

County Council Development

Teignbridge District: The reinstatement of a section of the former 18th Century Serpentine Lake located in Stover Country Park, Newton Abbot, Devon, at the northern end of the playing fields associated with Stover School

Location: Stover School, Road from Stover Caravan Park to Forches Cross, Stover, Devon

Applicant: Devon County Council

Application No: 22/01312/DCR3

Date application received by Devon County Council: 27 June 2022

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to a planning application to reinstate the Serpentine Lake located at Stover Park including ancillary development for a temporary construction compound and area for the storage of excavated material.
- 1.2 It is considered that the main material considerations in the determination of the application are consideration against planning policy in relation to landscape impact, impacts on the historic environment, flood risk and, impacts during the construction period.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4309/2022 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4309/2022>

2. The Proposal/Background

- 2.1 The application site is located approximately 4km north-west of Newton Abbot, and the A38 is found a kilometre to the north beyond wider Stover Country Park. The proposal is to create a water feature that is intended to reflect part of an 18th 'Serpentine Lake' found within the parkland of Stover House.

- 2.2 This development forms part of 3 current planning applications that have emerged from the Stover Park - Parkland Plan (2015). Amongst a number of aspirations and actions, the plan was primarily produced to identify ways to improve the “At Risk” status of the Registered Park and Garden – due to the deteriorating condition of specific structures and the loss of key landscape features and views. It also identified ways to improve the declared “Unfavourable Condition” of the Stover Lake Site of Special Scientific Interest (SSSI). The other applications are for the: dredging of Stover Lake, which specifically focuses on improving the status of the SSSI and will be dealt with through delegated powers; and improvements to the Stover Country Park Visitor Centre (see report CET/22/50 on this committee agenda). These all currently form part of one Heritage Lottery Fund Bid that has secured separate funding contributions from the following: Highways England; funding for the Visitor Centre from DCC; and a small contribution from Bovey Tracey and Kingsteignton Town Council’s (via Teignbridge District Council use of Community Infrastructure Levy monies).
- 2.3 This proposal consists of a 300m long sinuous lake that would extend between the Serpentine/Stover Bridge, and the Liverton Brook to the west, located at the base of a ridge that slopes down from Stover School. The site is a remnant ornamental canal which is silted up but remains seasonally waterlogged. It is bound by a meandering line of trees on its northern side, and tree clumps and grassed area to the south, with denser woodland adjacent to the Serpentine/Stover Bridge.
- 2.4 This sinuous lake would be around 3.5m wide at its western end, then run for approximately 150m to the east, extending to around 7.5m wide then widening to around 12.5m, then narrowing again before it heads in a south westerly direction toward the Serpentine Bridge where it reaches a maximum width of 23m. The depth of the water is proposed to be around 30cm. Water levels would be maintained using controlled inlet and outfall features. The lake would sit within existing embankments that raise around 5m to the south, toward Stover House, and new bunds would be constructed at the western and eastern ends.
- 2.5 The development would involve the excavation of up to 600m³ of material and the installation of a liner to minimise water losses from the lake. The excavated material will be mostly silt and would be laid in ‘windrows’ to dry in a storage area. The material would then be re-used elsewhere within the wider Country Park or within Stover School. A construction compound has been identified at the eastern end of the school; this is partially located within an existing parking area.
- 2.6 The site is within a 180ha Registered Park and Garden (Grade II), which includes Stover County Park to the north, (a designated SSSI) and Stover School to the south. The Templar Way runs through the park and over the Grade II listed Serpentine/Stover Bridge. The A382 forms a boundary to the site on the west (50m) which has permission to be widened.

- 2.7 The project will require the removal of 37 trees³¹ category C trees (low quality) and 6 unclassified. A further 4 trees would be felled/coppiced, 2 category B trees (moderate quality), 1 category C (low quality) and 1 Category U tree. There are landscape proposals for tree planting on the embankment to infill gaps where vegetation would be lost.

3. Consultation Responses

- 3.1 Teignbridge District Council (TDC) (Planning): No objections in principle to the proposed development, but state that the proposal should maximise its potential for historic landscape improvement to include provision of views of the lake and biodiversity enhancement which would be better achieved through the establishment of a permanent open water feature. TDC consider that the importance of the views between Stover House and the ornamental water are particularly significant. In this case it is recommended: - there is further consideration regarding the depth of the water and that a condition is used requesting cross sections to demonstrate sufficient depth for year-round water holding capacity; a LEMP condition is used to secure long term management of vegetation to ensure key views are maintained and that vegetation growth in and around the lake is managed positively to ensure it is retained as an open water feature.
- 3.2 Teignbridge District Council (Environmental Health): Recommend a Construction Environmental Management Plan (CEMP) forms part of any grant of permission and includes measures to prevent disturbance/nuisance caused by noise, vibration and dust to sensitive properties. Construction works should not exceed the Threshold Noise Limit as laid out in the submitted Noise Assessment. Works shall be carried out outside the following operating hours (including deliveries) 08:00 - 1800hrs. Monday – Friday, 8:00 – 13:00 on Saturdays and no working on Sundays or Bank holidays, unless approved by the LPA. If work or generators are required to operate outside these time noise levels should be agreed. Boundary and on-site noise levels should be monitored regularly.
- 3.3 Teigngrace Parish Council: Object. Raise concerns about increased flood risk, question the ecological benefits, when mature trees will be loss and the benefits from the lake are unclear; and highlight the lack of sufficient parking within the Country Park to accommodate an increase in use associated with visitors to the lake.
- 3.4 Dartmoor National Park: No comments.
- 3.5 Devon Gardens Trust: Conclude the development would have a less than substantial impact on the Grade II designed landscape of Stover Park, or the setting of any of its associated designated heritage assets. Consider that the proposed development would be beneficial to the historic designed landscape.
- 3.6 Environment Agency: No objection. The Flood Risk Assessment section has adequately demonstrated that there will be no increase in flood risk as a result

of the proposal. The WFD Assessment is acceptable. This is subject to conditions that require implementation of the recommendations of the Ecological Impact Assessment and detailed design of any new outfall structures and/or tilting weirs, to protect biodiversity, fish, and eels specifically. Advice is provided regarding the hydrological assessment and pollution prevention.

