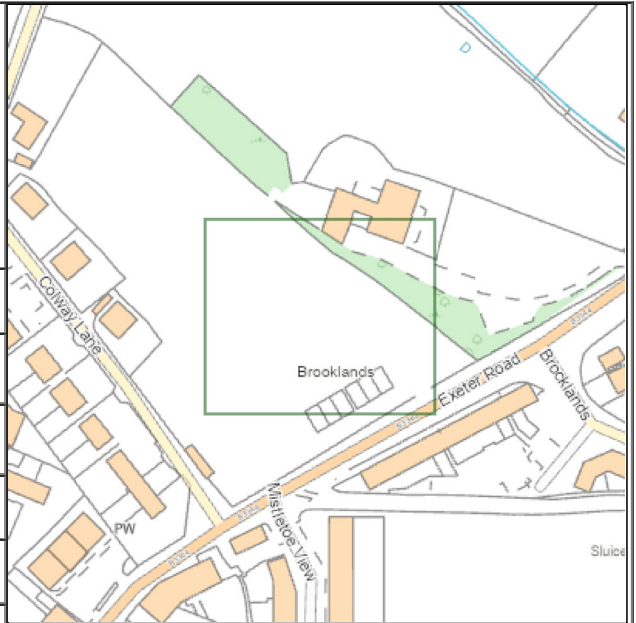


Planning Committee Report

Chairman: Cllr Colin Parker

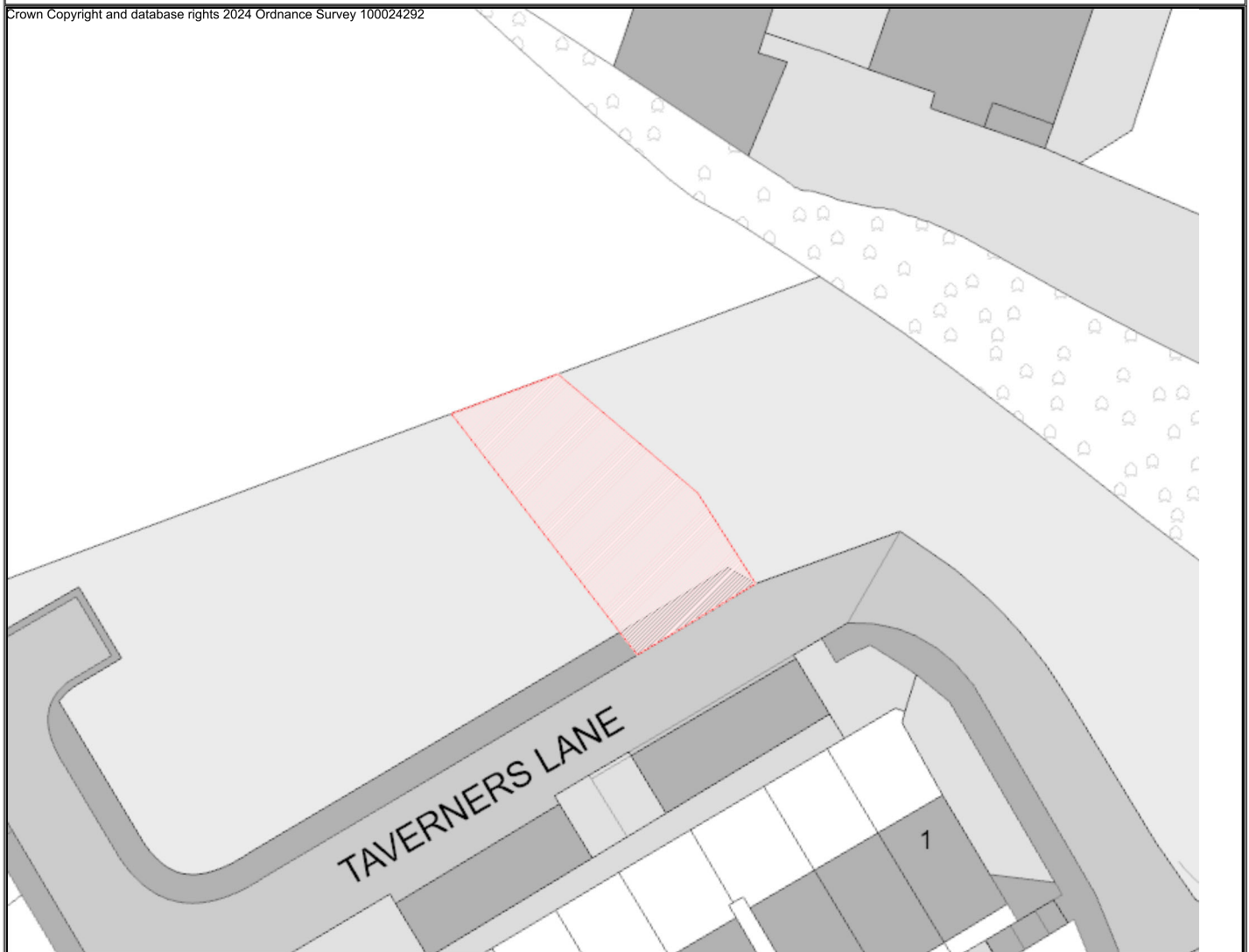
Date	20 August 2024
Case Officer	Artur Gugula
Location	Self Build Plot 69 Taverners Lane Chudleigh Devon
Proposal	Erection of a dwelling house
Applicant	Mr S Hunter
Ward	Chudleigh
Member(s)	Cllr Suzanne Sanders, Cllr Richard Keeling
Reference	24/00805/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

