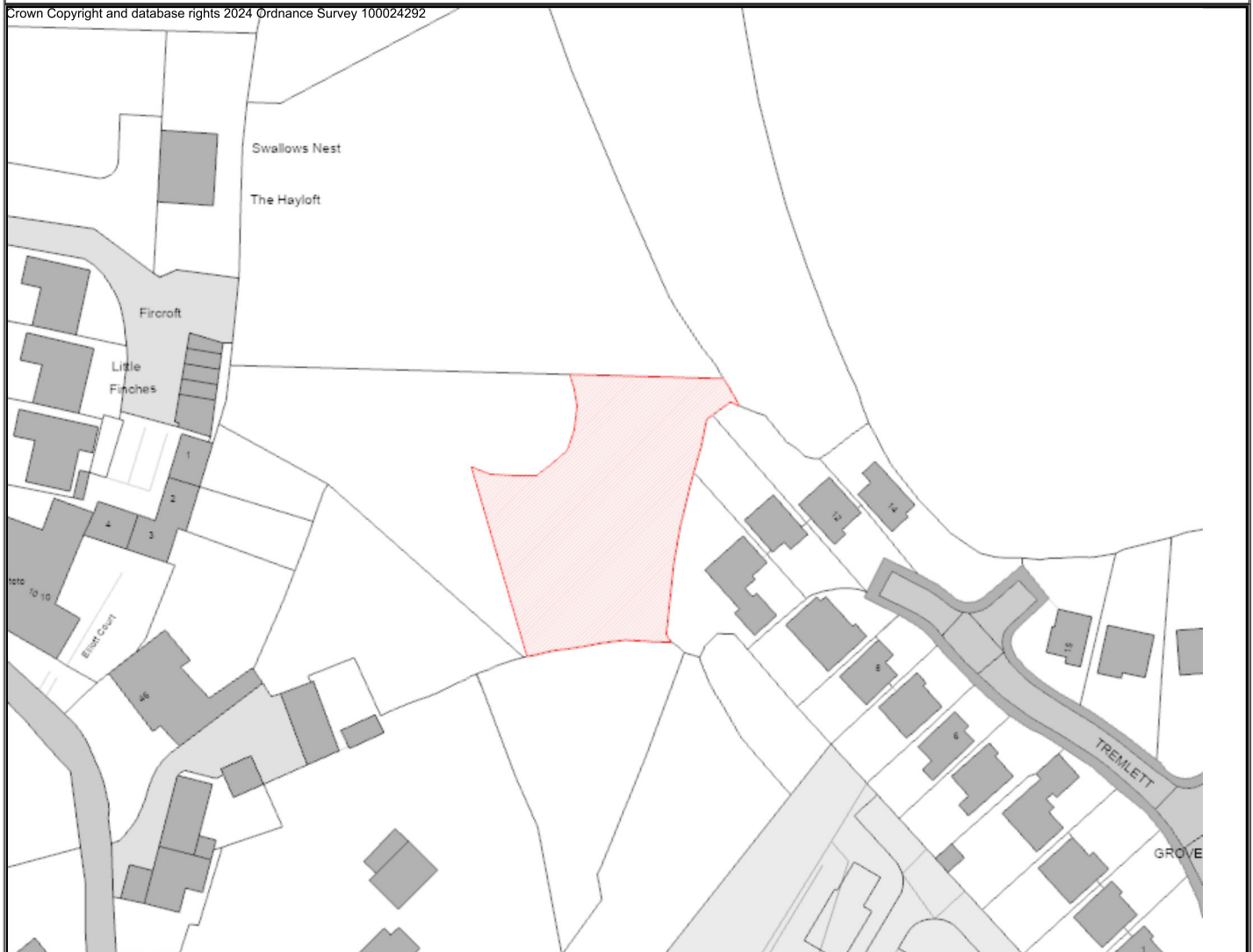
Date	23 July 2024
Case Officer	Gary Crawford
Location	Land North Of Tremlett Grove Ipplepen Devon
Proposal	Retention of earthworks
Applicant	Mr J Denno
Ward	Ipplepen
Member(s)	Cllr David Palethorpe
Reference	23/00703/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

Ipplepen Parish Council have requested that this application is referred to the Planning Committee for determination due to ecological issues, drainage issues and tree preservation order (TPO) issues.

In light of wider planning history and considerations at the site, in this instance, officers consider committee consideration appropriate.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
20 Apr 2023		Application Form
20 Apr 2023		Location plan
03 Oct 2023	TLG-BPC-XX-XX-DR-C-08-51, REV. P07	Earthworks

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

2. Within one month from the date of this decision, the details of the grass and wildflower seed mix which shall be sown on the area of the site that has been raised shall be submitted to and agreed in writing by the Local Planning Authority. The grass and wildflower seed mix shall then be sown in accordance with the approved details within one month of these details being approved.

REASON: In the interests of biodiversity protection and enhancement, and in the interests of flood control.

3. All works on the site shall only be undertaken in daylight, to avoid impacts of artificial lighting on wildlife.

REASON: In the interests of biodiversity protection.

3. DESCRIPTION

The site

- 3.1 The application site relates to a field to the north of Tremlett Grove, Ipplepen. Planning permission was granted under application references 16/03177/OUT, 20/00522/REM and 21/02824/VAR for the erection of 6 open market dwellings and 2 affordable dwellings on nearby land at Tremlett Grove. The new dwellings granted permission under applications 16/03177/OUT, 20/00522/REM and 21/02824/VAR have been constructed and as a result of these construction works, surplus soil from the development was transported to this field to the north.
- 3.2 There is a large oak tree to the north of the application site and an ash tree to the south of the site, in the hedgebank on the rear boundary of No.11 Tremlett Grove which have both had tree preservation orders (TPOs) made against them since the submission of this application. There are two trees which are subject to a tree preservation order within the site where the new dwellings have been constructed following the planning permissions granted under applications 16/03177/OUT, 20/00522/REM and 21/02824/VAR. There are also two more trees which are subject to a tree preservation order in the field between the current application site and the site where the new dwellings have recently been constructed.
- 3.3 Although the application site adjoins the Ipplepen settlement limit, the site is located outside of the settlement limit and is designated as open countryside. The Ipplepen Conservation Area is situated approximately 35m to the west of the application site. The Grade II listed Northlands and Grade II listed Brooke House are located approximately 50m and 75m to the west and south west of the application site respectively.