- 3.7 Historic England: - No objections to the principle of the scheme on heritage grounds, considers the application will have a beneficial impact on the visual and landscape setting of the park. However, the council must ensure that the restoration of historic views between the lake and Stover House are secured, and suitable mechanisms put in place in order to bring forward the full suite of enhancements offered by the parkland plan (NPPF, Para 197).

Should further excavation be required, it is highlighted that the need for further input from DCC's archaeological advisor in respect below ground impacts, with input from Historic England's Science Advisors could be required.

- 3.8 Natural England: No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 3.9 Western Power: No objection. A High Voltage overhead line is located within the area, so subject to adherence to safety advice regarding overhead clearances and safe excavation practice within the vicinity of Overhead power lines they raise no objection.
- 3.10 DCC Historic Environment: Considers that the proposal will cause less than substantial harm to the designated parkland and setting of the Listed Stover House and other Listed Buildings in its curtilage. The intention is to enhance the Park and the setting of Stover House and the Listed carriageway bridge by recreating one of the key water features. This will also increase public understanding and enjoyment of the park. If the submitted landscape strategy does not have sufficient detail to give confidence that it will be an enhancement, then planting could be conditioned.

The additional submitted information regarding design decisions indicates that a) geotechnical investigations were undertaken to inform the depth of the restored lake, and these took the form of coring rather than test-pitting or sectioning, b) Key designed views were used to inform the location of the restored section of lake.

No objection on archaeological grounds subject to a condition requiring the development to be carried out in accordance with the Written Scheme of Investigation.

- 3.11 DCC: Lead Local Flood Risk Authority: No in-principle objections from a surface water drainage perspective but recommend a planning condition to secure details of surface water management during the construction stage.

- 3.12 DCC Landscape: Supports the principle of the lake restoration but considers that the design does not maximise the potential to restore and enhance the historic landscape character and beauty of the registered historic parkland or provide access to new viewpoints offering people an appreciation of this. It is considered that the shallow and uniform depth of the lake would not remain as open water for long, either because of drought, or through colonisation with emergent vegetation, and that it would eventually silt up. Concern is raised about the fact that the historic picturesque views toward Stover house would not be appreciated by the public due to lack of provision in the proposals for public access, and uncertainty about this provision in the future.

If approved the following conditions are recommended: - Detailed Lake plans and sections; landscape proposals to allow for framed or 'glimpsed' views to the house, a LEMP, implementation of the tree protection measures.

- 3.13 DCC – Public Health: Support the understanding of the importance of access to healthy outdoor living environments as essential component to health and wellbeing but raise the following concerns: - safety concerns for school pupils and staff and member of the public as construction vehicles will travel through the school and along the Templar Way; about potential downstream flood risks and release of odours and pollutants when the silt material is excavated.
- 3.14 DCC Ecology: Supports the restoration of the Serpentine Lake in principle. However, the shallow depth of the lake would not sustain sufficient areas of open water for biodiversity benefit and is likely to be easily colonised by vegetation. Notwithstanding this there is an overall ecological benefit from the linked planning application for the dredging of Stover Lake and historic benefits of the scheme. Given the potential impacts on unimproved grassland, protected and non-protected species, specifically, bats; dormice; badgers, birds and reptiles recommends conditions to mitigate impacts and prevent harm to species including Construction Management Measures (CEMP); repeat surveys for badgers, no lighting; a LEMP; revised lake floor levels; and timing of vegetation clearance.
- 3.15 DCC Highway Authority: Considers that the development is unlikely to have a severe impact on the existing highway network, with appropriate traffic management. Comments/recommendations: - The access and egress of vehicles for the excavation and earth moving needs to be managed to prevent any highway safety issues; traffic management will be required to prevent conflict between delivery/construction vehicles and traffic on the A382. Request further information on how construction traffic will safely move through the school site through a Construction Environmental Management Plan.
- 3.16 DCC Road Safety: Raise concerns about potential conflicts of use between walkers using the Templar Way, and the school as the route from construction vehicles travels between the school buildings and the school's sports fields, and along the walking route.

4. Advertisement/Representations

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of 21 neighbours by letter. As a result of these procedures an adjacent landowner has objected on the following grounds:

- The proposal would lead to additional flooding
- The proposal would result in increased use of the country park which lacks the infrastructure to cater for any increase in visitor numbers
- The proposal would lead to further destruction of habitat
- Water from the outfall comes onto his land and there is no provision to maintain, upkeep or improve downstream drainage
- There is lack of public access to view the lake from Stover School.
- A previous application for fishing lakes was objected to by the school, who are now supportive of a lake on its land.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.