An employee of the Council has an interest in the land as the applicant would be building the dwelling on his behalf.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Date Received	Drawing/reference number	Description
17 May 2024	0888 DR-1101 REV U	Drainage Plan Sheet 1
09 Jul 2024	6124.PL1 REV C	Elevations and Floor Plans
09 Jul 2024		Carbon Reduction Statement
10 Jul 2024	6124.PL2 REV C	Site Plan

REASON: In order to ensure compliance with the approved drawings

3. No development above damp-proof course (dpc) level shall take place until details including exact location, extent, height, design, and materials of a temporary fence along the eastern boundary of the site, have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the hereby approved dwelling, the fence shall then be erected in accordance with the approved details and shall thereafter be maintained and retained until the hedge required by Condition 7 of this permission is established and maintained at a height of at least 2.5m.

REASON: To ensure that light spill from the development does not adversely impact the integrity of the South Hams SAC designated for legally protected greater horseshoe bat species during the period it takes for the eastern boundary hedge to be established.

4. No development above damp-proof course (dpc) level shall take place until details of the materials to be used on all external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of ensuring that the development assimilates into the character of the surrounding area.

5. No development above damp-proof course (dpc) level shall take place until full details of hard and soft landscaping works, including an implementation and

management plan, have been submitted to and approved in writing by the Local Planning Authority.

Details of soft landscape works shall include retention of any existing trees and hedges, finished levels/contours and new planting details. The hard landscape works details shall include means of enclosure, boundary and surface treatments. All works shall be carried out in accordance with the approved details and the implementation plan, and thereafter maintained in accordance with the approved plan.

REASON: In the interest of legally protected bat species, and in the interest of ensuring appropriate appearance of the site which assimilates with the character of the surrounding area.

6. Prior to the first installation of the bin store as identified on drawing numbered 612.PL2 Rev C – Site Plan, details of its size, material, and appearance shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of ensuring that the frontage of the dwelling assimilates into the character of the surrounding area.

7. The dwelling hereby approved shall not be occupied until such a time as the eastern boundary hedge approved as part of applications 16/02423/MAJ and 21/00416/MAJ, has been implemented, in strict accordance with the following approved documents:

- Greater Horseshoe Bat Mitigation Plan dated November 2017 (Reference: 667_GHMP_04) approved under application reference 16/02423/MAJ.
- Landscape Specification Details dated October 2017 (Reference: 1807 05) approved under planning application reference 16/02423/MAJ.
- Proposed Boundaries Plan dated January 2021 (Reference: 7359 PL104 Rev A) approved under planning application reference 21/00416/MAJ.
- Landscape and Ecology Management Plan dated July 2022 (Reference: 0926-LEMP-DM Rev 2) approved under planning application reference 21/00416/MAJ.

In the event that the eastern boundary hedge is removed, becomes severely damaged, seriously diseased or dies, within 1 month of such an event details of alternative hedge planting shall be submitted to and approved in writing by the Local Planning Authority; this shall include an implementation and management strategy. The alternative hedge planting shall then be undertaken and subsequently managed in accordance with the approved details. The fencing approved under condition 3 shall be reinstated within one month of the loss of the original hedge and retained until the replacement hedge establishes. The provisions of this condition will apply to any subsequent hedge.

REASON: To ensure that light spill from the development does not adversely impact the integrity of the South Hams SAC designated for legally protected greater horseshoe bat species.