The application

- 3.4 This application seeks permission for the retention of earthworks. As detailed above, surplus soil from the development approved under applications 16/03177/OUT, 20/00522/REM and 21/02824/VAR has been transported to the site. This application seeks retrospective permission to spread the surplus soil over the field and to re-seed the soil and return it to pasture. Subsequently, the ground levels of the field have been increased by approximately 700mm.

Main issues

The main issues for consideration are:

- Principle of the development;
- Impact on ecology/biodiversity;
- Impact on trees;
- Land drainage/flood risk;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;
- Impact on heritage assets;
- Carbon reduction; and
- Other matters.

Principle of the development

- 3.5 The application site is designated as open countryside in the Teignbridge Local Plan 2013-2033. Policies S1A and S1 of the Local Plan are not restrictive in relation to applications to alter ground levels, subject to policy criteria being met. Thus, the principle of the development is deemed to be acceptable, subject to compliance with other relevant policies of the Local Plan.

Impact on ecology/biodiversity

- 3.6 The Council's Biodiversity Officer initially raised a biodiversity objection to the proposed development in the consultation response dated 19 June 2023, pending the submission of wildlife survey information and restoration proposals. The Biodiversity Officer also requested that works should stop immediately and not be resumed until biodiversity and hydrology Impact and Restoration Assessments have been submitted and approved.
- 3.7 The applicant advised the Biodiversity Officer that they intended to proceed with works on the site imminently (i.e., before commissioning an ecological survey and mitigation report). As such, the Council's Biodiversity Officer visited the site on Monday 3 July 2023, with the Council's Senior Enforcement Officer, to inform whether a temporary stop notice should be served to prevent further works.
- 3.8 Following the site visit, the Biodiversity Officer commented that they were satisfied that no further ecological survey is required. However, the Biodiversity Officer advised that further works and site reinstatement must follow a number of recommendations:
- All works in the tipping field should only be undertaken in daylight, to avoid impacts of artificial lighting on wildlife.
 - Prior to undertaking any further works within the tipping field, the orange netting fence around the mature oak tree should be replaced with a fence according with Figure 2 of BS 5837 2012. The BS fence shall be erected around the outside of the maintained until all development has been completed to ensure there will be no incursion into the tree's root protection zone.
 - No works should be undertaken when the ground is wet, to avoid further impacts on vegetation, further rutting and further impacts to soil structure.
 - Tipping/spreading of spoil should extend no closer to the site hedges.
 - The drain should be repaired and the sump area back-filled.
 - Any spoil currently within the application site field should be relocated to and spread within the red line boundary.
 - All ruts should all be levelled.
 - Once the spoil has been levelled, topsoil should be reinstated and cultivated to give a rough tilth. The bare ground area should then be sown with a grass and wildflower seed mix reflecting the likely lost sward. Sowing and establishment should follow the seed supplier's advice.

- The selected mix should aim to contain a high proportion of the species recorded on site and should be agreed with the LPA prior to seeding.

3.9 Since the Biodiversity Officer provided the recommendations detailed above, the soil on the site has been spread within the red line boundary, the ruts have been levelled and the land drainage system has been repaired. As such, it is deemed that it is no longer necessary to require the fence around the mature oak tree or to include a condition which states that no works shall be undertaken when the ground is wet. However, it is considered necessary to include a condition with any planning permission requiring the ground area to be sown with a grass and wildflower seed mix reflecting the likely lost sward prior to the winter season. It is deemed necessary that the grass and wildflower seed mix should aim to contain a high proportion of the species that were recorded on site by the Biodiversity Officer and these details shall be agreed by the LPA prior to seeding. It is considered that subject to a condition to reinstate and establish the vegetation that was previously on the site prior to earthworks taking place, the proposal is acceptable with regards to its impact on ecology/biodiversity.

Impact on trees

- 3.10 The Council's Arboricultural Officer has visited the site and has advised that they considered the assumed root protection area for the protected oak tree in the north of the site (as shown on the drawings) is acceptable. The Arboricultural Officer recommends that a British Standard Root Protection Zone fence shall be erected around the root protection area of the oak tree before any further earthworks are undertaken, to ensure that there will be no incursion into the tree's root zone. As the soil has since been spread across the site, it is deemed that it is no longer necessary to require the fence around the mature oak tree.
- 3.11 As the protected ash tree to the south of the site is located in the hedgebank on the rear boundary of No.11 Tremlett Grove, the Arboricultural Officer has advised that roots of this tree are likely to grow along the side of the hedgebank rather than out into the field where the earthworks are proposed. As such, it is considered that the earthworks are unlikely to result in any adverse impacts upon this tree.

Land drainage/flood risk

- 3.12 Devon County Council's (DCC) Flood and Coastal Risk Management Team initially commented that they had no in-principle objection to this application at this stage, however, they requested that the applicant must submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. Following the submission of additional information during the course of this application, DCC's Flood and Coastal Risk Management Team withdrew their objection to the proposal and they commented that they have no in-principle objections to the development.

- 3.13 However, whilst withdrawing their objection to the proposal, DCC's Flood and Coastal Risk Management Team did recommend that the applicant extend the proposed swale to the eastern boundary of the site to ensure that the swale had a positive outfall discharge into the watercourse which runs along the south west boundary of the new dwellings have been constructed following the planning permissions granted under applications 16/03177/OUT, 20/00522/REM and 21/02824/VAR. The applicant however refused to extend the swale. As such, DCC's Flood and Coastal Risk Management Team advised that the applicant should consider some check dams before the swale is terminated to slow down any flow likely to be picked up by the swale and also that the applicant shall be responsible for any issues arising following the completion of the earthwork to ensure that no properties are put at risk of flooding.
- 3.14 Given the applicant's refusal to extend the swale to ensure that the swale had a positive outfall discharge into the watercourse which runs to the south west of the site and following representations from neighbouring properties which raised concerns with regards to surface water flooding from the site, advice was sought from Teignbridge District Council's Drainage Engineers with regards to the drainage impacts of the earthworks.
- 3.15 The provision of a swale/ditch with a bund from the application site to the watercourse to the south west of the site would have provided mitigation during the construction stage and provided a long-term protection should a similar issue arise in the future. However, as the construction of the swale/ditch with a bund would have been outside of the red line of the site location plan, a new application would be required for these works.
- 3.16 At the time of the submission of this application, officers were not aware of the presence of the land drainage system in the field located between the application site and the watercourse to the south west of the site. However, following a site visit, it was evident that an old clay pipe network was in existence in the site and likely with age and due to the recent construction activity that had taken place, the efficiency of the land drainage system had degraded.
- 3.17 The applicant advised the Council on 13 June 2024 that the land drainage system in the field adjacent to the application site has been repaired and the old clay pipe has been replaced with a new perforated pipe and stone surround and reconnected to the existing outfall to the watercourse to the south west. The Council's Drainage and Coastal Manager has been consulted on the Land Drainage Statement submitted by the applicant and he has advised that he considers that the upgraded land drainage system will act in a similar manner to the swale/ditch with a bund which was recommended by DCC's Flood and Coastal Risk Management Team. Consequently, the Drainage and Coastal Manager has commented that he would not have any further objections to the provision of any further formalised drainage system.