5.2 **Teignbridge Local Plan 2013-2033:** S1A Presumption in favour of Sustainable Development; S1 Sustainable Development Criteria; S11 Pollution; S21A Settlement Limits S22 Countryside; WE11 Green Infrastructure ; EN2A Landscape Protection and Enhancement; EN4 Flood Risk; EN5 Heritage Assets; EN6 Air Quality EN8 Biodiversity Protection and Enhancement ; EN9 Important Habitats and Features; EN10 European Wildlife Sites; EN11 Legally Protected and Priority Species; EN12 Woodlands, Trees, and Hedgerows

5.3 **Devon Minerals Plan 2011 – 2031:** Policy M2 Mineral Safeguarding

6. Comments/Issues

6.1 It is considered that the main material considerations in the determination of the application are consideration against planning policy in relation to landscape impact, impacts on the historic environment, flood risk and, impacts during the construction period.

Need & Principle

- 6.2 This project forms a part of a number of schemes included in a bid to the National Lottery Heritage Fund to help improve the Stover Parkland. The aim of development to restore a section of the Serpentine Lake, an historic landscape feature within the Registered Park and Garden, which is currently at risk due to impacts from surrounding developments. The principle of the development is therefore in accord with policy EN5 Heritage Assets of the Teignbridge Local Plan.
- 6.3 The site is within 'Countryside' as defined by Teignbridge Local Plan policy S22 (Countryside). This policy allows for limited development in the countryside with an emphasis on development that would assist in creating an attractive and economically successful countryside. It is considered this development broadly meets the aim of policy S22 particularly when considered with the other planned improvements to Stover Park.

Landscape

- 6.4 In terms of the impact on landscape the restoration of this lake feature would have a positive benefit in the enhancement of the historic landscape character and beauty of the registered historic parkland and the proposal is in accordance with policies EN2A (Landscape Protection and Enhancement) and S22 (Countryside) of the Teignbridge Local Plan.
- 6.5 Landscape impacts will arise because of the removal of trees to accommodate the feature, the temporary construction compound and the temporary storage of excavated material within the historic parkland. Regarding the loss of trees there are landscape proposals for replanting and for the provision of wildflower and meadow mix planting around the water feature. The material excavated from the feature would be temporarily stored in windrows until dried out and used within Stover Park. The construction compound is mostly on an existing car parking area and any landscape impacts would be temporary. Should planning permission be granted conditions would be imposed requiring details of a landscaping scheme and approval of a Construction Environmental Management Plan (CEMP) dealing with the management and restoration of the temporary works. It is considered that these planning conditions would provide appropriate mitigation for the landscape impacts.
- 6.6 During the consultation one of the issues raised is the shallow nature of the lake (30cm deep) and the likelihood that it might soon colonise with reeds, quickly silt up and dry out. However, the applicant has confirmed that as a result of water level modelling the lake would typically remain at or close to its capacity during autumn, winter and early spring, typically remain within 75% of full capacity throughout the year (full capacity would mean a depth of 300mm), dropping below this level following extended dry periods.

- 6.7 To maximise the potential for the feature to appear as an open water lake for longer periods, it is recommended that as part of any grant of permission:- more detailed cross sections are required to allow for locally deep areas; detailed soft landscape proposals take account of the need to conserve framed or 'glimpsed' landscape views across the lake to the house; and a Landscape Management Plan (LEMP) is required setting out the vegetation management and on-going clearance measures for the lake.

Historic Environment

- 6.8 The Stover Estate has a collection of nationally important heritage assets. These include:
- Stover House – Grade II*
 - Registered Park and Garden – Grade II
 - Serpentine/Stover Bridge – Grade II
 - Granite Lodge – Grade II*
 - Arched Bridge – Grade II
 - Ice House (Grade II)
 - Former Stables – Grade II*
 - Stover Bridge – Grade II*
 - Ionic Pavilion – Grade II
 - Higher Lodge – Grade II
- 6.9 The Stover House and Park were the creation of the Templer family during the 18th century and adapted by the Duke of Somerset in the 19th century. The house and parkland are contemporary and consequently have an integral relationship that contributes to their significance. The Stover House was constructed between 1776 and 1780 as an austere Palladian villa built in granite ashlar. The landscape of Stover Park was planned as the centrepiece of a gentleman's estate and was designed by its owner to be perfectly in scale and proportion to Stover House. It comprises of a mid and late-18th parkland and pleasure grounds created by the Templer family (1765-1829). Mid-19th century gardens, pleasure grounds and parkland were later developed under the ownership of the Duke of Somerset, for which eminent horticulturalist James Veitch provided advice. The application seeks to restore a section of the former Serpentine Lake which was an original feature of the Park.
- 6.10 The park was placed on Historic England's, Heritage at Risk Register in 2009 as most of the important historic features were, and still are, in poor condition, with many internal and external views having been lost as a result of development and encroaching vegetation. Whilst the whole of the original Serpentine Lake is not being restored the proposal will have beneficial impacts on the visual and landscape setting of the park resulting in clear benefits to the Registered Park and Garden and the setting of the associated listed assets.