8. Prior to the first occupation of the hereby approved dwelling, at least one bat box and one bird box shall be installed on site which shall thereafter be maintained (or replaced where repair is not feasible) and retained for the lifetime of the development.

REASON: In the interest of achieving biodiversity net gain on site and for the benefit of legally protected bat and bird species.

9. Prior to the first occupation of the hereby approved dwelling, at least two hedgehog passes measuring 13cm by 13cm shall be inserted at ground level into any solid barriers such as fences or walls, which shall then be maintained and retained for the lifetime of the development.

REASON: In the interest of achieving biodiversity net gain on site.

10. Prior to the first occupation of the hereby approved dwelling, parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with drawing reference 612.PL2 Rev C – Site Plan.

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

11. The development hereby permitted shall be carried out in accordance with the definition of 'self-build and custom housebuilding' as set out in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended) and the dwelling hereby permitted shall be built by or completed by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, for their own occupation.

REASON: To ensure that the development hereby permitted complies with the self-build and custom build exemption for the purposes of the Biodiversity Gain Plan Condition and in the interests of fulfilling self-build and custom build demand within Teignbridge.

12. 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 Act and Order with or without modification), no new glazed openings (including windows and doors) shall be made, inserted or constructed on the east elevation of the hereby approved dwelling as defined on drawing numbered 6124.PL1 Rev C – Elevations and Floor Plans hereby approved.

REASON: To maintain an open flyway for SAC bats which are light-averse along the edge of the woodland.

13. 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 Act and Order with or without modification), no pedestrian or vehicular access shall be created through the eastern boundary of the site into the adjacent dark corridor.

REASON: In the interest of maintaining an undisturbed open flyway for SAC bats.

14. 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 new dwelling, without details first being submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be 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 doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. 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: To safeguard foraging and commuting paths for legally protected bats, including bats from the South Hams SAC.

3. DESCRIPTION

The site

- 3.1. The site is approximately 250sqm in area and is situated off Exeter Road on Taverners Lane within a recent residential development. The plot forms part of an area intended for 4 self-build units. To the north of the site is an area of scrubland. To the east is an area of vegetation and hedges. To the south the plot is adjacent to the road providing the access. Finally, to the west the site is adjacent to another self-build plot (68) which already benefits from full planning permission. The land slopes upwards from south to north, bordered by a hit and miss fence and an area of trees. This area is safeguarded in the above planning applications for four self-build houses, with Plot 69 being the first plot on the right-hand side.
- 3.2. The site is located within the Bat SAC Sustainance Zone and Landscape Connectivity Zone. It is within Flood Zone 1 (low risk) and it is not in any Critical Drainage Area (CDA).

The proposal

- 3.3. The proposal is for a self-build detached dwelling which would be 2.5 storey featuring a simple double fronted pitched roof design. The front elevation features two small flat roofed dormers and a porch. It is proposed that the dwelling would have 4 bedrooms. The property would be set back from the road by approximately 7m with parking for two vehicles located in the front. There would be an area of generous front and rear garden. The proposed materials include painted smooth render on the elevations, natural slate on the roof, painted softwood fascia boards, composite front doors and UPVC window units.

Relevant planning history

- 16/02423/MAJ - Development of up to 65 residential dwellings and outline permission for 4 self-build plots - APPROVED
- 21/00416/MAJ - Amendment to 16/0243/MAJ to revise plans including increasing the size of the 4 self-build plots, and amendment of S106 trigger - APPROVED

- 22/01663/REM - Approval of details for four self-build plots pursuant to 21/00416/MAJ - PENDING CONSIDERATION
- 24/00160/FUL – Dwelling – APPROVED – This is the adjacent self-build plot no. 68.

Principle of development

- 3.4. The site is located within the defined settlement limits of Chudleigh. It relates to applications 16/02423/MAJ and 21/00416/MAJ which included four self-build plots. This is part of both the Colway Lane site referred to in Policy CH4 of the Local Plan, which is intended to deliver 25 homes, and the Grovelands site referred to in Policy CH5, for 50 homes.
- 3.5. 16/02423/MAJ and 21/00416/MAJ are both full details applications, with the latter seeking to vary the former in order to permit changes to the self-build units.
- 3.6. Whilst 22/01663/REM has been submitted as a reserved matters application for all four self-build dwellings, it is understood that this cannot be considered as a whole, hence individual applications for each self-build unit are being sought of which this is the second.
- 3.7. Given, that the proposal forms part of an allocated and consented residential site in Chudleigh it is considered that the principle of the development is acceptable.