- 3.18 The Drainage and Coastal Manager has recommended that the new land drainage system should be maintained to ensure its efficiency and he has noted in his consultation response that on-site, the areas of ponding water have been resolved following construction of the new land drainage system. In addition, the Drainage and Coastal Manager has recommended that areas which have been used to facilitate the construction, i.e. the site compound and access tracks, should also be reinstated and grassed. It is recommended that informatives are included with any approval requiring the new land drainage system to be maintained to ensure its efficiency and also for the site compound and access tracks to be reinstated and grassed.
- 3.19 The Drainage and Coastal Manager has commented further that the land subject to this application has been filled with soil that has been generated from the site and is therefore 'local' and consistent to the underlying ground conditions. As such, once the land has established in accordance with the details proposed – i.e. rotovated and grassed, this land should maintain the runoff characteristics of the site in its natural state. The Drainage and Coastal Manager has recommended that this reinstatement and establishment of appropriate vegetation cover is provided as soon as possible before the winter season and it is recommended that a condition is included with any approval to secure this. Officers consider that this request would be covered by the ecology condition requiring the ground area to be sown with a grass and wildflower seed mix and as such, one condition would satisfy both the biodiversity and drainage requirements.
- 3.20 Given that the application site is to remain a permeable surface and given that the applicant has renewed the land drainage system in the area to mitigate any exceedance flows, the Drainage and Coastal Manager has raised objection to the proposals.

Impact upon the character and visual amenity of the area

- 3.21 It is considered that, on completion, other than the ground levels of the field having been increased by approximately 700mm, the rural character of the site would be retained. As such, it is deemed that the proposal complies with Policies S1, S2 and EN2A of the Teignbridge Local Plan 2013-2033 and IPP Policy 2 (Development in the Countryside) of the Ipplepen Neighbourhood Development Plan.

Impact on heritage assets

- 3.22 It is considered that, on completion, the works will not cause any harm to the setting of the nearby listed buildings or views into/out of the Conservation Area.

Impact on residential amenity of surrounding properties

- 3.23 Although the ground levels of the field having been increased by approximately 700mm, it is considered that the proposal does not result in any additional

overlooking or further loss of privacy upon the properties in Tremlett Grove which border the site than that which previously existed.

Carbon reduction

- 3.24 The transport cost/impact of waste removal is undoubtedly a key consideration leading to the applicant's chosen approach to spoil management at this site. The alternative to this application would be to remove surplus material using heavy vehicles through narrow lanes around Ipplepen, with its consequent increased carbon usage. The on-site solution is therefore likely to result in lower overall carbon emissions for a development that is seeking to deliver operationally efficient new homes.

Other matters

- 3.25 The Council's Environmental Health department have raised no objection to this development with regards to contaminated land.
- 3.26 Although it would appear that no licence to move the soil was granted by the Environment Agency (EA), the EA have commented that they consider that it is a small amount of soil of approximately 1000 tons which they deem to be a minor offence relatively in the scheme of waste offending; particularly in terms of soil wastes, as the soil has originated from a greenfield site. The EA have commented further that the impact to the existing field and its ecology should be considered and that this is a decision for the planning process as to whether this activity is acceptable or not. The EA have advised that should planning permission be refused, the developer will need to haul the waste soil to a permitted site.
- 3.27 Devon County Council's Minerals department have advised that the application site is within the Mineral Consultation Area for the limestone resource, with Policy M2 of the Devon Minerals Plan seeking to protect such resources from constraint by new development. However, in this case, the nature of the development will not place any increased constraint on the mineral resource, and Devon County Council therefore have raised no objection to the proposal in its role of mineral planning authority.
- 3.28 It is noted that the Council's Drainage Engineers commented on 22 May 2023 that they would advise that the LPA engage a Structural and/or Geotechnical Engineer on applications requiring a slope stability or structural engineering response. Due to the relatively flat levels of the site, it is considered that a slope stability or structural engineering response is not required for this application.

Submission Local Plan 2020-2040 (SLP)

- 3.29 On 14th March 2024 the Local Plan 2020-2040 was submitted to the Planning Inspectorate for examination. It is considered that development complies with the relevant policies of the SLP as noted in the policy documents section below.

Conclusion

- 3.30 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
S22 Countryside
S23 Neighbourhood Plans
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN5 Heritage Assets
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

Submission Teignbridge Local Plan 2020-2040

GP1 Sustainable Development
GP3 Settlement Limits and the Countryside
GP5 Neighbourhood Plans
H12 Residential Amenity
EN4 Landscape Protection and Enhancement
EN6 Flood Risk and Water Quality
EN8 Light Pollution
EN10 Biodiversity and Geodiversity
EN11 Important Habitats and Features
EN15 South Hams SAC
EN16 Trees, Hedges and Woodlands

Ipplepen Neighbourhood Development Plan

National Planning Policy Framework
National Planning Practice Guidance

5. CONSULTEES (Summarised)

TDC Biodiversity Officer:

Comments dated 19 June 2023

There is a biodiversity objection pending submission of wildlife survey information and restoration proposals. Works should stop immediately and not be resumed until biodiversity and hydrology Impact and Restoration Assessments have been submitted and approved.

Comments dated 4 July 2023

An ecological survey and mitigation report for the site should have been submitted with the application. In its absence I advised that works should cease until a survey had been undertaken and the report submitted. However, the applicant advised that they intended to proceed with works on the site imminently (i.e., before commissioning the survey). I therefore visited the site on Monday 3 July 2023, with the Council's Enforcement Officer to inform whether a temporary stop notice should be served to legally prevent further works.

Having assessed the site myself, I am happy that no further ecological survey is required. However, further works and site reinstatement must follow my mitigation/compensation requirements.

Given the applicant's/developer's stated inclination to undertake further works in the tipping field before the planning application is determined, they should be advised of these requirements as soon as possible. The requirements should also be conditioned, if planning permission is granted.