- 6.11 During the construction period, the vegetation clearance, the construction of bunds and outfalls would have a direct impact upon the Registered Park and Garden itself; and noise and visual disturbance during the 8-week construction period, would impact upon the setting of the listed buildings by effecting the enjoyment and appreciation of these asset's interests. However, this would lead to less than substantial harm to the significance of the heritage asset and when weighed against the public benefits the proposal is considered to in accordance with paragraph 202 of the National Planning Policy Framework.
- 6.12 To ensure the scheme results in long term enhancement in line with Paragraph 197 of the NPPF, conditions are recommended to agree the final lake levels, the long-term vegetation management and the submission of a landscaping scheme that provides more detailed evidence of the restoration of key historic views in line with the *Restore Stover Park Project masterplan*.
- 6.13 In terms of public benefit, the scheme would allow for the partial re-instatement of an historic landscape feature, and in its current form, one that could then be appreciated with marginal views from the Templar Way. To ensure benefits to the public are commensurable with the harm, it is recommended an interpretation panel is provided on the Templar Way so the history of the lake can be enjoyed and understood by the wider community.
- 6.14 With these conditions in place, it is considered that upon completion of the works, there would be no harm to the Registered Park and Garden and the setting of Stover School in the mid to long-term, with the potential for beneficial effects through the restoration of a key historic feature, clearly justifying the need for the project and supporting policy EN5 (Heritage Assets) of the Teignbridge Local Plan.
- 6.15 In this case, in arriving at this decision considerable importance and weight has been given to the desirability of preserving the Registered Park and Garden and the setting of its associated listed assets. It is nevertheless considered that the public interest in restoring a historic landscape feature that can be enjoyed by the public through views from the Templar Way and through interpretation, clearly outweighs the harm. This is in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 and the paragraph 201 of the NPPF.

Archaeology

- 6.16 There is potential for prehistoric artefacts and palaeoenvironmental deposits to be discovered during excavations for the water body. To mitigate any impacts a planning condition will be imposed requiring a programme of archaeological work.

Nature Conservation/Habitats

- 6.17 There are a significant number of designated and non-designated sites within and around the proposed site; of most relevance are the South Hams Special Area of Conservation (Dry heaths and semi natural dry heathlands, as well as for Greater Horseshoe bats), and the nationally designated Site of Special Scientific Interest (SSSI) (300m away to the north), which provides protection for both habitats as well as flora and fauna, of particular importance are dragonflies. The site is also designated as a Local Nature Reserve.
- 6.18 Policy EN9 (Important Habitats and Features) of the Teignbridge Local Plan seeks to protect these designated sites, together with other priority habitats, and requires that losses are mitigated or compensated.
- 6.19 This part of the site also falls within the 'Landscape Connectivity Zone' for Greater Horseshoe bats, located between the Chudleigh Caves & Woods, and the Haytor and Smallacombe Iron Mines Sustenance Zones (which are maternity and/or hibernation roosts for the bats). The Landscape Connectivity Zone acts as a network of commuting routes to foraging areas and roosts. In this case the proposed development would not lead to the loss, damage, or disturbance at a landscape scale to the network of potential greater horseshoe bat commuting routes. Neither will it lead to the loss damage or disturbance to a pinch point or an existing mitigation feature. This conclusion is based on the retention of other suitable commuting habitat throughout the wider Stover site, meaning the loss of trees associated with this application are unlikely to cause landscape scale impacts. In line with the South Hams SAC Habitats Regulations Assessment Guidance and given the above, there is unlikely to be a likely significant effect on the South Hams SAC. Subsequently, an Appropriate Assessment is not deemed to be required.
- 6.20 In terms of impacts upon the SSSI, due to the distance from the designation impacts are likely to be limited, although managing construction works to ensure linking watercourse are not polluted would be secured through a CEMP.
- 6.21 660m² of Unimproved Grassland would be lost in order to create the lake but compensated for through the proposed wildflower and meadow mix grass planting. More grassland may also be lost through the proposed location of the excavated material and possibly the compound. The final locations should be agreed to minimise impacts.
- 6.22 Impacts are anticipated for bats, who have been recorded as using the northern tree boundary as a flight line, and potentially Dormice, although these have not been found present at the site. Despite the loss of 37 trees, plans to coppice and maintain sections of vegetation along the boundary, in combination with not using lighting, would limit impacts upon bat species. Proposed precautionary measures during the construction period are considered to prevent harm to dormice.

- 6.23 There is evidence of signs of badgers, and it is considered that further surveys should be carried out before any works commence. Birds and reptiles are also noted as using the site, so timing and methods for vegetation clearance should be agreed through any grant of permission.
- 6.24 From an ecological perspective, the shallow depth of the water body and the ease for which colonisation of vegetation would occur, as well as the fact the feature may dry up during periods of drought, would significantly reduce the biodiversity benefit. Given this it is considered appropriate to impose conditions to secure variation in the final depths to allow for more biodiversity interest. Also, condition requiring a Landscape and Ecology Management Plan (LEMP) which will include details of habitat creation and management, and a CEMP to ensure appropriate environmental protection throughout the construction period will be imposed.
- 6.25 In terms of Biodiversity Net Gain, it has been decided that the usual requirement for Devon County Council's own developments to provide 10% net gain, will not be required for this individual application. In this case, it is the view of the Council's Ecologist that the wider benefits as a result of the application to dredge the main Stover Lake, leading to significant improvements to the status of the SSSI, would provide overall Net Gain in compensation for biodiversity losses and impacts as a result of all 3 HLF bid projects from a biodiversity perspective.
- 6.26 With appropriate conditions in place the works would then accord with Teignbridge Local Plan policies: - S22 (Countryside); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites); EN11 (Legally Protected and Priority Species); EN12 (Woodlands, Trees, and Hedgerows).