Impact on character of the area

- 3.8. Application reference 21/00416/MAJ included a condition requiring the submission of a Design Code for the self-build plots which has now been approved under application reference 21/00416/COND1. The proposed dwelling conforms broadly with the parameters set out within the design code which made provisions for 2.5 storey dwellings in this location. The design and materials are not only consistent with the design code but also draw similarities with the adjacent consented plot and the nearby recently completed dwellings. There are limited details in respect of the exact specification of materials, doors and windows. Due to location of the plot it would serve as a vista-stopping feature when looking from Exeter Road up the access to Taverners Lane. On that basis it is appropriate to secure the submission of material and fenestration details via condition.
- 3.9. In the spirit of custom and self-build principles a minor deviation from the Design Code in respect of the plot layout has been accepted. The proposed parking would be located to the front rather than to the side with the dwelling set back further to the north within the plot. Such arrangement allows for improved pedestrian access to the rear garden and offers opportunities for the parking spaces to be converted to accessible ones if required by future occupiers. A strong and attractive frontage boundary would form an important feature of the above-described view. In order to secure this and to minimise the visual impact of frontage parking, it is necessary to require the submission of hard and soft landscaping details via an appropriate condition.
- 3.10. Finally, a bin store at the front of the property is proposed which is conveniently placed for the future occupiers. Given the sensitive location at the front it is however required that details of the appearance of the bin store are submitted to ensure that

it assimilates well within the frontage. Such can also be secured via an appropriate condition.

- 3.11. Subject to the above recommended conditions the proposal is considered acceptable in respect of impact on character of the area.

Impact on residential amenity of neighbouring properties

- 3.12. The plot has conventional windows to the front and rear, which would overlook the road and rear garden. It is expected that there would be some overlooking from first floor windows into the gardens of the adjacent self-build plots, however such level is considered acceptable given that the parameters of the plots have already been approved through the Design Code. Consideration has been given to potential impact of the western gable on the residential amenity experienced by future occupiers of Plot 68. In respect of overshadowing, given that the dwelling is located to the east of Plot 68 it is considered that it would not impede sunlight in detrimental manner for majority of time during available daylight hours. Similarly outlook between the gable and rear windows at Plot 68 is considered acceptable. Due to the significant separation distances between the plot and the dwellings across Taverners Lane it is considered that the proposal would not result in unacceptable impacts on their privacy and outlook. As such the impact of the development on residential amenity of neighbouring properties is considered acceptable.

Biodiversity

- 3.13. The proposal is for a self-build dwelling and therefore it is exempt from mandatory Biodiversity Net Gain. It is however necessary to secure the dwelling as a self-build via an appropriately worded condition.
- 3.14. The site is adjacent to a dark corridor on the east which is secured within the Design Code. The original permissions have also secured for a new northern boundary hedge to be delivered. Given that the site is located in the South Hams Special Area of Conservation (SAC) Sustenance Zone and Landscape Connectivity Zone (LCZ) the application has been assessed to establish if there would be no likely significant impact to the integrity of the South Hams SAC.
- 3.15. The South Hams SAC is designated for the presence of greater horseshoe bats which forage in the area and use linear habitat features such as hedges to navigate the landscape. On that basis it is key to ensure that the dark corridor is protected from unnecessary light spill. The Design Code clearly requires the planting of an additional hedge on the east boundary of Plot 69 in order to create a barrier. Greater horseshoe bats are very light averse therefore, in respect of undertaking the Habitat Regulations Assessment (HRA) providing that the eastern dark corridor is protected from unnecessary light spill it can be concluded that there would be no likely significant impact to the integrity of the South Hams SAC. The Design Code identifies the new eastern hedge to be located outside of the applicant's ownership within an area maintained by the management company designated for the whole site. As such it is considered that a Grampian condition is necessary to ensure that the proposed dwelling is not occupied until the eastern hedge has been planted. It is considered that there is a reasonable prospect of this happening as Wain Homes who would be responsible for planting of the hedge indicated that such works are estimated to take place within the next 8 weeks. The details of the hedge are set out within various documents for permissions 16/02423/MAJ and 21/00416/MAJ which

are recommended to be included in the condition. Whilst the hedge will take some time to establish to an appropriate height (approximately 2.5m) it is also required to include a condition for a temporary tall fence to be erected along the hedge. Should the hedge fail in future the condition requires a suitable replacement be planted on the application site.

