

Planning Committee Report

Chairman: Cllr Colin Parker

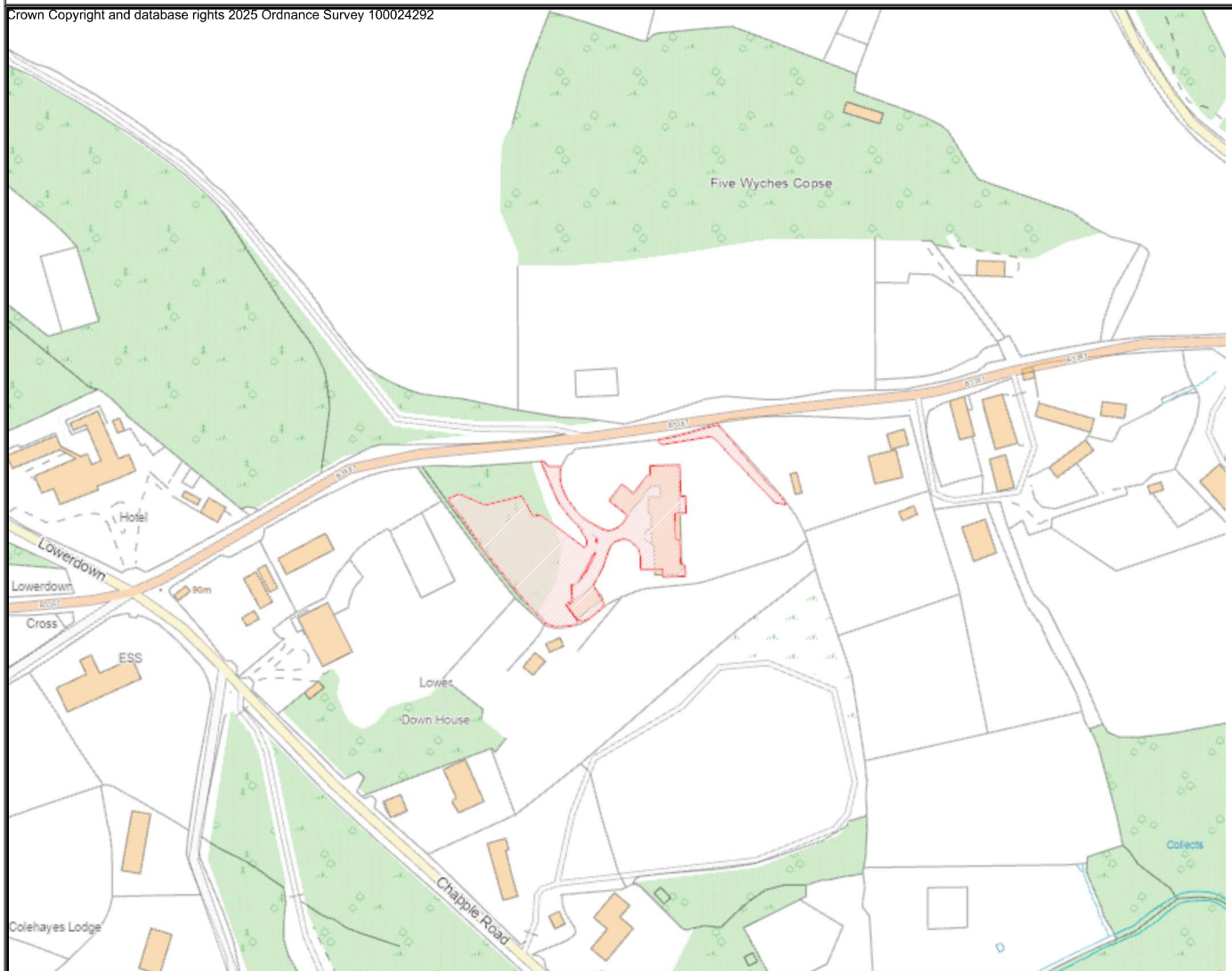
Date	15 April 2025
Case Officer	Lisa Rasch
Location	Tracey House Retirement Home Bovey Tracey Devon TQ13 9LE
Proposal	Change of Use from Residential Institution (Class C2) to 6 holiday lets
Applicant	Mr & Mrs Zakrzewski
Ward	Bovey
Member(s)	Cllr Stuart Webster, Cllr Martin Smith, Cllr Sally Morgan
Reference	24/01348/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This application has been called in by Bovey Tracey Town Parish Council for the following reasons:

Members do not wish to see the loss of important residential housing. The current application does not accord with Neighbourhood Development Plan Objectives:

H01 (To make the parish a place where people of all ages who are unable to buy or rent on the open market and who have a local connection have priority access to affordable housing).

H02 (To make the parish a place where elderly people with a strong local connection have priority access to housing that is suited to their needs).

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

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
15 Aug 2024	100047474	Location plan
15 Aug 2024	P02.A	Proposed elevations
15 Aug 2024	P02.A	Proposed floor plans
15 Aug 2024	2305/AIA	Arboricultural impact assessment (Tree survey)
15 Aug 2024	P05.C	Proposed block plan
28 Aug 2024	P0234.A	Existing and proposed elevations bungalow

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

3. No works shall be undertaken to any roof, tiles, ridge tiles, loft, roof dividing walls, dormers, valleys, chimneys, eaves, gables, barge boards, wall tops, wall cladding or other

building element which might support roosting bats or provide bats access to roosting areas, in any of the buildings (except the green house and garden shed) unless and until an updated Bat Mitigation Strategy has been submitted to and approved by the Local Planning Authority. All mitigation measures in the Bat Mitigation Strategy shall be implemented at the appropriate stage of the development. A European Species Licence may be required from Natural England prior to commencement.

REASON: In the interest of legally protected bats, bat roosts and bat accesses to their roosts.

4. As a result of the use of presence of protected species, including nesting birds, and the possibility of other legally protected and priority species on site the works shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by Western Ecology, dated October 2024, see especially section 5), subject to any variation required by Natural England under any license issued. For the sake of clarity, the necessary mitigation measures listed in the report include the following:

- Retention of as many existing trees and hedges as possible and protection during works.
- If any trees/hedges are removed, replacement planting of the same or greater amount of native species trees/hedges. Realignment of native species hedges in preference to removal and replanting.
- If any amphibian habitat is lost, it must be replaced like for like or better.
- Any log or rubble piles to be removed should be removed in the period late March to October or in the presence of an ecologist.
- Cut vegetation to be removed from site or placed away from construction/ working areas.
- Hazardous materials to be stored off the ground or in a secure container.
- Measure to prevent animals becoming trapped in excavations or pipes.
- Any amphibian or reptile found to be carefully removed to same habitat.
- Gaps to be provided in fences to allow badgers, hedgehogs, etc to pass through.
- One or more replacement bird box(es) to be provided for each bird nest lost. The replacement must be of an appropriate type, to in an appropriate location for the species impacted.
- Any removal of potential bird-nesting vegetation should be undertaken in the period September to February, or after a check for nesting birds by an ecologist. If found, works shall be delayed until chicks have fledged.
- Any areas of scrub to be removed, must be removed during October. If a dormouse is found the ecologist should be contacted immediately.
- Lighting controls.
- Control of invasive, non-native plant species.

The mitigation measures shall be retained and maintained thereafter.

REASON: In the interest of ensuring protection of legally protected species and providing biodiversity enhancements.

5. Prior to the commencement of development, including any site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall provide details of:

- Clear maps of trees, shrubs and hedges to be retained, moved or removed.
- Clear maps showing replacement planting to be provided for any trees, shrubs and hedges to be lost.

- Detail of protective fencing to be erected to protected tree, shrub and hedge roots. These fences shall be erected prior to commencement and retained until works are complete.
- Details of all tree, shrub/scrub and hedge planting to be undertaken including numbers, spacing, size at planting, planting method, and protection for new plants, including tree guards mulching and any staking.
- Establishment and aftercare of planting including weekly watering, weeding, fertilizing and any formative pruning;
- Details of measures to be undertaken to enhance grassland areas for biodiversity net gain, including species mix, sowing rate, time of sowing, timing and height of initial cuts and watering;
- Ongoing management of Biodiversity Net Gain scrub and enhanced grassland for at least 30 years.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved LEMP details. All planting/creation to be undertaken prior to first occupancy of the holiday units.

REASON: to create and maintain biodiversity compensation and net gain. A pre-commencement condition is required, as site clearance may result in harm to hedge/tree roots, or other damage to habitats.

6.The Biodiversity Gain Plan (the BGP) shall be prepared in accordance with the biodiversity gain plan (Map 1 BNG Plan dated 13/07/2024) & ecological information (Preliminary Ecological Assessment dated October 2024) submitted with the application and prepared by Western Ecology. The development hereby permitted shall be carried out strictly in accordance with the approved Biodiversity Gain Plan.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040.

7.Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase.

REASON: To permit continued use of the site by light-averse bats.

8.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 external lighting shall be installed on, or in association with, the converted buildings, except for low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted in association with main doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges, trees and bat roost entrances. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: For the benefit of legally protected light-averse bats.

9. Any vegetation at the access into the site from the B3387 shall be managed to a maximum height of 600mm at all times.

REASON: In order to ensure that sufficient visibility is maintained at the access to allow vehicles to emerge from the site safely.

10. The holiday units hereby approved shall be occupied for holiday purposes only and shall not be occupied as a main or sole place of residence. The owner shall maintain an up to date register of the details of all occupiers, including their names and main home addresses, of the holiday units on the site and shall make it available for inspection at all reasonable times by the Local Planning Authority.

REASON: To ensure the holiday accommodation is not used for permanent residential accommodation in the interests of highways safety, to protect the character and appearance of the area, and in the interests of residential amenity.

11. Notwithstanding the provisions of Article 3 of the Town & 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 and Classes A and C of Part 2 of Schedule 2 (which includes enlargement, improvement or other alteration, porches, sheds, greenhouses, huts, oil storage tanks, fences and walls) shall be undertaken on the premises, other than hereby permitted, or unless the prior written approval of the Local Planning Authority has been obtained.

REASON: To protect the amenities of the area in general and the character and appearance of the nearby buildings and to ensure the units remain suitable for holiday purposes only and not unacceptably enlarged or altered in any way.

12. Before they are brought into use, sustainable drainage shall be provided on site for the permeable parking areas, in accordance with the requirements of BRE Digest 365. Infiltration testing shall first be carried out for these areas, the findings of which shall be submitted to and approved in writing by the Local Planning Authority before installation of the drainage. Should the tests indicate infiltration is not possible, drainage shall be provided in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority, prior to the occupation of the units.

REASON: To ensure a satisfactory and sustainable permeable parking area is provided.

13. Before the development is brought into use, parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in association with the holiday use only, in accordance with plan 'Proposed Block Plan P05 C'. They shall not be used for any storage.

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

14. Before the development is brought into use, bike storage facilities shall be provided and thereafter permanently retained, for the storage of bikes in accordance with plan 'Proposed Block Plan P05 C' prior to occupation of the buildings.

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

15. Before the development is brought into use, bin storage facilities shall be provided and thereafter permanently retained for the storage of bikes in accordance with plan 'Proposed Block Plan P05 C'.

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

16. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species.

REASON: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

17. Prior to the first use of the development, a management scheme for the site shall be submitted and approved in writing by the Local planning Authority. The management scheme shall include that the burning of any fire pits and BBQs should cease at 11pm. The development shall be operated in accordance with the approved details.

REASON: In the interest of residential amenity.

18. Prior to the first use of the development, a Sustainable Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate measures taken to increase travel by sustainable means and reduce reliance on the motor car. The development shall be operated in accordance with the approved details which shall include a mechanism for yearly review if its aims are not reached.

REASON: In the interests of sustainability and encouraging non-motor car visits.

3. DESCRIPTION

- 3.1. Tracey House is a two storey reconstituted stone and painted render former residential care home. The House has been added to over time with extensions and conservatories.
- 3.2. The site is accessed from Haytor Road (B3387) and sits outside of the settlement boundary for Bovey Tracey and is therefore located in an area defined as countryside.
- 3.3. The site includes grounds and gardens surrounding the house, and a detached garage building to the west of the former care home.

Principle of development

- 3.4. The proposal is for the conversion of Tracey House to 6 no. holiday lets. The conversion includes the removal of conservatories as these are in poor condition.

- 3.5. Clearly there is a need for elderly accommodation, and Local Plan Policy WE12 seeks to prevent the loss of such facilities unless it meets at least 1 of 4 criteria, as follows:
- 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. Paragraph 4.30 (the subtext of this Policy) clarifies that “Proposals involving the loss of local facilities will need to be carefully justified.”
- 3.7. Local Plan Policy EC2 relates to loss of employment; however, this seeks to preserve offices, (former B1 Use), B2 and B8 business uses rather than C2 Use or other smaller scale employment generating uses. Nevertheless, the loss of any employment should be taken as a material planning consideration, in-line with the NPPF, and assessed accordingly.
- 3.8. The agent provided information relating to how the Care Home was marketed for sale. It was on the market with DC Care, a national care home sales agent. The marketing started in 2019, at a price of £3 million and was reduced over time to £2.2 million by April 2023, taking into consideration the market change resulting from the COVID Pandemic. Therefore, the Care Home was marketed nationally for 4 years with price reductions, and this resulted in no sale.
- 3.9. The Care Home officially closed in April 2023 with the owners being unable to continue for health reasons.
- 3.10. The above reasoning and information was acknowledged and accepted, and thus considered to meet the requirements of Local Plan Policy WE12 (d) in addition to justifying the loss of a minor level of employment. There is no other policy mechanism in which to refuse loss of care homes/elderly accommodation if a criterion of WE12 is clearly met.
- 3.11. Policy EC11 relates to tourism accommodation and supports the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character.
- 3.12. Policy EC6 of the emerging Teignbridge Local Plan 2020-2040 mirrors the above and requires *“the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character.”*
- 3.13. The proposed residential use and the loss of existing C2 use and employment is therefore considered to be acceptable in principle.

Residential Amenity

- 3.14. Policy S1 (d & e) of the Teignbridge Local Plan 2013-2033 requires proposals to perform well against health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development, and the impact on the residential amenity of existing and committed dwellings, particularly privacy, security, outlook and natural light.
- 3.15. Policy H12 of the emerging Teignbridge Local Plan 2020-2040 permits developments where it *“does not have an unacceptable impact on the living conditions of nearby residential occupants. Unacceptable impacts will be judged in relation to the level of amenity enjoyed by current and future occupiers within the area and could result from:*
- a. loss of privacy and overlooking*
 - b. overbearing or dominant impact on outlook*
 - c. overshadowing or loss of natural light*
 - d. noise and disturbance from increased activity, including vehicular activity*
 - e. odours or fumes.”*
- 3.16. The east elevation is approx. 84m from the elevation of the closest neighbour to the east, the west elevation is approximately 93m to the closest neighbour to the west. The site is bordered by mature hedgerows and trees which will remain untouched by the change of use and conversion.
- 3.17. Concerns have been raised by interested parties regarding noise that may occur from the use as holiday lets
- 3.18. There is a significant distance from the closest dwellings and adequate tree/hedgerow cover to absorb noise. A condition is recommended to ensure that adequate screening will remain in perpetuity.
- 3.19. A site management plan is to be submitted prior to the first use of the units.
- 3.20. It is considered that the proposal will not cause an unacceptable level of impact to residential amenity.

Highways

- 3.21. The B3387 is a national speed limit (60mph) road, but given the width and geometry of the road, lower actual speeds are likely.
- 3.22. DCC Highways noted in their response that there had been two “slight” personal injury collisions, to the east between the site and Five Wyches Cross, reported to/by the police between 01/01/2019 and 31/12/2023.
- 3.23. The previous use of the site as a care home would have generated several vehicle movements to and from the site by staff and visitors. DCC Highways have been consulted on the proposal and have stated that the holiday let use is likely to generate less vehicle movements than it did when operating as a care home and therefore is unlikely to have a severe impact on the existing Highway Network.

- 3.24. A condition will be added to ensure the visibility splay onto Haytor Road will stay under 600mm in height. This means that vegetation will need to be managed and cut back regularly.

Biodiversity

- 3.25. The site lies within the Sustenance Zone of the South Hams SAC which is designated for light averse Greater Horseshoe bats, who navigate the landscape by following linear features such as hedgerows.
- 3.26. The application is appended by a Preliminary Ecology Appraisal (PEA) which found a bat day roost and nesting birds in the main building and the building in the south west corner of the site. An emergence survey was then carried out in July and August 2023. Concerns were raised regarding the surveys not being in date. Western Ecology carried out an update to the previous surveys and the updated report has been submitted dated October 2024.
- 3.27. The updated survey report stated that no works to the roof will impact the day roost area and no works to the building in the south west corner of the site will impact any species within that building.
- 3.28. Recommendations and mitigation measures have been recommended within the submitted emergence survey. Conditions are recommended in line with the findings.

4. BIODIVERSITY NET GAIN (BNG)

Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).

This development is subject to the general Biodiversity Gain Condition and prior to commencement of the development the Biodiversity Gain Plan will need to be submitted to and approved by the Local Planning Authority.

The submitted Biodiversity Gain Plan will demonstrate at least 10% BNG above the baseline conditions (as set out within the submitted Statutory Biodiversity Metric / Small Sites Metric) to be delivered in accordance with the biodiversity gain hierarchy.

This development is expected to deliver at least 10% BNG via the following:

- Non-significant on-site delivery by creating and enhancing on-site habitats, see in particular proposed planning conditions 5 and 6.

5. TREES

- 5.1. The site has mature trees and hedgerows within and bordering the site. The proposal is appended with an Arboricultural report, carried out by Doug Pratt Tree Consultancy dated July 2023.
- 5.2. The report states that 'no dig' methodology will be used for permeable parking areas so that trees and their roots are not impacted by the proposal.

- 5.3. One tree will be reduced/crown lifted by a small degree.
- 5.4. Tree root protection fencing is proposed during the construction phase to protect the trees and roots on site. A condition is recommended to ensure the TRP fencing is carried out in accordance with the tree report.

Other Matters

- 5.5. The reasoning provided to call the application to committee references Objective HO1 in the Bovey Tracey Neighbourhood Plan. BPNP Policy H1 relates to the allocation of affordable housing for people with a local connection and does not reference care home bed spaces.
- 5.6. The reasoning further states that Objective HO2 is to “make the parish a place where elderly people with a strong local connection have priority to housing that is suited to their needs.” This is to enable residents to remain in the community as they age. BNP Policy H2 – Housing for Elderly Residents relates to new developments and does not relate to the loss of care homes for the elderly.
- 5.7. Therefore, there is no other policy mechanism in which to refuse loss of care homes/elderly accommodation if a criterion of WE12 is clearly met. In this case: the viability, care home ceasing operations, lack of alternative buyers/operators, and sufficient marketing undertaken is considered to meet the relevant policy. Within the emerging draft Local Plan 2020-2040, there is a new policy to support creation of new elderly accommodation (Policy H4). However, this doesn’t seek to protect existing stock (except for the criteria outlined in a mirror policy of WE12 – [DW22]).
- 5.8. Officer responses to the representations received from interested parties are summarised and responded to below (officer response in italics).
- Ecology survey submitted is out of date
An update was submitted dated October 2024 - this is in date
 - Bats may be affected by the development and further survey work should be carried out in summer
Suitable conditions for the protection of bats can be added to any permission granted, in line with recommendations from the TDC Biodiversity Officer and Western Ecology.
 - Holiday accommodation does not benefit the community
Holiday accommodation supports the tourism industry in the locality
 - More affordable housing is required
Noted. This application is not for affordable housing
 - More bed spaces for elderly and disabled people are required
Noted. However as established above, the care home has been closed for some time and bed spaces have already been lost.
 - There is already camping, a hotel and holiday lets in close proximity
It is not considered that there is too much competition/too many holiday accommodations in the locality.
 - Haytor Road is already busy and narrow and walking along the road is dangerous and there are pot holes.
DCC Highways have not raised any objections in terms of highway safety
 - The traffic in central Bovey is an issue and this will add extra traffic to it and cause accidents, damage to property and monuments.

- DCC Highways have not raised any objections in terms of highway safety*
- Site is at risk of being over developed as it would look to add more chalets
Additional chalets are not part of this application. The current proposal is not considered to be overdevelopment
- No management plan or company mentioned who will run the site, some structure will be required to run the site
A management plan has been conditioned to ensure no late night noise and to ensure the site is adequately managed. Conditions for the proposed landscaping/BNG conditions will manage the landscaping.
- There is a risk one person will rent it and have stag/hen parties or milestone events and be less considerate to the neighbours with no curfew in place for noise and loud music.
This is an assumption, if noise occurs and regularly causes a statutory nuisance, then TDC Environmental Health Team can use their powers to assess the situation.
- Impact on privacy and peace of neighbours
There will be no development any closer to neighbours than there is currently, in fact as some of the conservatories are being taken down, the development will be further from neighbours than existing.
- There is a problem with sewerage and drainage which has not been addressed from the previous application
The existing foul drainage will be utilised as it was when the site was in use as a care home. Clarification of capacity has been sought from South West Water and an update will be given at the committee meeting.
- Residential dwellings would be preferable
Holiday lets are considered to fall under a 'C' residential use in planning terms.
- Having holiday lets rather than residential houses does not help the Teignbridge Plan for new homes.
Noted.
- It does not tie in with Dartmoor National Park who want to reduce the development of tourism on the boundary of the National Park, the site is close to the park boundary.
Dartmoor National Park commented with no objection to the proposal.
- Only positive is it will improve the aesthetics of the site.
Noted.
- If further development takes place following the approval for holiday lets, there will be more impact on the highway.
The proposal can only be considered as submitted.
- If the intention is to sell the units to individuals as second homes, that does seem to be at variance with the council's own policy to introduce a 100% council tax premium for second homes from 2025, presumably to discourage such usage.
It is not considered necessary to control who purchases the holiday lets.
- Tracey House is not isolated as it is adjacent to other residential properties.
Noted. Tracey House is considered to be in the 'open Countryside' in relation to the Local Plan.
- Not convinced the length of time the care home was for sale – due to covid it is likely to be advertised for 18 months.
The applicant/agent has stated that the home was advertised from 2019. COVID did not stop the sale of property as viewings were allowed when the restrictions were lifted.

- It appears certain fundamental principles and established legal standards may not have been fully adhered to, raising questions about the legitimacy of the outcome.
It is considered that all necessary process have been followed to make this a valid planning application.
- Inaccuracies in flood risk assessment
TDC Drainage have commented and recommended a condition to ensure the ground conditions are suitable for a permeable surface.
- doubt as to whether a section of land on which the property stands is included within the submitted plans.
All land within the red line of the submitted location plan is subject to this application.
- There are purpose built holiday lets for sale within the vicinity.
Noted. It is not considered that this means these holiday lets cannot be approved.
- There is a reduction of tourism in Devon and as such there is no requirement for more holiday lets.
The proposal is supported in principle by TDC Local Plan policy EC11 and emerging plan policy EC6 for tourism/tourist accommodation
- There is a risk that these will sit empty for long periods of time.
This is arguably a risk for any building. It is considered that on balance, this is unlikely given the popularity of Devon as a tourist location.
- Application form states 6 holiday units and planning statement states 7 holiday units.
This is noted and is a typo. The description that will be on any decision notice will be for 6 holiday lets as per the description and the submitted plans.
- Site is not empty as there are bins left out for collection, lights on in the premises and vehicles parked at the site.
Clarification has been sought from the agent and an update will be given at committee.
- There is a limited bus service, and no pavement or street lighting for pedestrians.
It is considered that the bus service is acceptable to support the tourism use and no objection has been received from DCC Highways in terms of highway safety.
- Reduction in employment from loss of care home.
The residential home ceased trading as stated above and so the loss has already occurred.
- Barns close by have been converted into dwellings, therefore the previous pre-app response is questionable.
The conversion of barns are considered under different policies. The barns at Five Wyches Cross were converted under Class Q permitted development.

Conclusion

- 5.9. Whilst it is acknowledged that care home spaces are in need in the district, there has been clear justification for the loss of this accommodation. The marketing carried out was nationwide and for several years, including price reductions. The fact that the property did not sell is a clear indication that there is no one willing to

take on the property as a care home and as such the proposed use is considered a suitable alternative.

- 5.10. The conversion of existing buildings to holiday lets is supported by Policy EC11 of the Teignbridge Local plan 2013-2033 and Policy EC6 of the emerging Teignbridge Local Plan 2020-2040.
- 5.11. The proposal is compliant with both national and local policy and does not conflict with policies within the Bovey Tracey Neighbourhood Plan and is therefore recommended for approval.

6. POLICY DOCUMENTS

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S12 Tourism

S21A Settlement Limits

EC2 Loss of Employment Sites

EC11 Tourist Accommodation

WE12 Loss of Local Facilities

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

HT1 Heart of Teignbridge – Movement

T L P Policies - Proposed Submission 2020 – 2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development

GP2: Development in Teignbridge

GP3: Settlement Limits and the Countryside

GP5: Neighbourhood Plans

CC1: Resilience

CC4: Sustainable Transport

DW2: Development Principles
DW3: Design Standards
EC1: Business Development
EC3: Loss of Employment Sites
EC6: New Tourist Accommodation and Attractions
H12: Residential Amenity
H14: Re-use and Conversion of Disused Buildings in the Countryside
EN1: Setting of Settlements
EN6: Flood Risk and Water Quality
EN8: Light Pollution
EN10: Biodiversity and Geodiversity
EN12: Legally Protected and Priority Species
EN15: South Hams SAC
EN17: Heritage Assets

Bovey Tracey Neighbourhood Plan

BPNP Policy H1

BPNP Policy H2

National Planning Policy Framework

National Planning Guidance

7. CONSULTEES

- 7.1. **The following** consultation responses have been received (summarized below and can be read in full on the file):

DCC Waste: No Comments

TDC Drainage Officer: The majority of the application relates to the modification of the existing buildings and removal of existing impermeable areas for which we have no objection. Further detail to be conditioned to demonstrate that the underlying ground conditions are suitable for permeable parking and an appropriate design is provided taking this into consideration.

Dartmoor National Park: No Objection

Given the siting and nature of the proposed development, the character and appearance of the immediate landscape and views to, and from, Dartmoor, it is considered that the proposed holiday units would not be harmful to the setting of Dartmoor National Park. Request officer considers the cumulative effect of tourist accommodation on the moor.

DCC Highways: No Objection

The proposal makes use of an existing access from the B3387, which is subject to the national speed limit, for a single carriageway, of 60 mph. In reality, the width and geometry of the road are such that lower actual speeds are likely.

The visibility to the east of the access could benefit from some vegetation being cut back. There have been two “slight” personal injury collisions, to the east

between the site and Five Wyches Cross, reported to/by the police between 01/01/2019 and 31/12/2023.

The site previously operated as a residential home, which ceased trading in late 2022, and two private accommodations. The vehicle movements associated with this proposal are likely to be less than that of its extant use.

TDC Biodiversity: The site is within the Sustenance Zone of the South Hams SAC. The PEA found roosting bats and nesting birds used the main building and the building in the SW corner of the site. There was potential for other protected and priority species to be present on site and habitats of some biodiversity value were present. The report recommends a suite of measures to avoid/mitigate/compensate for harm to the habitats and present / potentially present species. Add conditions in line with the PEA, lighting conditions, and LEMP for BNG enhancements.