TDC Arboricultural Officer:

The Arboricultural Officer has visited the site and he has verbally advised that he considers that the assumed root protection area for the oak tree (as shown on the drawings) is acceptable. The Arboricultural Officer has also advised that roots of the ash tree on the southern boundary of the site are likely to grow along the side of the hedgebank rather than out into the field where the earthworks are proposed.

TDC Drainage Engineers:

Comments dated 22 May 2023

The applicant shall consult with the Environment Agency and Devon County Council Flood Risk Teams.

I would advise that the LPA engage a Structural and/or Geotechnical Engineer on applications requiring a slope stability or structural engineering response.

Comments dated 18 June 2024

Following the submission of the Land Drainage Statement by the applicant on 13 June 2024, the Council's Drainage and Coastal Manager has commented that given the application site is to remain a permeable surface and given that the applicant has renewed the land drainage system in the area to mitigate any exceedance flows, he has no objections to the proposal. The Drainage and Coastal Manager has recommended that the reinstatement and establishment of appropriate vegetation cover on the site is provided as soon as possible before the winter season.

TDC Environmental Health (Contaminated Land): No objections.

DCC Flood and Coastal Risk Management Team:

Comments dated 6 July 2023

Although we have no in-principle objection to the application at this stage, the applicant must submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Comments dated 26 September 2023

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Environment Agency:

It is a small amount of soil ~1000 tons, a minor offence relatively in the scheme of waste offending; particularly in terms of soil wastes, as the soil has originated from a greenfield site. However, the impact to the existing field and its ecology should and appears to be, being considered. This is a decision for the planning process as to whether this activity is acceptable or not.

Ultimately should planning be refused then the developer will need to haul the waste soil to a permitted site (inert landfill or recovery). Equally, would the land have still belonged to the original landowner, the soil could have been moved to this field without a permit / authorisation from the EA/EPR (but still may have required planning permission) as the soil would not have been considered a waste.

DCC Minerals:

The application site is within the Mineral Consultation Area for the limestone resource, with Policy M2 of the Devon Minerals Plan seeking to protect such resources from constraint by new development.

In this case, the nature of the development will not place any increased constraint on the mineral resource, and Devon County Council therefore has no objection in its role of mineral planning authority.

6. REPRESENTATIONS

A site notice was posted at the site.

Letters of objection have been received from 25 households which have raised the following concerns:

- Impact on trees and hedges.
- Flood risk.
- Impact on biodiversity/ecology.
- Change of use of the land from agriculture to materials dump.
- No benefit to the community.
- The land should be restored to the condition it was in before the building works took place.
- No evidence that a licence to move the spoil outside of the development site has been issued.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council:

Object to the application due to ecological issues, drainage issues and TPO issues.

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


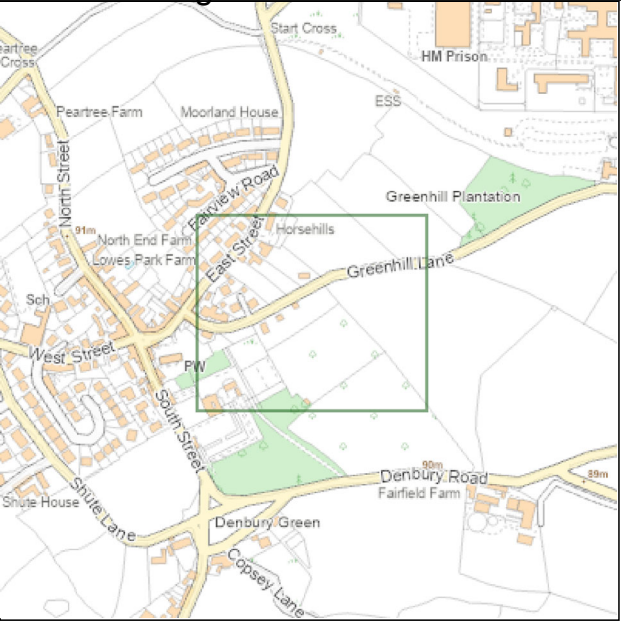
Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

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.