3.16. In addition, the following biodiversity related conditions are also recommended:

- Removal of Permitted Development rights for windows on the east elevation.
- Details of boundary treatments on the northern elevation (likely a fence) to stop light spill onto the to be implemented northern hedge.
- Preclude the creation of garden accesses to the dark corridor.
- Limiting the installation of external lighting.

3.17. With the above measures it is considered that the light spill from the dwelling would be sufficiently managed.

3.18. In respect of achieving small scale biodiversity gains it is necessary to secure via appropriate conditions; the installation of bat and bird boxes; and implementation of hedgehog passes through solid boundaries.

Drainage and flood risk

3.19. There are no immediate concerns raised in respect of flood risk at the site due to its location with Flood Zone 1. The application submission has included a drainage scheme which has been previously approved to serve the whole development. The proposed surface water drainage scheme utilises attenuated cellular storage, permeable paving, and detention basins to accommodate the water from the development. Such approach is considered to be appropriate. The applicant has confirmed that the surface water management system has already been delivered as part of the wider development. It has also been confirmed that the impermeable area proposed is not greater than that designed for to be accommodated by the existing drainage system.

Highway safety

3.20. The proposal utilises the existing access through Taverners Lane onto Exeter Road which accommodates traffic movements through the site safely. The dwelling is proposed to accommodate two parking spaces to the front of the dwelling which is considered to be adequate for the size of the property. Providing that the parking spaces are secured to be used for their intended purpose the proposal is considered to not result in adverse impacts on highway and traffic safety.

Carbon reduction

3.21. The applicant has submitted a Carbon Reduction Statement which sets out that the dwellings will incorporate the following:

- The dwelling will be constructed using a timber framed kit.

- It is intended that high level of insulation will be deployed suppressing maximum u-values for building regulations.
- Installation of air-source heat pump.

3.22. Providing that the Carbon Reduction Statement is secured as an approved document the stated measures are considered to sufficiently address the requirements of Policy S7 and EN3 of the Local Plan.

3.23. It is not necessary to secure the installation of Electric Vehicle charging points as this is now a requirement of building regulations.

Conclusion

3.24. In conclusion, the proposal is considered to comply with the provisions of the Local and Neighborhood Plan and there are no other material planning considerations which would indicate otherwise. As such, subject to the conditions set out above approval is recommended.

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

S4 Land for New Homes

S7 Carbon Emission Targets

S20 Chudleigh

S21A Settlement Limits

WE7 Custom Build Dwellings

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

CH4 Land at Colway Lane

CH5 Land at Grovelands

Submission Teignbridge Local Plan 2020-2040

In accordance with provisions of paragraph 48 the following Submission Teignbridge Local Plan policies are considered to hold some weight in the decision making.

GP3 Settlement Limits and the Countryside

DW1 Quality Development

DW2 Development Principles

DW3 Design Standards

H12 Residential Amenity

EN6 Flood Risk and Water Quality

EN8 Light Pollution

EN11 Important Habitats and Features

EN15 South Hams SAC

Chudleigh Neighbourhood Plan 2019-2033

CHNDP4 Residential Parking

CHNDP5 Housing Design

CHNDP9 Biodiversity

CHNDP12 Sustainability

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

South West Water

- Initially recommended that run-off destination hierarchy should be followed with clear justification for discounting each of the steps.
- SWW have confirmed the acceptability of the attenuated discharge of surface water to the public sewer based on the drainage scheme approved under 21/00416/COND2 which is submitted with this application.

TDC Drainage

- Requested confirmation that there is no increase of impermeable area compared to the impermeable area used the design of the surface water drainage system.
- Requested confirmation that the surface water drainage system has been implemented in accordance with details approved at original application stage.

TDC Biodiversity

- Providing that the measures set out within the approved Design Code under (21/00416/COND1) are secured then the scheme would be acceptable.
- However, concerns raised regarding light spill of over 0.5 lux from first floor windows into the first-floor corridor.
- Condition limiting external lighting recommended.
- The implementation of the eastern boundary hedge outside the applicant's ownership to be secured via possible condition.

DCC Highways

- Use of standing advice recommended.

DCC Archaeology

- No comments.

6. REPRESENTATIONS

One letter of objection has been submitted raising the following concerns:

- No need for the dwelling to be 3 storeys.
- Dwelling would result in overshadowing of the surrounding houses.
- Proposal does not fit in

7. TOWN / PARISH COUNCIL'S COMMENTS

Chudleigh Town Council raises no objections.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 127.89m². 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 is 0. The CIL liability for this development is £40,774.97. This is based on 127.89 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

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 Development Management