Traffic and Transportation

- 6.27 Construction traffic accessing the site would be from the A382 via an existing access, then through the Stover School grounds to the site. Whilst there will be only a small number of construction vehicles, there is a potential conflict with the school users and to mitigate this most of the work will be carried out during the school holidays. The permission would be subject of a condition requiring the submission and approval of a Construction Environmental Management Plan which would add further mitigation, including the measures to guide vehicles through the school and protection of, and repairs to, any damage to track ways.

Water Environment & Flooding

- 6.28 The main part of the site is a remnant ornamental canal which dried out in the 1950's and by the 1990's had become completely silted and today is a seasonally waterlogged area of land. The new lake would be a permanent feature with replacement outfall controls, installation of a liner and replacement culvert to feed the re-instated lake.

- 6.29 The application is supported by a Flood Risk Assessment which adequately demonstrates that there will be no increase in flood risk because of the development.
- 6.30 The adjacent landowner's objection the proposal increasing flood risk and lack of maintenance/provision of downstream drainage is noted. However, it is confirmed in the Environment Agency's consultation response that there will not be an increase in flood risk downstream because of the proposal. Existing outfalls would be replaced with tilting weirs which will constrict outflows during flood conditions which potentially gives a reduction in flood risk off-site. Maintenance of the weirs would be the responsibility of the County Council and it is noted that in the event of an exceedance event surface water flows would be routed in a northerly direction which is in keeping with the current situation.

Impacts upon amenity

- 6.31 Construction activities would take place over an 8-week period and potential amenity impact could arise from increased noise from plant and machinery and increase in dust. To protect the amenity of the area the required Construction Environmental Management Plan would set out the permitted hours of operation, noise limits and methods for dust control.
- 6.32 With mitigation measures that are approved through the Construction Environmental Management Plan, it is considered that effects of noise and dust could be adequately managed to reduce their impacts in accordance with local plan policies S1 (Sustainable Development Criteria) and S11 (Pollution).

Other Environmental Considerations (Including Climate Change)

- 6.33 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.34 The scheme will require the removal of 37 trees, which currently act as a carbon sink. A final landscape scheme shall be approved to ensure these impacts are compensated for to limit impacts upon the environment.
- 6.35 The scheme will generate inert waste material if it is taken off site, with consequent impacts through the transportation of waste. To ensure this is the case the final details of the deposition of the waste material should be agreed through condition to minimise environmental impacts.

Other Matters.

- 6.36 The objection on the grounds of an increase in visitors as a result of the proposal is noted, but additional facilities are being provided as part of the overall improvements to this important local facility.
- 6.37 The areas identified for the construction compound and excavated soil store lie close to overhead power lines and Western Power Distribution have provided guidance on how to work safely in the vicinity of its apparatus. The Construction and Environmental Management Plan will set out the precautions to be taken,
- 6.38 The site is within the Mineral Safeguarding Area for ball clay and the Devon Mineral Plan policy M2 seeks to safeguard resources against inappropriate development. This proposal would not restrict any future mineral development and therefore is in accordance with policy M2.

Strategic Plan

- 6.39 The development will result in the improvement of a cultural asset in Devon and combined with the other planned improvements to Stover Park will make the Park more accessible to residents and visitors, improve the local environment and provide more educational opportunities, all of which align with the vision of the Strategic Plan

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 In conclusion it is considered that with the recommended conditions, the overall benefits of the proposal to re-instate an historic landscape feature within a protected area, that has suffered from degradation over the years, would outweigh the impacts set out in this report. In this case it is recommended that the application is approved.

Mike Deaton
Chief Planner

Electoral Division: Bovey Rural

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

Room No: 120, County Hall

Tel No: 01392 383000

Background Paper

Casework File

Date

Current

File Ref.