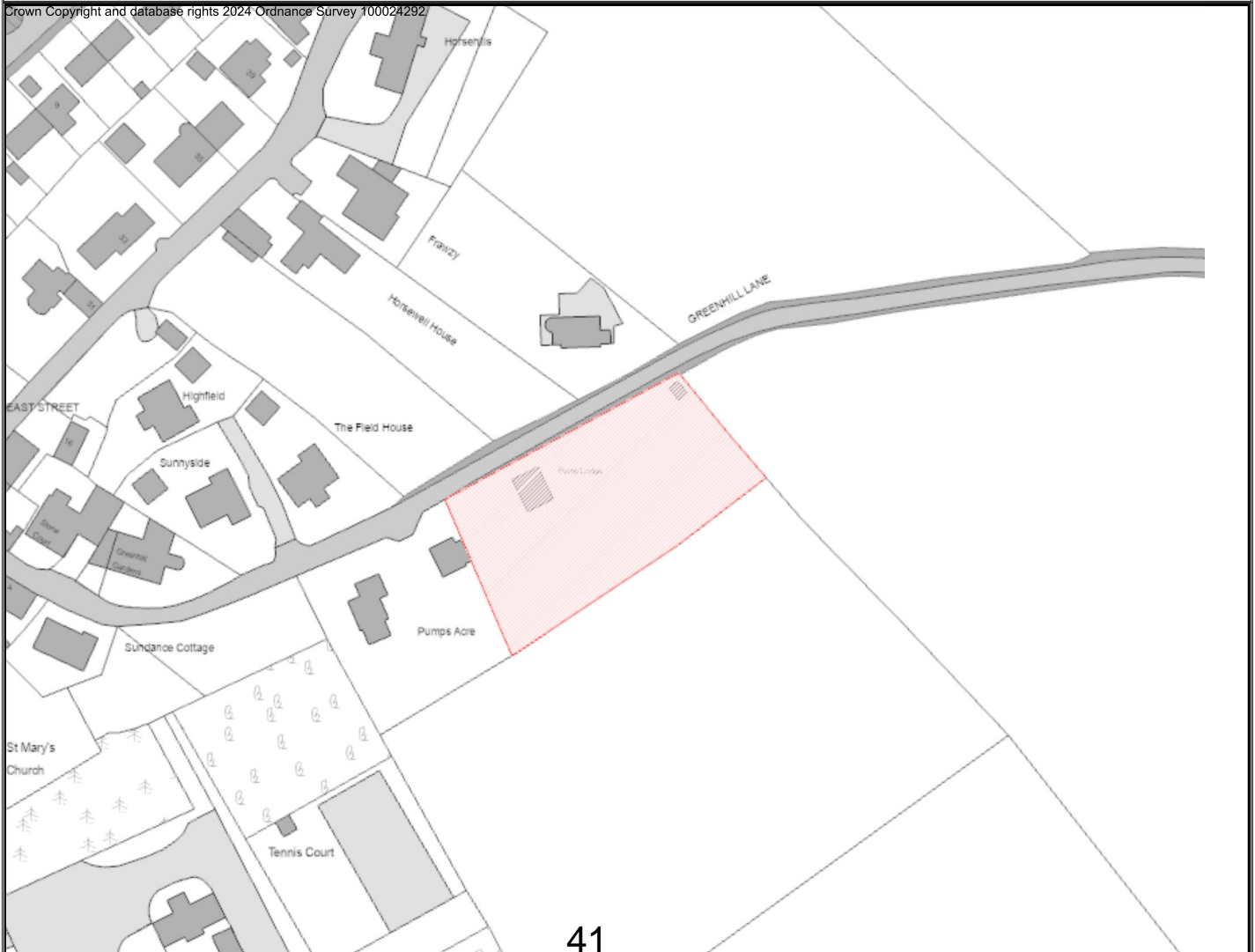
Head of Place and Commercial Services

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 <p>Teignbridge .gov.uk</p> <p>Planning Committee Report</p> <p>Chairman: Cllr Colin Parker</p>		
Date	23 July 2024	
Case Officer	Artur Gugula	
Location	Pumps Acre Greenhill Lane Denbury Devon TQ12 6DN	
Proposal	Outline application for the demolition of the existing holiday chalet and the construction of up to three residential dwellings, with all matters reserved except for vehicular access	
Applicant	Mr N Bryan	
Ward	Ambrook	
Member(s)	Cllr Paul Parker, Cllr Richard Daws	
Reference	24/00545/OUT	

[Online Details and Documents](#)

RECOMMENDATION: null



1. REASON FOR REPORT

This application has been called-in to Planning Committee by the Ward Member should the application be recommended for approval for the following reasons:

- Impact on Conservation Area specifically in respect of the new entrance being damaging to the character of the area;
- The site is outside the Denbury Settlement Limit;
- There is a sufficient provision of housing in the Parish;
- Construction traffic would have impact on neighboring residents
- Concerns over narrow nature of Greenhill Road;
- Concerns over bat roosts located 150m from the proposed site.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of the details of layout, scale, access (within the site), landscaping and appearance of the building(s), (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced.

REASON: To enable full and proper consideration of the proposed development.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun before the expiry of two years from the date of final approval of the reserved matters.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
28 Mar 2024	1963-AIA-MU	Arboricultural Impact Assessment
28 Mar 2024	SWE 888 VERSION NO. 3	Ecology Report by South West Ecology
17 May 2024	986.01 A	Site Location Plan
17 May 2024	986.11 A	Proposed Site Plan (Access)

17 May 2024	986.13 A	Proposed Site Sections/Elevation
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REASON: In order to ensure compliance with the approved drawings.

5. Prior to the commencement for the hereby approved development details of protection during construction, maintenance and management of the trees identified to be retained on Tree Retention Plan reference 163-TRP-MU (located within the Arboricultural Impact Assessment reference 1963-AIA-MU) and existing hedges on the east and south boundaries shall be submitted to and approved in writing by the Local Planning Authority. The identified trees and hedges shall thereafter be maintained and retained for the lifetime of the development.

REASON: In the interest of protecting habitats for legally protected species and to ensure that visually important trees and hedges are retained.

6. Prior to commencement of the hereby approved development, a Lighting Design Strategy and Plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Design Strategy and Plan shall include:
 - a) A map showing "dark areas" that will be maintained on site, which shall extend at least 5m from the face of the eastern and southern hedges;
 - b) Isolux maps showing existing and predicted light levels in relation to dark areas, including vertical plane lux levels shown at the inner edge of the dark areas;
 - c) Details of how a light level no higher than 0.5 lux will be achieved within the dark areas. Details shall include consideration of sizes, height and orientation of windows; location, type and number of lighting private and public realm lighting units; vehicle headlamps, hard and soft landscaping; and other measures.

The Lighting Design Strategy shall thereafter be implemented and maintained in accordance with the approved details. The external lighting shall only produce light that is UV-free, narrow spectrum, low-intensity light output, with a warm colour temperature (2,700K or less) and a wavelength of 550nm or more. Any external lighting shall be on a timer and shall be turned off daily between 00:30am and 05:30am.

Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no lighting other than that approved by this condition shall be installed during the lifetime of the development.

REASON: In the interest of protection and mitigation for the benefit of legally protected bats and other light-averse wildlife.

7. Prior to commencement of the development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays inc.; 09.00 to 13:00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (k) details of wheel washing facilities and obligations;
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - (m) details of the amount and location of construction worker parking;
 - (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

REASON: In the interest of highway and traffic safety and to ensure that disturbance during construction phase is kept to the minimum.

8. Prior to commencement of the hereby approved development details of the surface water management system shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include a plan of exceedance flow pathways and scheme for the ongoing management of surface water management system. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of ensuring that surface water from the development is appropriately managed and that flood risk is not increased on site and elsewhere.

9. The submission of the first application for approval of reserved matters for the hereby approved development shall include the details of the location of the septic tank to accommodate foul water drainage.

REASON: In order to ensure that the development is served via an appropriate means of foul water management system and to ensure that the location of the tank is appropriate in respect of root protection areas of retained trees and hedges.

10. Any submission of application for approval of reserved matters for the hereby approved development which would include a dwelling or dwellings shall include details of carbon emissions reduction measures for approval in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

REASON: In the interest of ensuring that the development delivers carbon reduction measures.

11. The development hereby approved, including demolition and vegetation clearance, shall proceed in strict accordance with the precautions, measures and enhancements described Section 5 of the approved Ecology Report (by South West Ecology dated 12th September 2023).

REASON: For the benefit of legally protected bats and birds and in order to ensure biodiversity gain.

12. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawing 986.11A where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions.

REASON: To provide a satisfactory access to the site with adequate facilities for parking and to provide adequate visibility from and of emerging vehicles.

