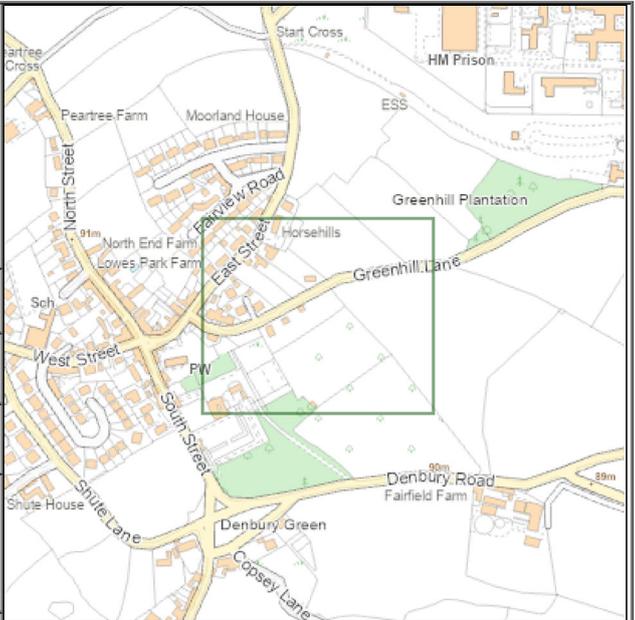




Planning Committee Report

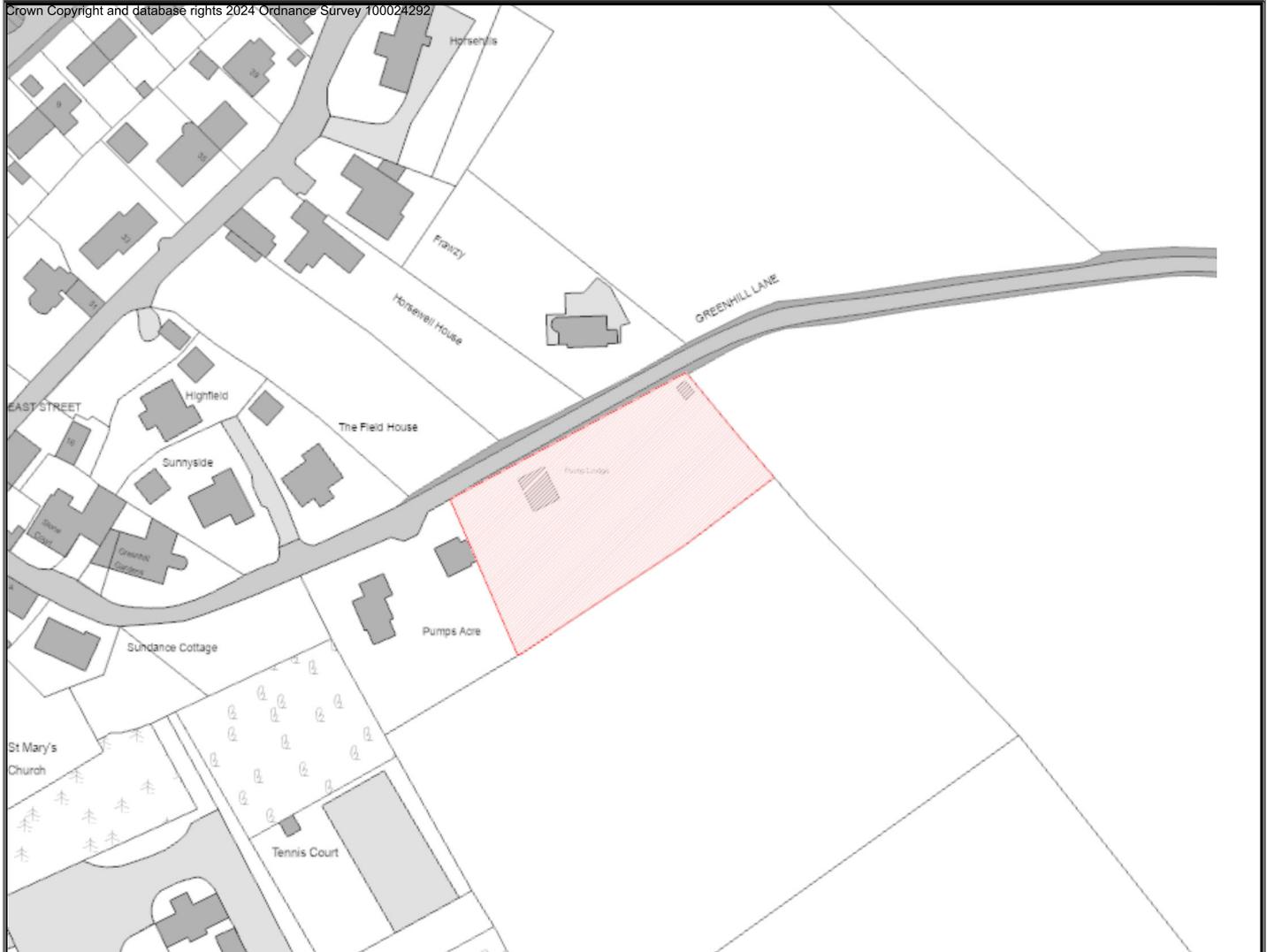
Chairman: Cllr Colin Parker

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