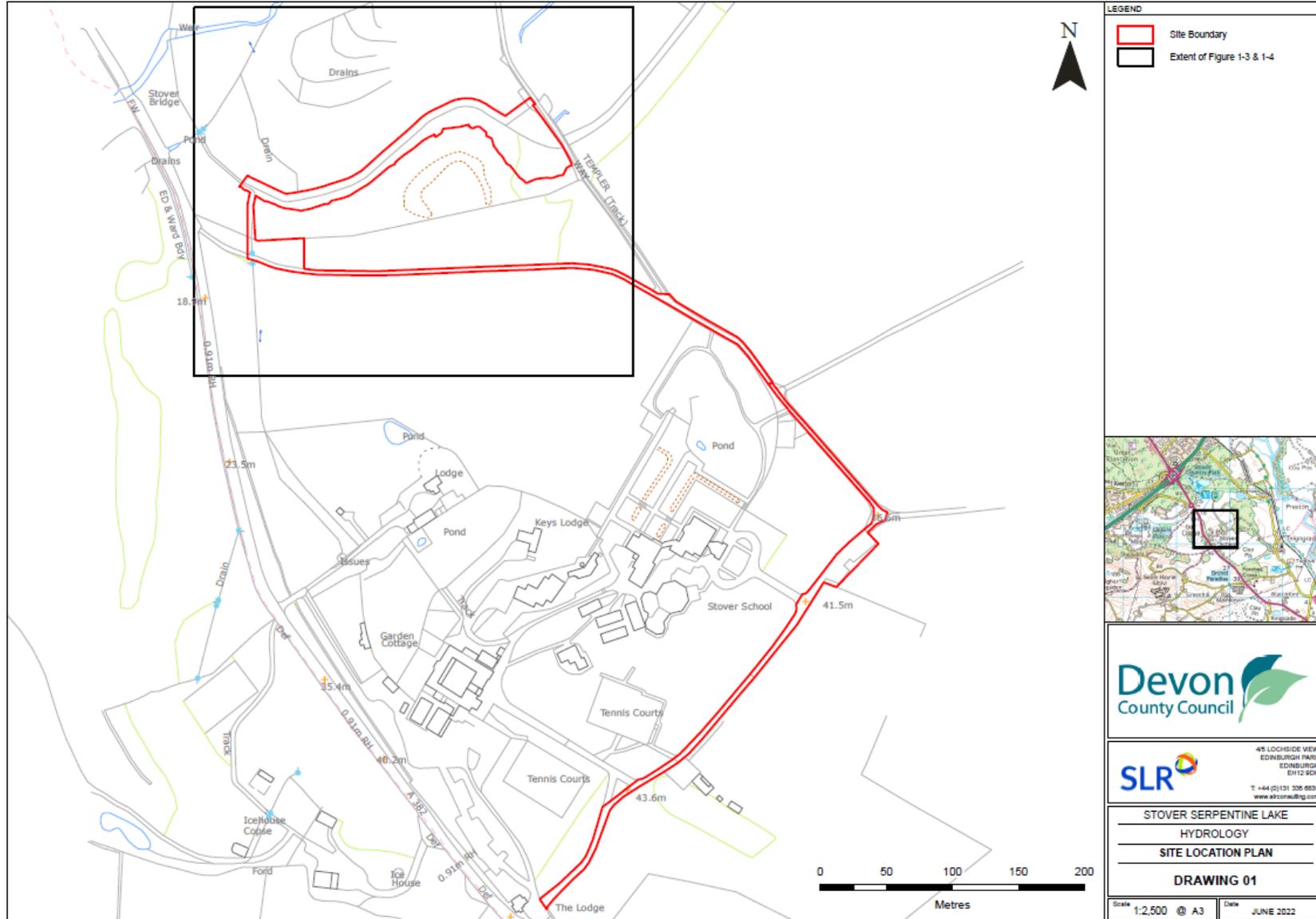
DCC/4309/2022

hs310822dma

sc/cr/reinstatement of former 18th Century Serpentine Lake Stover Country Park

02 120922

Location Plan



LEGEND

- Site Boundary
- Extent of Figure 1-3 & 1-4

Devon County Council

SLR

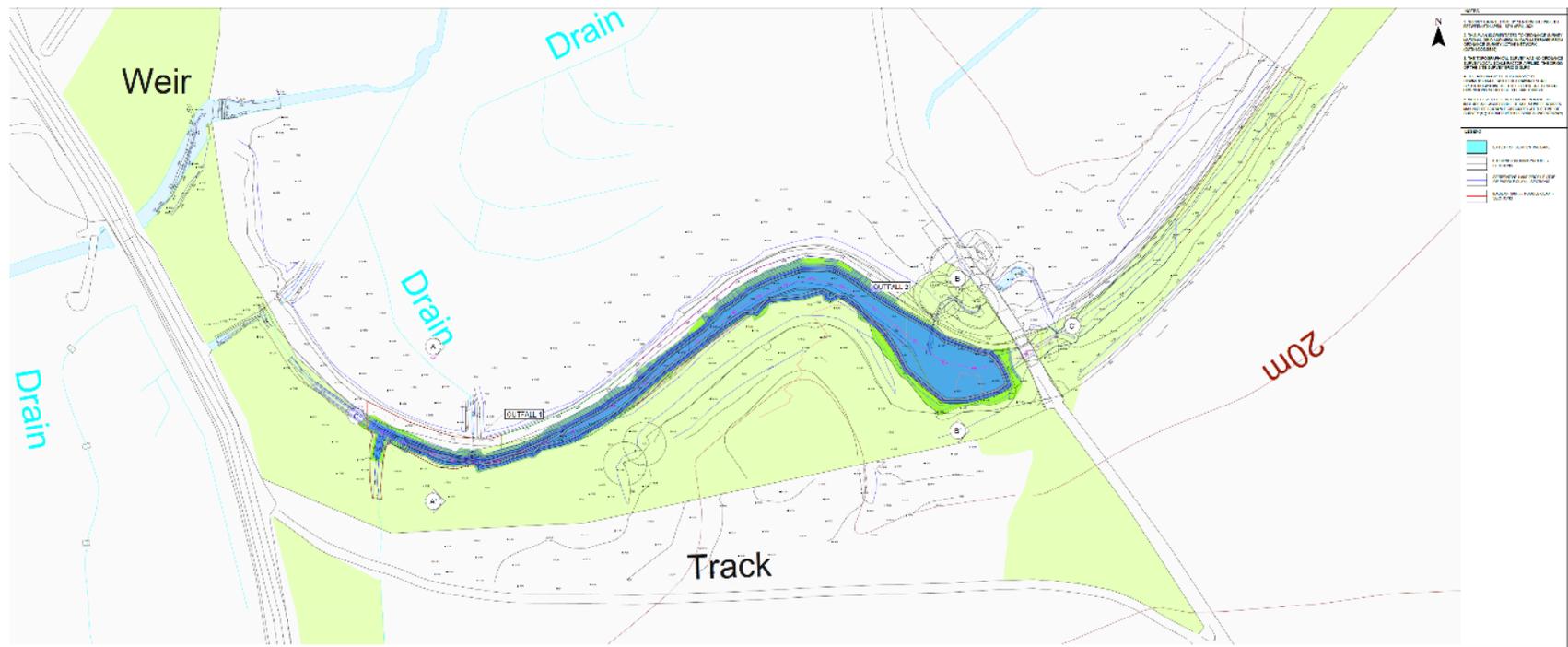
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STOVER SERPENTINE LAKE
HYDROLOGY
SITE LOCATION PLAN