3. DESCRIPTION

The site

- 3.1. The application site is located on the eastern edge of Denbury village situated along Greenhill Lane. The site accommodates a detached dwelling known as Pumps Acre with a detached garage. To the east of the garage is the extensive garden of the dwelling which currently accommodates a single holiday lodge (the site has permission for a total of two). The site is relatively flat with the ground level raising slightly by 500mm compared to the level of the road. The garden is approximately 0.2 hectares in size. On the north boundary it is enclosed by a natural stone wall which is the only part of the site that falls within the Denbury Conservation Area. The northeast corner accommodates several trees, notably a group of Norway spruce. The east and south boundaries comprise of established hedges. Adjacent

to the east is agricultural land and to the south there appears to be an orchard. The west boundary borders the host dwelling and its curtilage is separated by a timber fence and some low-level vegetation.

- 3.2. Directly on the opposite side of the lane are various residential properties and their extensive gardens. In the easterly direction the lane leads out of the village towards HMP Channings Wood. To the west the lane leads towards East Street where the core of the village is located. At the junction of East Street and Greenhill Lane there is a cluster of Grade II* and Grade II Listed buildings – these are approximately 120m away from the site. In views along Greenhill Lane towards the west with the site located on the left, the tower of Grade I Listed St Mary the Virgin Church is present at distance (approximately 140m from the site). Around 160m to the south west there is the Grade II Listed Denbury Manor.
- 3.3. The site is within Flood Zone 1 (low flood risk) and is not within any Critical Drainage Area. It is located within the South Hams SAC Landscape Connectivity Zone (LCZ) designated for accommodating commuting routes for legally protected greater horseshoe bats which navigated along linear features such as hedges.
- 3.4. The proposal
- 3.5. The proposal seeks planning permission for the demolition of the existing holiday chalet and construction of up to three dwellings with all matters reserved except for vehicular access.
- 3.6. The detailed access plans indicates that a splayed opening would be made in the existing stone wall. The reclaimed stone would then be used to create a curved wall at each side of the opening terminated with piers.
- 3.7. The creation of the access is proposed to require removal of 4 x category C trees. A further small tree is proposed to be removed in the central point of the site.
- 3.8. Relevant planning history

- 22/01024/PE - Proposal to move location of lodge, change design and create new entrance and parking area.

Pre-application response advised that careful consideration would need to be given to creation of a new access in the stone wall due to its positive contribution to the significance of the Conservation Area.

- 17/00578/FUL - Two chalets for holiday accommodation. - APPROVED

Principle of development

- 3.9. The area of garden belonging to Pumps Acre where the proposed dwellings would be located is currently situated outside of the defined settlement limits of Denbury. On that basis, in accordance with provisions of the current Teignbridge Local Plan (TLP) the proposal is considered as development in the countryside where provisions of Policy S22 apply.
- 3.10. Policy S22 seeks to strictly manage new development within open countryside locations. In respect of residential uses, the policy does not provide in principle support for open market dwellings. As such, the proposal would be at odds with the

provisions of Policy S22 in respect of the acceptability of the principle of open market residential development in this location.

- 3.11. Nonetheless, whilst the proposal fails to comply with Policy S22 which weighs against the development it is considered that there are other material planning considerations which must form part of the overall assessment of the planning balance. These are considered in detail within the following sections of this report.
- 3.12. Submission Local Plan 2020-2040 (SLP)
- 3.13. On 14th March 2024 the Local Plan 2020-2040 was submitted to the Planning Inspectorate for examination.
- 3.14. Paragraph 48 of the NPPF sets out that LPAs may give weight to relevant policies in emerging plans bearing in mind the stage of the preparation of the emerging plan, the extent of unresolved objections to relevant policies, and consistency of the relevant policies with the NPPF. As such it is deemed appropriate to consider Policy GP3 (Settlement Limits and Countryside) of the SLP which guides new development in accordance with a settlement hierarchy. Denbury is defined as a village at the lowest level of the hierarchy. The new defined settlement limit for the village has been extended to include the proposal site. There are unresolved objections in respect of the policy more generally, however there are no unresolved objections specifically in relation to the extension of the Denbury settlement limit. The policy is consistent with paragraphs 78, 80, 84 and 85 of the NPPF which seek planning policies and decisions in rural areas to support housing developments that reflect local needs. The supporting text for the policy sets out that proposals within settlement limits will be generally supported. As such the proposed development for up to three dwellings would be consistent with the provisions of SLP Policy GP3.
- 3.15. Accordingly, given that the SLP has been submitted for examination, the policy is consistent with the NPPF, and in the context of the extended settlement limit for Denbury there a no unresolved objection it is considered that the policy shall be afforded significant weight in favor of the proposal.
- 3.16. Housing and Economic Land Availability Assessment (HELAA)
- 3.17. The application site has been assessed for potential residential development within the HELAA in June 2021 (Site Reference: ko13xd3) however it was discounted from further progress due to access constraints resulting in the likely development yield being below 5 units. Whilst, the site has not been progressed to allocation within the SLP as the desired yield between 8 and 12 units could not be achieved it is considered that such does not preclude the site from being able to deliver small scale residential development of 3 units as proposed.
- 3.18. The access concerns due to the narrow nature of Greenhill Lane are noted and will be considered further in this report.
- 3.19. Sustainability
- 3.20. The application site whilst located at the edge of the village is in close proximity to the historic core of Denbury. The settlement benefits from a primary school, village hall and a public house which also offers convenience goods. There is a bus service which provides connection to Newton Abbot. The nearby HMP Channings Wood also offers an employment opportunity. Due to the location of the site all of the

services and amenities listed can be accessed on foot (albeit some of the roads within the village do not feature a pavement). Other services and employment opportunities located in Newton Abbot could be accessed without the reliance on a private car through the bus services. On that basis, the site is considered to be in a sustainable location within the rural context of the village, and thus the proposal would be compliant with the sustainability criteria set out in Policy S1 of the TLP.

3.21. Affordable housing

3.22. The proposal is below the unit threshold set out in Policy WE2 of the TLP and therefore the requirements of the policy do not apply.

3.23. Impact on Conservation Area

3.24. The stone wall located on the northern boundary of the site is identified as forming part of the positive character of the Conservation Area. The proposal would have a direct impact on the wall creating the opening for the vehicular access. It is noted that the wall, prior to the submission, appeared to be in need of some maintenance, having been decayed by invasive vegetation. At the time of the Officer's site visit the vegetation appeared to have been cut back. The proposed opening is modest and proposes to use reclaimed stone from the wall for the curved features and piers. The opening would not degrade the sense of enclosure. The proposed development would also likely result in more frequent maintenance of the wall ensuring its survival as a positive feature in the Conservation Area. The submitted plans demonstrate sensitive design and manner of construction of the wall. On that basis, in accordance with TLP Policy EN5 and paragraph 205 of the NPPF the proposal would not result in harm to the significance of the Conservation Area.

