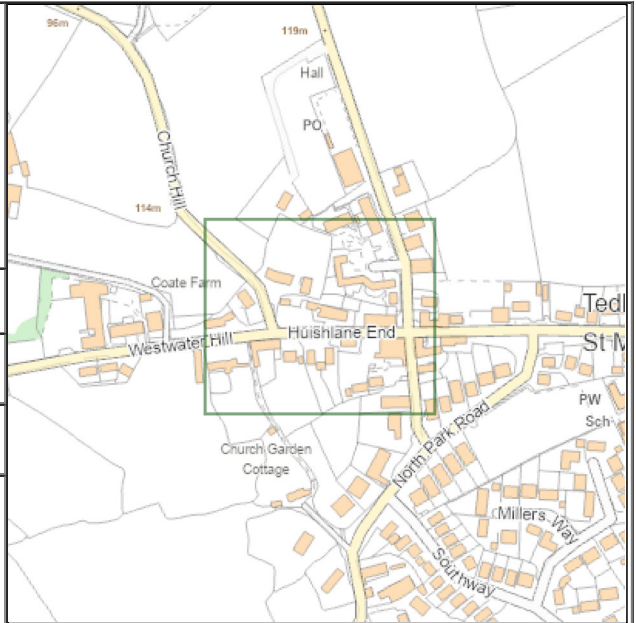


Planning Committee Report

Chairman: Cllr Colin Parker

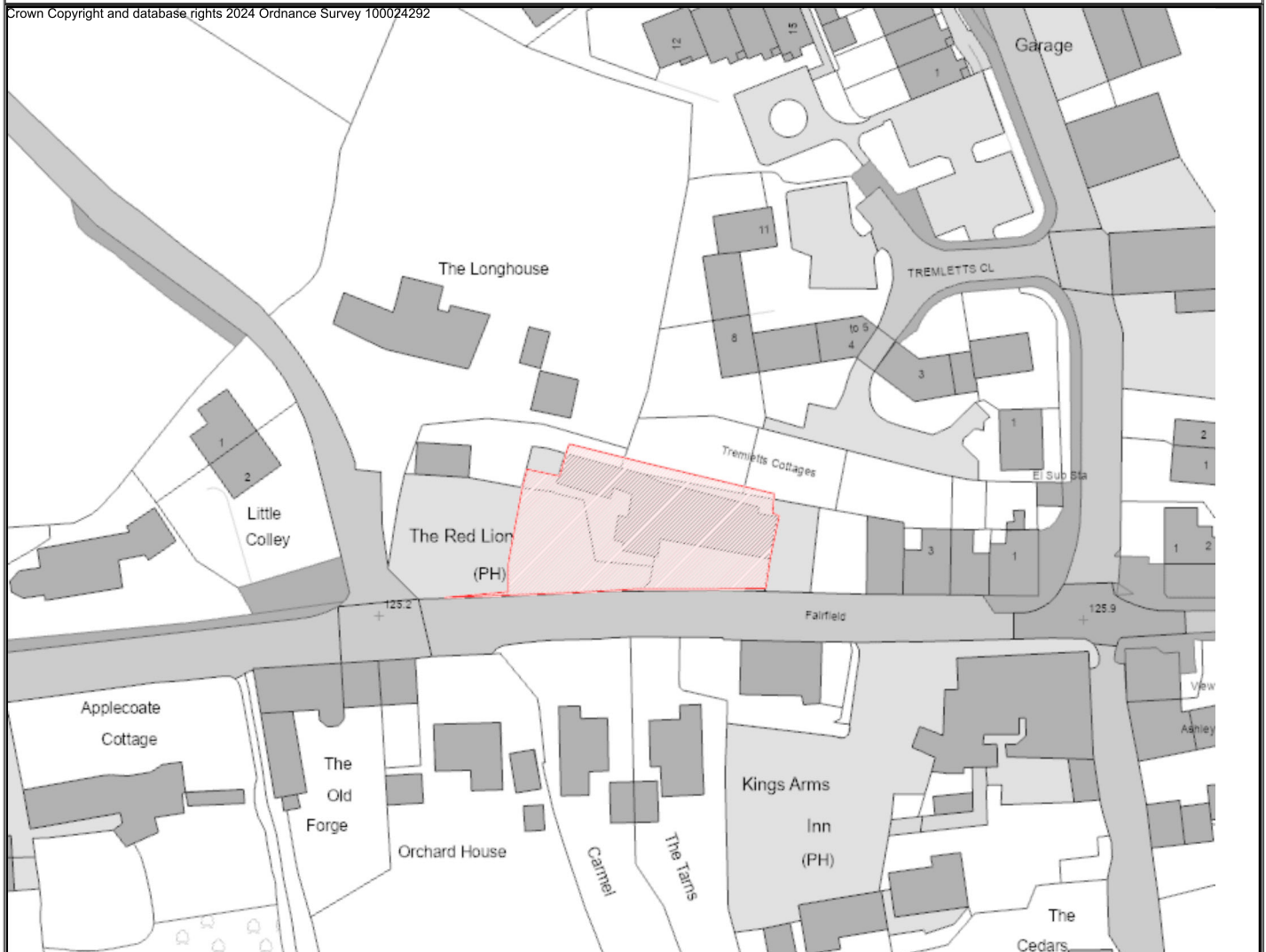
Date	11 June 2024
Case Officer	Gary Crawford
Location	Red Lion Inn Road Past Coate Farm Tedburn St Mary Devon EX6 6EQ
Proposal	Change of use and conversion of public house and one flat into four houses with associated garden and parking including demolition of single storey extensions and retention of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



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

Crown Copyright and database rights 2024 Ordnance Survey 100024292



1. REASON FOR REPORT

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

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

2. RECOMMENDATION

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

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

3. DESCRIPTION

The site

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

The application

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

Main issues

The main issues for consideration are:

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

Principle of the development

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

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

Highway safety

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

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

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

Impact upon the character and visual amenity of the area

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

Impact upon the setting of listed buildings

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

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

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

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

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

Impact on residential amenity

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

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

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

Drainage

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

Biodiversity impacts

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

Carbon reduction

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

Other matters

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

Conclusion

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

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S9 Sustainable Transport

S21 Villages

S21A Settlement Limits

WE12 Loss of Local Facilities

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Biodiversity Officer:

The Bat and Bird survey found no sign of roosting bat 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