DRAWING 01

Scale 1:2,500 @ A3 Date JUNE 2022

Site Plan To CET/22/49

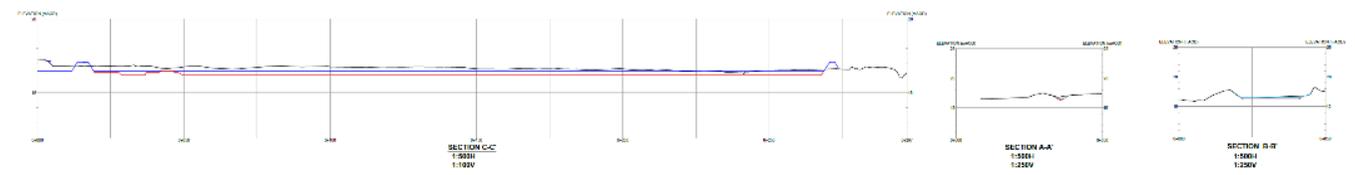


NOTES

1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE SITE PLAN TO BE SUBMITTED TO THE LOCAL AUTHORITY FOR APPROVAL.
2. THE PROPOSED WORKS SHALL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS OF THE WATER RESOURCES ACT 1989 AND THE FLOODING AND WATER RESOURCES ACT 2002.
3. THE PROPOSED WORKS SHALL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS OF THE WATER RESOURCES ACT 1989 AND THE FLOODING AND WATER RESOURCES ACT 2002.
4. THE PROPOSED WORKS SHALL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS OF THE WATER RESOURCES ACT 1989 AND THE FLOODING AND WATER RESOURCES ACT 2002.
5. THE PROPOSED WORKS SHALL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS OF THE WATER RESOURCES ACT 1989 AND THE FLOODING AND WATER RESOURCES ACT 2002.

LEGEND

EXISTING BOUNDARY	---
PROPOSED BOUNDARY	---
PROPOSED FLOODING	---
PROPOSED FLOODING OF NEIGHBOURING AREAS	---
PROPOSED FLOODING OF NEIGHBOURING AREAS	---



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PROPOSED REINSTATED LAKE DESIGN

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Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered 01 Revision: (Site Location Plan - 01), 02 Revision: (Construction Site Plan - 02), 001 Revision: 0 (Topographic Survey Stover Canal Survey - 001 Rev 0), SL-003.0 (Landscape Strategy - SL-003.0), 03 Revision: P4 (Proposed Lake Levels Plan & Cross Sections - 03 Rev P4), 04 Revision: P2 (Proposed Lake Inlet/Outlet Plan & Cross Sections - 04 Rev P2), 003 Revision: 0 (Proposed Reinstated Lake Design - 003); Arboricultural Impact Assessment/Outline Arboricultural Method Statement - Report Reference Number: 220617-1.1-SLD-AIA-AMS-CH (17 June 2022); Pollution Control Statement SLR Ref: 402.03019.00090 (May 2022); Ecological Impact Assessment (June 2022, Ref. 220234-EcIA-RevC, EcoLogic Consultant Ecologists LLP); Preliminary Land Quality Risk Assessment, 422.03019.00090_Stover Serpentine Lake_PLQRA_FINAL_v0,SLR Ref No: 422.03019.00090, June 2022 and the Construction Noise Assessment (SLR) SLR Ref No: 422.03019.00087 May 2022.

except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

CONSTRUCTION MANAGEMENT

3. No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the County Planning Authority. This Plan shall include the following:
 - (a) timetable/programme of works;

- (b) measures for construction traffic management [including details of the number/frequency, sizes of vehicles management of vehicles through Stover School and along the Templar Way];
- (c) days and hours of construction deliveries; operations shall be carried out between the following hours 08:00 to 1800hrs. Monday to Friday, and 8:00 to 13:00hrs on Saturdays and no working on Sundays or Bank holidays, (unless noise levels are agreed for any specific out of hours operations).
- (d) location of loading, unloading and storage of plant and materials;
- (e) the final location of the contractor compound and facilities, and storage area for the excavated material, (which should be located away from overhead power lines unless there are no alternative locations and only when the risks are acceptable and can be properly controlled), include any further ecological survey work and restoration details when the construction is complete;
- (f) provision of temporary boundary fencing/hoarding;
- (g) parking of vehicles of site personnel, operatives and visitors;

Ecological and Landscape Impacts

- (h) environmental protection measures during construction, including, but not limited to, the protection measures for vegetation/trees; which shall be in accordance with the BS5837:2012 and based on Arboricultural Impact Assessment Report Reference Number: 220617-1.1-SLD-AIA-AMS-CH; precautionary measures to prevent harm to dormice and reptiles;
- (i) timing and methods of all vegetation clearance;

Air Quality Impacts

- (j) measures to monitor and control the emission of dust and mud during construction, including any wheel washing facilities;

Noise Management Plan

- (k) measures to monitor boundary and on-site noise levels, and minimise noise/vibration nuisance to neighbours from plant and machinery - ensuring noise levels do not exceed the thresholds set out in the Construction Noise Assessment (SLR) SLR Ref No: 422.03019.00087 May 2022 and British Standard BS5288 (Code of practice for noise and vibration control on construction and open sites) and BS 6472 (Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting);

details of agreed noise levels for any works outside the approved hours of operation

Pollution Control

- (l) a strategy for pollution prevention, that includes measures set out in the Pollution Control Statement (SLR Ref: 402.03019.00090, May 2022)

- Drainage
- (m) detailed proposals for the sustainable management of surface water and silt runoff from the site during construction;

- Waste Management
- (n) a Waste Management Statement including committed steps for waste minimisation, with any disposal destinations identified;

The development shall be implemented in accordance with the approved Plan.