3.25. Impact on listed buildings

3.26. There are a number of listed buildings that could be affected by the development. In respect of the Grade I Listed St Mary the Virgin Church there would be no direct or physical impact of the proposal on this asset. Nonetheless, consideration is given to the impact on the setting of the Church. There are funneled distant views along Greenhill Lane towards the Church tower. Whilst there are no details of the appearance of the proposed dwellings the principle of the proposed development in respect on the impact on the view is considered acceptable. The development would be seen with the backdrop of existing built environment at the edge of the village. In addition, it is considered that at reserved matters stage, the dwellings can be appropriately positioned to be set back from the roadside boundary which would retain the view towards the Church. On that basis, in the context of Policy EN5 of the TLP and paragraph 205 of the NPPF the proposal would not result in harm to the significance of the setting of the Church.

3.27. The cluster of Grade II* and Grade II Listed Buildings (Rose Cottage, Old School House, 19, 21 and 23 East Street, 5 and 7 East Street [Grade II*]) to the west at the junctions of Greenhill Lane and East Street is considered to be unaffected in respect of direct impacts and impact on the setting of these listed buildings. This is due to a sufficient separation distance and intervening built environment obstructing any intervisibility.

3.28. Finally, consideration has been given to the Grade II Listed Denbury Manor with a Grade II Listed associated Stable. Due to the separation distances, there is no direct impact on the listed buildings. In respect of impacts on the significance of the

setting of the heritage assets, there is no intervisibility between the development and the Manor and Stable. Any views are screened by intervening development and adjacent orchard to the south. As such in the context of Policy EN5 of the TLP and paragraph 205 of the NPPF the proposal would not result in harm to the significance of the setting of Denbury Manor and the associated Stable.

3.29. Impact on character of the area

3.30. As considered above in respect of the Conservation Area the proposed new access is modest and appropriate in the context of the rural edge of the village. The proposed re-use of the reclaimed stone with construction of piers either side of the opening would provide an attractive feature which would not distract from the general sense of enclosure experienced in the lane. A large section of the wall will remain with the prospect of the development likely resulting in more regular maintenance of its distinctive appearance.

3.31. Whilst the detailed design for the dwellings will be assessed at the reserved matters stage the indicative plans demonstrate that the site can accommodate 3 detached dwellings comfortably with ample space for gardens and landscaping. It is considered that the dwellings can be set back from the road boundary ensuring that that the development does not appear prominent within the street scene and funneled view towards the village. The likely organic layout would be appropriate for this edge of village setting reflecting the grain on other more recent development in the immediate vicinity.

3.32. As such the proposal in its outline form and detailed design of the access is considered compliant with the relevant policies of the TLP.

3.33. Impact on neighboring properties

3.34. As the proposal is in outline form for up to 3 dwellings there are no detailed plans being considered at this stage. The applicant has provided some parameter plans with an indicative layout and elevations showing 3 detached 2-storey dwellings. Whilst detailed plans would be considered in full at reserved matters stage it is considered that the site can comfortably accommodate up to 3 dwellings without causing unacceptable impact on the amenity of neighboring properties, namely due to sufficient separation distances and intervening features including boundary treatments and vegetation.

3.35. Biodiversity

3.36. The proposal was submitted before the 2nd of April 2024 and therefore is not subject to mandatory Biodiversity Net Gain (BNG).

3.37. The application submission has been accompanied by an Ecology Report and Arboricultural Impact Assessment (AIA). The proposal would result in loss of 0.21ha of improved grassland currently managed as a lawn which provides low ecological value. There are also 5 trees proposed to be removed, all of which are identified as Category C (lowest on the scale). The loss of the trees will be assessed in the next section of the report however the loss of low ecological value habitat in the form of a lawn is considered acceptable.

3.38. The Ecology Report has not identified the presence of any roosting bats or nesting birds however the existing hedges and larger trees may be used by both protected

bats and birds. As such it is considered appropriate to secure the retention of the hedges and trees via appropriate conditions. In addition, compliance with the recommendation of the Ecology Report in respect of precautions and installation of bat and bird boxes is also recommended to be secured by condition. It is also appropriate to secure the submission of a lighting strategy to ensure that any light spill from the development onto the hedges remains below 0.5 lux. This is to allow continued use of the habitats by protected bats. Providing that the above conditions are secured, the proposal would result in an acceptable biodiversity impact in respect of protected habitats and species.

3.39. Some third-party comments raised concerns regarding the presence of nearby bat roosts. These are identified as below:

- Within 85m, 150m, 170m and 200m of the site, there are buildings supporting lesser horseshoe and common pipistrelle maternity roosts also used by the greater horseshoe bats.

3.40. The proposal would not affect this roost directly although the existing hedges on site may be used as flyways and foraging areas by the bats from nearby roosts. As such the retention and limiting of light spill on these hedges is appropriately secured via the conditions mentioned above.

3.41. Trees

3.42. The proposed development would not result in any impact on protected trees. The submitted AIA provides the assessment of all the trees and hedges within the site. It is proposed to remove 5 trees as listed and identified on submitted plans below:

- G2(C) – Elder
- T3(C) – Sycamore
- T4(C) – Sycamore
- G5(C) – Elm
- T14(C) – Norway spruce

3.43. At the Officer site visit it was apparent that trees G5 and T1 have already been removed some time ago. Tree T3 appeared to be heavily coppiced in the past with only half of its trunk remaining and no signs of re-growth. These trees were not protected therefore they could have been removed at any time. In respect of G2 and T4 which remain in place – these appear to be small trees identified within the lowest quality category. They are relatively isolated within the site and therefore do not offer any specific amenity benefit to the character of the area. As such it is considered that the removal of the trees is acceptable. Additional tree planting can be secured as part of any subsequent reserved matters proposal.

3.44. The retention of the other mature trees and hedges on the site is welcome – these have been adequately assessed in the AIA. Submission of an appropriate tree protection plan during the construction and operation of the development is considered appropriate to be secured via a suitable condition.

3.45. Highways

- 3.46. Concerns have been raised regarding the narrow nature of Greenhill Lane and East Street which service access to the site. The proposed access within the curved walls allows for 25m visibility in both directions. Due to the narrow nature of the adjacent lanes, it is considered that vehicles are likely to travel at considerably lower speeds and therefore on that basis the provided visibility splays are acceptable. The retention of the splay as proposed is recommended to be secured via a suitable condition. The access also provides for two vehicles to be able to pass should they meet at the access point. It is envisaged that the detailed design at reserved matters stage will include a shared turning head allowing vehicles to access and leave the site in a forward gear.
- 3.47. There have been no personal injury collisions reported in the vicinity in the period between January 2018 and December 2022. Given the small-scale nature of the proposal with a maximum of 3 dwellings, in consultation with DCC Highways it is considered that whilst the surrounding lanes are narrow, the additional traffic associated with the development would not result in adverse impact upon traffic and highway safety.
- 3.48. Due to the narrow nature of the roads, it is appropriate to secure the submission of a Construction Management Plan via a condition.
- 3.49. Drainage and flood risk
- 3.50. The Planning Statement sets out that it is intended that a soakaway would be utilised to accommodate surface water from the development. The site is not within area of high flood risk or a Critical Drainage Area (CDA). There also appears to be sufficient space to accommodate a soakaway or soakaways to serve the dwellings. Given that the proposal is at outline stage it is appropriate to secure the submission of detailed surface water management scheme via a condition prior to commencement. The details should include details of the ongoing management of the scheme as well as details of exceedance flow pathways.
- 3.51. It is proposed that a septic tank will be used to accommodate foul water from the development. The details of the location for this are recommended to be secured via an appropriate condition. It is noted that concerns have been raised by third parties regarding pollution resulting from the tank. The onus is on the applicant to ensure that the tank complies with the Environment Agency Binding Rules. If required the responsibility lies with the applicant to apply for an appropriate Environment Agency permit for the septic tank.
- 3.52. Carbon Reduction
- 3.53. Due to the application being at outline stage there is limited information in respect of carbon reduction measures to be provided through the development as detailed designs are unknown. The Design and Access Statement states that high efficiency homes are envisaged for the site with the potential to make use of solar gain. It is considered appropriate to condition the submission of a Carbon Reduction Statement with each reserved matters that may include dwelling/s which will allow for the detailed consideration of the carbon reduction measures.
- 3.54. Other matters raised in third-party representations
- 3.55. It is noted that concerns were raised regarding cutting down of the vegetation which covered the boundary wall. It is understood that the vegetation was not specifically

protected and could have been cut down at any point. On that basis, it is beyond the remit of the planning regime and is not a material consideration for this application.

3.56. Planning Balance

3.57. Overall, as set out in the detailed assessment of the proposal above the development is mostly compliant with relevant policies of the TLP and SLP. The proposal's non-compliance with Policy S22 is afforded significant weight. Notwithstanding, the conflict with the TLP as set out earlier in the report significant weight is afforded to the extended settlement limit for Denbury within SLP Policy GP3. It is also considered that the proposal complies with the sustainability criteria set out in TLP Policy S1 due to its edge of the village location – such compliance is also afforded significant weight. Bringing the planning balance together it is concluded that these material planning considerations together with compliance with other Policies of the TLP, outweigh the harm resultant from conflict with Policy S22 of the TLP.

3.58. Conclusions

3.59. In accordance with the conclusions of the planning balance as above the proposal is recommended for approval subject to the recommended conditions.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S22 Countryside

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Submission Teignbridge Local Plan 2020-2040

GP3 Settlement Limits and the Countryside

DW1 Quality Development

DW2 Development Principles

DW3 Design Standards

H12 Residential Amenity

EN4 Landscape Protection and Enhancement

EN6 Flood Risk and Water Quality
EN8 Light Pollution
EN11 Important Habitats and Features
EN15 South Hams SAC
EN16 Trees, Hedges and Woodlands

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES (Summarised)**

DCC Highways

Following submission of revised plans the below conditions were recommended:

- Submission of CMP.
- Securing of appropriate visibility splays.

TDC Biodiversity Officer

Conditions recommended to cover the following matters:

- Retention and protection of trees (other than those required to be removed for access);
- Compliance with precautions, mitigation measures and enhancements set out within the submitted Ecology Report;
- Submission of a Lighting Design Strategy.

TDC Drainage Team

- Details of infiltration testing required prior to determination;
- Surface water drainage to be delivered using a soakaway;
- Details of exceedance pathways required;
- Details of management and maintenance of the proposed surface water system.

South West Water

- Recommended that the run-off destination hierarchy should be followed.

6. **REPRESENTATIONS**

6 letters of objection have been received raising the following issues as summarised:

- Proposal would destroy the character of the area and the historic Devon village.
- Concerns over impact on the stone wall resultant from large access opening.
- Proposal lacks 'starter homes' and would result in no benefit to the community.
- Concerns over water pollution from the proposed septic tanks
- Proposal results in overdevelopment.
- There is no identified need for the development as alternative site/s are being delivered through the emerging Local Plan.
- The proposal would not fit in with the aspirations of small villages set out within the Local Plan.
- There is limited public transport availability.
- Concerns over construction traffic causing damage to the narrow lanes.
- Concerns over the vegetation on the boundary wall being removed.
- Concerns over insufficient parking being provided.
- Proposal would encroach onto the countryside.
- The Ecology Survey fails to show two maternity bat roosts located within 150m of the site.
- Concerns over BNG not being applied.
- Greenhill Lane is narrow and not suitable for greater car usage and there are no provisions for pedestrians.
- Concerns over light spill in relation of light adverse protected species.

7. TOWN / PARISH COUNCIL'S COMMENTS (Summarised)

The Parish Council object to the application and recommends refusal of the application for the following reasons:

- Impact on Conservation Area specifically in respect of the new entrance being damaging to the character of the area;
- The site is outside the Denbury Settlement Limit;
- There is a sufficient provision of housing in the Parish;
- Construction traffic would have impact on neighboring residents
- Concerns over narrow nature of Greenhill Road;
- Concerns over bat roosts located 150m from the proposed site.

8. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

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 COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	15 July 2024
REPORT OF:	Head of Place and Commercial Services
SUBJECT:	Major variation applications approved in previous calendar month

23/01594/MAJ	NEWTON ABBOT - Land At NGR 285451 72391 Whitehill
	Variation of condition 2 and 4 on planning permission 16/01968/MAJ (Residential development for up to 202 dwellings and associated development) To provide larger, detached, and more marketable custom/self-build plots - reducing from 10 plots to 8.
	VARY CONDITION APPROVAL

23/01786/MAJ	NEWTON ABBOT - Former Wolborough Hospital Development Site Old Totnes Road
	Variation of condition 2 on planning permission 13/01497/MAJ (Demolition of existing buildings and construction of 13 dwellings with associated access, car parking, landscaping and open space) to widen parking area to the side of Plot 18, add two parking spaces for Plot 4
	VARY CONDITION APPROVAL

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

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