8. REPRESENTATIONS

8.1. A site notice was erected at the site on 11.09.2024 and 47 neighbour notifications were sent out. 18 objections have been received, summarised as:

- Ecology survey submitted is out of date
- Bats may be effected by the development and further survey work should be carried out in summer
- Holiday accommodation does not benefit the community
- More affordable housing is required
- More bed spaces for elderly and disabled people are required
- There is already camping, a hotel and holiday lets in close proximity
- Haytor Road is already busy and narrow and walking along the road is dangerous and there are pot holes
- The traffic in central Bovey is an issue and this will add extra traffic to it and cause accidents, damage to property and monuments.
- Site is at risk of being over developed as it would look to add more chalets.
- No management plan or company mentioned who will run the site, some structure will be required to run the site.
- There is a risk one person will rent it and have stag/hen parties or milestone events and be less considerate to the neighbours with no curfew in place for noise and loud music.
- Impact on privacy and peace of neighbours
- There is a problem with sewerage and drainage which has not been addressed from the previous application
- Residential dwellings would be preferable
- Having holiday lets rather than residential houses does not help the Teignbridge Plan for new homes.
- It does not tie in with Dartmoor National Park who want to reduce the development of tourism on the boundary of the National Park, the site is close to the park boundary.
- Only positive is it will improve the aesthetics of the site.
- If further development takes place following the approval for holiday lets, there will be more impact on the highway.

- If the intention is to sell the units to individuals as second homes, that does seem to be at variance with the council's own policy to introduce a 100%.
- Council tax premium for second homes from 2025, presumably to discourage such usage.
- Tracey House is not isolated as it is adjacent to other residential properties.
- Not convinced the length of time the care home was for sale – due to covid it is likely to be advertised for 18 months.
- Concerned they will be sold as second homes
- It appears certain fundamental principles and established legal standards may not have been fully adhered to, raising questions about the legitimacy of the outcome.
- Inaccuracies in flood risk assessment
- Doubt as to whether a section of land on which the property stands is included within the submitted plans
- There are purpose built holiday lets for sale within the vicinity
- There is a reduction of tourism in Devon and as such there is no requirement for more holiday lets
- There is a risk that these will sit empty for long periods of time
- Application form states 6 holiday units and planning statement states 7 holiday units
- Site is not empty as there are bins left out for collection, lights on in the premises and vehicles parked at the site.
- There are in excess of 100 holiday cottages of various styles/sizes within a few miles of this location
- There is a limited bus service, and no pavement or street lighting for pedestrians.
- Reduction in employment from loss of care home
- Barns close by have been converted into dwellings, therefore the previous pre-app response is questionable

9. BOVEY TRACEY TOWN COUNCIL'S COMMENTS

- 9.1. To object to the application in accordance with Neighbourhood Development Plan objectives H01 and H02 as members did not wish to see the loss of key residential accommodation. The current application does not accord with Neighbourhood
- 9.2. Development Plan Objectives:
- 9.3. H01 (To make the parish a place where people of all ages who are unable to buy or rent on the open market and who have a local connection have priority access to affordable housing).
- 9.4. H02 To make the parish a place where elderly people with a strong local connection have priority access to housing that is suited to their needs).
- 9.5. After discussion (and further information from Teignbridge Planning Department), members agreed to expand on the previous objection. To object to the application in accordance with Neighbourhood Development Plan objectives H01 and H02.

- 9.6. The committee believe that permanent residential accommodation, rather than holiday accommodation would be more appropriate. Further, paragraph H14 of the emerging Teignbridge Local Plan supports the continuation of residential use of disused building in the countryside.
- 9.7. BPNP - H01 To make the parish a place where people of all ages who are unable to buy or rent on the open market and who have a local connection have priority access to affordable housing.
- 9.8. BPNP - H02 To make the parish a place where elderly people with a strong local connection have priority access to housing that is suited to their needs.
- 9.9. TDC Emerging LP – H14 Re-use and conversion of disused buildings in the countryside.

10. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is the same as 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.

11. 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.

12. CARBON/CLIMATE IMPACT

The proposal is for the reuse of an existing building and as such has less impact on the climate than a new build. A Sustainable Travel Plan will be conditioned in order to encourage holiday guests to arrive or travel around in means other than private motor cars; this should include Bike and car EV charging points.

13. 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 Development Management