REASON: To ensure adequate access and to minimise the impact of construction on the environment, the local highway network and the living and working conditions of local residents and businesses in accordance with Policies EN2A (Landscape Protection and Enhancement), EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features), EN10 (European Wildlife Sites), EN11 (Legally Protected and Priority Species), EN12 (Woodlands, trees and hedgerows), WE11 (Green infrastructure), S2 (Quality development), S9 (Sustainable Transport) and S11(Pollution) of the Teignbridge Local Plan; Policy W4 (Waste Prevention) of the Devon Waste Plan; Paragraph 170 of the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

ECOLOGY & LANDSCAPE

- 4. Before any site works commence, cross section plans that demonstrate variations in the depth of the proposed lake, shall be submitted to, and approved in writing by, the County Planning Authority.

The development shall be carried out in accordance with any approved plans.

REASON: To ensure biodiversity enhancement; and to maximise the potential for the feature to appear as an open water lake for longer periods in order to restore and enhance the historic landscape character and beauty of the registered historic parkland, in accordance with Policies EN2A (Landscape Protection and Enhancement), EN8 (Biodiversity Protection and Enhancement), and EN5 (Historic Assets).

- 5. Before the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to, and approved in writing by, the County Planning Authority.

Site works shall be carried out in accordance with the approved survey and any associated mitigation/compensation measures required.

REASON: To minimise the impacts on protected species in accordance with Policy EN9 (Important Habitats and Features) of the Teignbridge Local Plan and paragraph 170 of the NPPF.

6. No development (including ground works) shall commence until a scheme showing the detailed design of any new outfall structures and/or tilting weirs as indicated on plan entitled and numbered 'Proposed lake inlet/outlet plan & cross sections/04/P2', has been submitted to and approved in writing by the County Planning Authority. The scheme shall include provisions for maintenance of any fish passes.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing arrangements in the approved scheme.

Reason: To safeguard eel passage over the lifetime of the development, in accordance with Teignbridge Local Plan policy EN8 (Biodiversity Protection and Enhancement).

7. Before the commencement of any site works, a landscaping scheme shall be submitted to, and approved in writing by, the County Planning Authority. This shall identify any requirements to maintain intended framed views towards Stover House and shall include, but not be limited to:
- a) schedules of trees, plants/grass, giving species, planting sizes and proposed numbers and densities;
 - b) written specifications, including methods for establishing and protecting new vegetation during a 5 year maintenance period;
 - c) details of all fencing and gates (including type, locations, style, dimensions, materials, and colours proposed);
 - d) permanent signage (position and dimensions) - including interpretation signage; and
 - e) any other hard landscape elements, including the external appearance of the outfalls.

The timetable to implement the landscaping shall be agreed with the County Planning Authority.

The development shall be carried out in accordance with the approved scheme. The approved scheme shall be maintained for a minimum period of five years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local landscape, and habitats in accordance with policies EN2A (Landscape Protection and Enhancement); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites); EN11 (Legally Protected and Priority Species) EN12 (Woodlands, trees and hedgerows); WE11 (Green infrastructure); and S2 (Quality development) of the Teignbridge Local Plan.

8. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall comprise the following :-

An Annotated Plan and supporting Report and Maintenance Schedule – setting out management actions required for establishing and sustaining existing and proposed landscape and ecological elements of the scheme, (including open water areas within the lake, and any intended framed views towards Stover House).

The LEMP shall identify all landscape and ecological elements within the site, their intended purpose, structure/composition, the anticipated management actions, timings and frequencies to achieve this. It shall include an Invasive Species Management Statement, and clarification of arrangements and responsibilities for maintenance during the 5 year aftercare period for new vegetation establishment.

The site shall be managed in perpetuity, in accordance with the approved LEMP.

REASON: To ensure that the proposal is consistent with landscape, wildlife and historic interests and that protected species, habitats and the local landscape are conserved and enhanced in accordance with policies EN2 (Undeveloped Coast); EN2A (Landscape Protection and Enhancement); EN5 (Heritage Assets); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites); EN11 (Legally Protected and Priority Species) EN12 (Woodlands, trees and hedgerows); WE11 (Green infrastructure); and S2 (Quality development) of the Teignbridge Local Plan.

ARCHAEOLOGY/HISTORIC BUILDINGS

9. 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 County Planning Authority.

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

Reason: 'To ensure, in accordance with paragraph 205 of the National Planning Policy Framework (2021) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.' This pre-commencement condition is required to ensure that the archaeological

CONDITIONS (OPERATIONAL)

10. No artificial lighting shall be installed or used at the site at any time (during construction or after) without the written permission of the County Planning Authority.

REASON: To minimise the visual impact of the site on the surrounding landscape and limit impacts upon protected species, in accordance with policies EN2A (Landscape Protection and Enhancement); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites); EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan.