

10 May 2021

PLANNING COMMITTEE

A meeting of the **Planning Committee** will be held on **Tuesday, 18th May, 2021** in the **Council Chamber - Forde House, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Eden, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley, Patch and Parker

Please Note: The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

AGENDA

Part I

1. **Apologies for absence.**
2. **Minutes** (Pages 3 - 12)
To confirm the minutes of the last meeting.
3. **Declarations of Interest.**
4. **Chair's Announcements**
5. **Public Participation**
The Chair to advise the Committee on any requests received from members of the

public to address the Committee.

6. Planning applications for consideration - to consider applications for planning permission as set out below.

a) 21/00516/HOU - 5 Sutherland Close, Newton Abbot (Pages 13 - 18)

b) 20/01961/FUL - Maize House, Highweek (Pages 19 - 26)

c) 21/00608/FUL - Higher Burne Farm (Pages 27 - 36)

7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 37 - 38)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

PLANNING COMMITTEE**13 APRIL 2021****Present:**

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Kerswell, MacGregor, Nuttall, Nutley and Patch

Members in Attendance:

Councillors Connett

Apologies:

Councillors Eden

Officers in Attendance:

Trish Corns, Democratic Services Officer
Suzanne Walford, Planning Solicitor
Kelly Grunnill, Senior Planning Officer
Steven Hobbs, Senior Planning Enforcement Officer
Christopher Morgan, Trainee Democratic Services Officer
Ian Perry, Principal Planning Officer
Richard Rainbow, Drainage and Coastal Manager

38. MINUTES

The Committee took a moment of reflection following the passing of Prince Phillip.

The minutes of the previous meeting were then agreed as a correct record by the chair and would be signed as a correct record at the earliest convenience.

a) 20/02219/HOU Trade Winds, Teignmouth

The Principal Planning Officer gave a presentation on the application to the Committee. Attention was drawn to an omission on the drawings of existing windows in the north and south elevation gables of the property. It was advised that the approved plans condition would make clear that the approval does not give permission to remove those windows.

It was proposed by Councillor Bullivant and seconded by Councillor MacGregor that permission be set out as in the report.

A vote was taken and was unanimous.

Resolved

Permission be granted subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be carried out in accordance with the approved drawings.
3. Undertake precautions and recommendations of the ecology report.

b) **18/01656/MAJ - Brickyard Lane, Starcross (Pages 7 - 8)**

The Senior Planning Officer gave a presentation on the application to the Committee.

Updates - The Senior Officer reported that under paragraph 2.1, A Item 7 –that drawing SK05 Rev A was not proposed and should be deleted. This related to other off-site works required for the former 32 unit development.

Public Speaker, Supporter – Spoke on

- 100% affordable housing
- 35 replacement trees for the removed oak
- Biodiversity gain
- Increased play area size
- Play area not at risk of flooding
- No objections from several statutory consultees including Natural England and the Local Lead Flood Authority

Comments from Councillors include:

- Need for affordable housing
- The report alleviates some anxieties
- New crossing and new trees will be planted
- What design is the new crossing?
- Concerns over quality and safety of play area
- Loss of play area for 18 months
- The site location is good
- Well thought out analysis of the factors
- Concerns about carbon
- Concerns about removing the 300 year old oak tree
- Concerns about future developments in the neighbouring field
- Concerns about local wildlife and light pollution
- Bad strip of land
- What are the economics of the development?
- Consideration of alternative means of access to the site
- RSPB objection

In response to questions from Councillors, the Senior Planning Officer informed the Committee that

- Fencing of the play area and provisional minimum levels of equipment

has been provisionally agreed and would be a detailed required by condition

- The crossing under drawing SK04 consists of a widened pavement and a dropped curb
- She had worked with the Climate Change Officer on conditions
- The tree could not be avoided. other means of access had been investigated
- Replacement trees will compensate for the loss of the Oak and provide soft screening and appropriate mitigation
- Natural England, the government body in this area has raised no objections and agreed to the Appropriate Assessment.

It was proposed by Councillor Haines and seconded by Councillor Bullivant that permission be granted as set out in the report.

A vote was taken – see attached to minutes.

Resolved

Permission be granted subject to the following conditions:

A) The applicant enter a section 106 agreement to secure

1. Standard Affordable Housing Provisions
2. Provision of a Landscape and Ecology Management Plan (LEMP) to secure the mitigation measures described in the Appropriate Assessment, including and monitoring costs
3. Provision and maintenance of the informal play areas and LEAP* (LEAP to be included in the unlikely event it is not bought back by the LPA under the Option Agreement.
4. Flood Evacuation Plan - Safeguarding of an emergency pedestrian route to Staplake Lane and a review of this requirement in 25 years. Provision of the route thereafter, if required.
5. Provision and maintenance of surface water attenuation
6. Safeguarding of easement to the ditch
7. Provision of off-site highway works shown on drawings SK04 Rev A and SK05 Rev A (unknown cost)
8. TRO contribution £5,000
9. HRA contributions £18,060 (£903 per dwelling)
10. Secondary School Transport Contribution of £6063 (index linked)
11. S106 monitoring costs (TBC)

B) Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:

1. Development shall commence within 3 years of permission
2. Development shall be carried out in accordance with the approved plans and documents
3. Pre-commencement submission of Construction Management Plan (CMP)
4. Pre-commencement submission of CEMP
5. Phasing Plan – Showing construction and timing to detail how phased

works will avoid coinciding with the peak period of SPA bird use (November to February inclusive), including mechanism for additional mitigation if monitoring demonstrates this is necessary to prevent adverse effects on protected sites.

6. All clearance, precautions, avoidance, mitigation, compensation and enhancement measures described in the Ecological Appraisal Report shall be undertaken
7. Bat and bird boxes, bee bricks and hedgehog holes at a rate of 1 per dwelling
8. External materials and architectural details;
9. Boundary treatments including details of location, design, height and materials to ensure important hedgerows are outside garden areas;
10. All soft and hard landscaping to be undertaken in accordance with the agreed details (unless amended by the LVIA);
11. Full details of carbon reduction measures including consideration of renewable energy technologies and the inclusion of dwellings to be “electric ready” for EV charger provision.
12. Compliance with bin storage / collection details;
13. Full details of details of the informal play area/LEAP including proposed play equipment (number, type, specification), seating and cycle storage, landscaping, the levels of the equipment and the timing of installation.
14. Tree protection during construction;
15. Arboricultural method statement including for the installation of the play equipment and the use of no dig construction for surfaces within the play area;
16. Pre-commencement surface water drainage conditions;
17. Finished floor levels shall be set no lower than 4.92 metres Above Ordnance Datum (mAOD) 2.
18. Re-profiling of ordinary watercourse channel adjacent to the LEAP/Public Open Space
19. Unsuspected contamination
20. Highway estate road details
21. Removal of permitted development rights for extensions, roof lights or dormer windows and upward extensions
22. Removal of permitted development rights for wind turbines.
23. Waste Audit Statement / Plan.

c) **19/00425/ENF -Land at Rebecca Springs, Nadderwater (Pages 9 - 10)**

The Enforcement Officer gave a presentation on the enforcement case to the Committee.

Comments from Councillors include

- Safeguard land use through enforcement
- Concerns about making the occupants homeless
- Linked to building appeal

The enforcement officer clarified to the Committee that

- There is a 12 month period during the enforcement notice that can allow the occupants to find new dwellings or deal with the appeal

It was proposed by Councillor Haines and seconded by Councillor Bullivant that the enforcement notice be issued as in the report.

A vote was taken – see attached to minutes.

Resolved that

- i) An ENFORCEMENT NOTICE be issued; and
- ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.

39. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted the appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 11.25 am.

Chair
Cllr Mike Haines

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Starcross Application 18/01656/MAJ

Planning Committee Roll Call 5

| COUNCILLORS | FOR | AGAINST |
|-----------------------------|-----|---------|
| CLlr Janet Bradford | | 1 |
| CLlr Philip Bullivant | 1 | |
| CLlr Chris Clarence | 1 | |
| CLlr Mary Colclough | | 1 |
| CLlr Huw Cox | 1 | |
| CLlr Alison Eden | | |
| CLlr Rob Hayes | 1 | |
| CLlr Jackie Hook | | 1 |
| CLlr Mike Jeffery | 1 | |
| CLlr Avril Kerswell | 1 | |
| CLlr Andrew Macgregor | 1 | |
| CLlr John Nutley | 1 | |
| CLlr Charles Nuttall | | 1 |
| CLlr Colin Parker | | |
| CLlr Adrian Patch | | 1 |
| CLlr Linda Goodman-Bradbury | 1 | |
| CLlr Mike Haines | 1 | |
| | | |
| TOTAL | 10 | 5 |

19/00425/ENF

Planning Committee Roll Call 5

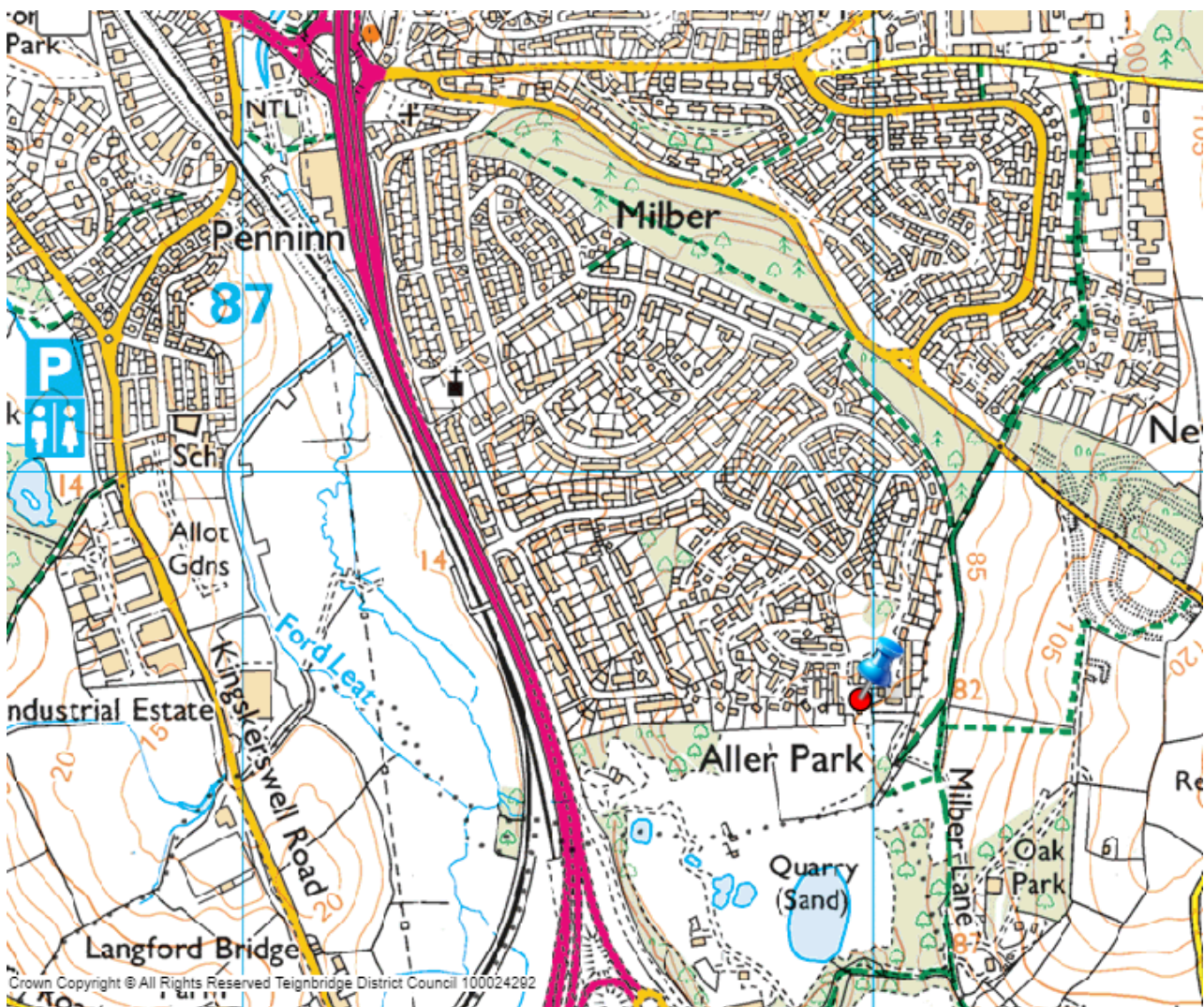
| COUNCILLORS | FOR | AGAINST |
|-----------------------------|----------|----------|
| | | |
| Cllr Janet Bradford | | 1 |
| Cllr Philip Bullivant | 1 | |
| Cllr Chris Clarence | 1 | |
| Cllr Mary Colclough | 1 | |
| Cllr Huw Cox | 1 | |
| Cllr Alison Eden | | |
| Cllr Rob Hayes | 1 | |
| Cllr Jackie Hook | 1 | |
| Cllr Mike Jeffery | | |
| Cllr Avril Kerswell | 1 | |
| Cllr Andrew Macgregor | | |
| Cllr John Nutley | | |
| Cllr Charles Nuttall | | |
| Cllr Colin Parker | | |
| Cllr Adrian Patch | | 1 |
| Cllr Linda Goodman-Bradbury | 1 | |
| Cllr Mike Haines | 1 | |
| | | |
| TOTAL | 9 | 2 |

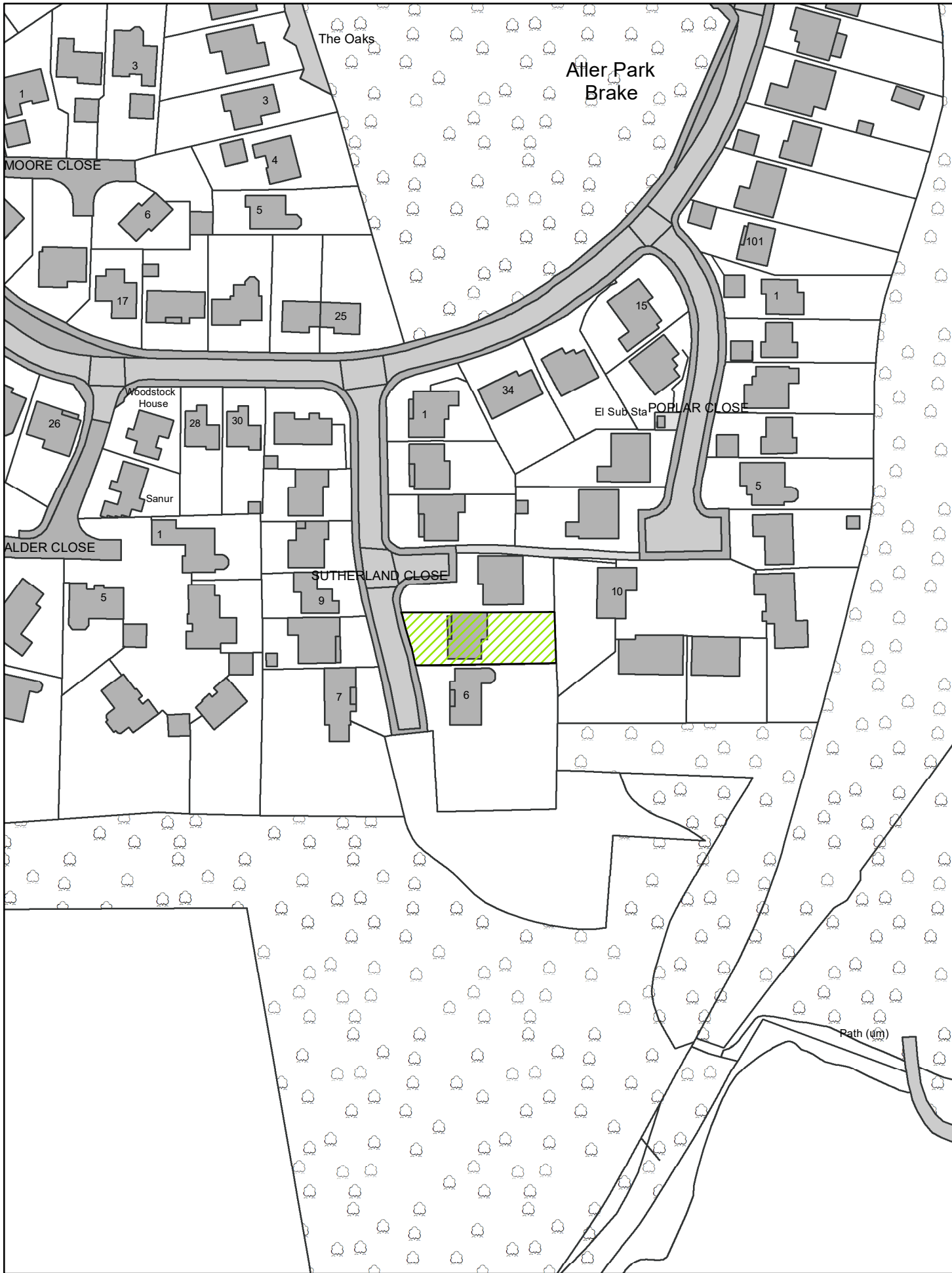
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



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|---------------------------------------|---|----------------------------|
| APPLICATION FOR CONSIDERATION: | NEWTON ABBOT - 21/00516/HOU - 5 Sutherland Close, Newton Abbot - Single storey rear extension, conversion of garage roof including roof lights and window, enlargement of driveway rear patio and landscaping | |
| APPLICANT: | Mrs C Millman | |
| CASE OFFICER | Artur Gugula | |
| WARD MEMBERS: | Cllr Gordon Hook Cllr Chris Jenks Cllr Colin Parker | Buckland And Milber |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=21/00516/HOU&MN | |





Scale:
1:1,250

**21/00516/HOU - 5 SUTHERLAND CLOSE
NEWTON ABBOT TQ12 4TL**



1. REASON FOR REPORT

- 1.1. The application has been put forward for determination by the Planning Committee due to the applicant being an employee of the Council.

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED subject to the following conditions:

- a. Standard 3 year for commencement condition
- b. Development to be carried out in accordance with the plans

3. DESCRIPTION

3.1. Description of the site and proposed development

- 3.2. The site is located in the south-eastern side of Newton Abbot within the Aller Park residential area. The plot is positioned along the terminus of Sutherland Close cul-de-sac and features a two storey detached property with an attached garage to the south elevation. The property is recessed back from the road with an open frontage accommodating a double drive and a lawn. To the rear the site features a good sized garden surrounded by timber fencing.

- 3.3. The proposal seek permission for a rear single storey extension, loft conversion in the garage roof and additional paving to the frontage

3.4. Principle of Development

- 3.5. The application site is located within the defined Settlement Limits of Newton Abbot where Policy S21A is permissive of new development providing that the proposal accords with other relevant policies of the Local Plan. Given the domestic nature of the proposal and location within a residential area it is considered that the principle of this development is acceptable.

3.6. Impact on the character of the area

- 3.7. The proposal is largely contained within the plot to the rear of the property with limited visibility from the road. The proposed flat roof extension is low level and proposes render as the facing material, in keeping with render on the host property. Due to the limited views of the extension it is considered that any impact on the character of the area is considered acceptable. The scale of the proposal is subservient to the host property issues of over-dominance are not raised.
- 3.8. The only potential visible changes are present at the frontage with the paving of part of the front lawn. The small scale change is considered acceptable given the varying sizes of driveways in the area. A strip of grass and planting is proposed to be retained to retain the visual appearance of the frontage.
- 3.9. In addition to the above the loft conversion within the garage roof will see the introduction of two roof lights to the front slope. These are considered acceptable and make a common appearance within the area. Furthermore, the addition of the roof lights is considered to fall under the provisions of Class C Part 1 Schedule 2 of the GPDO 2015 (as amended). There are no concerns regarding the garage

window to the flank elevation;. This is identified on the approved plans as obscured but this is not considered necessary for amenity / overlooking reasons.

- 3.10. One letter of objection has raised concerns regarding the overdevelopment of the site. Given the size of the plot and meaningful amenity space which will remain following the completion of development it is considered that the proposal will not result in overdevelopment of the plot.
- 3.11. Overall, given the scale and sympathetic nature of the proposal it is considered that the development is compliant with the provisions of Policies S2 and WE8 on the Local Plan in respect of visual appearance and impact on the character of the area.
- 3.12. Impact on residential amenity of neighboring properties
- 3.13. The general scale of the proposal does not pose reasons for concerns in respect of overbearing impact on neighboring properties due to the single storey nature of the development. The existing timber fencing already provides screening and sense of separation between the plots. The property to the south is positioned slightly higher than the proposed. In respect of the property to the north, the extension will be located level with a blank side wall and will be mostly screened by the existing fence.
- 3.14. Consideration has been given to the possible overlooking from new windows on the south elevation.
- 3.15. The new ground floor window in the south elevation of the garage together with the new door looks out on the mostly blank wall of the property to the south. It is noted that some existing potential for overlooking already exists from the neighboring conservatory and given the positioning of the new openings to the side of the house the impact on privacy is considered acceptable. In addition the proposed window and door are included on the plans for completeness but are considered Permitted Development.
- 3.16. In respect of the new ground floor window on the south elevation of the new extension; the submitted site photos indicate an existing fence which raises in height at the location of the window. The intention is to retain the height of the fence which will provide sufficient screening for the window and minimizing any potential overlooking.
- 3.17. Consequently it is considered that the proposal does not result in any unacceptable impact on residential amenity of neighboring properties and therefore is compliant with the provisions of Policy S1 and WE8 of the Local Plan.
- 3.18. Impact on biodiversity
- 3.19. The submitted plans indicate works to the garage roof accommodating the loft conversion and therefore the proposal has been accompanied via a Preliminary Ecological Assessment. The Assessment indicates no evidence of bats or nesting birds with low roosting potential. Consequently it is considered that the proposal will not impact negatively on bats and nesting birds. The Assessment will be made part of the approved plans to ensure the precautionary measures are complied with. On this basis it is considered that the development is compliant with Policies EN8 and EN11 of the Local Plan.

3.20. Surface water drainage

3.21. The proposed development is located outside Flood Zones 2 or 3 and is not located within a Critical Drainage Area. The scale of the development indicates that the existing surface water management system can be utilised. The applicant has confirmed that the proposed paving is to be constructed from permeable material.

3.22. Conclusion

3.23. In conclusion, as set out in the above report the proposal has been considered compliant with the relevant policies of the Local Plan. Consequently, subject to the recommended conditions 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

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

5.1. No consultations have been sought.

6. REPRESENTATIONS

6.1. One letter has been submitted raising the below issues:

- Detraction from desirability
- Unjustified over-development

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. Newton Abbot Town Council:

- No objection

8. COMMUNITY INFRASTRUCTURE LEVY

8.1. This development is not liable for CIL because, it is less than 100m² of new build that does not result in the creation of a dwelling.

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. CARBON/ CLIMATE IMPACT

As a householder application, an informative will be added to any permission granted, encouraging the use of sustainable construction techniques.

11. 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.

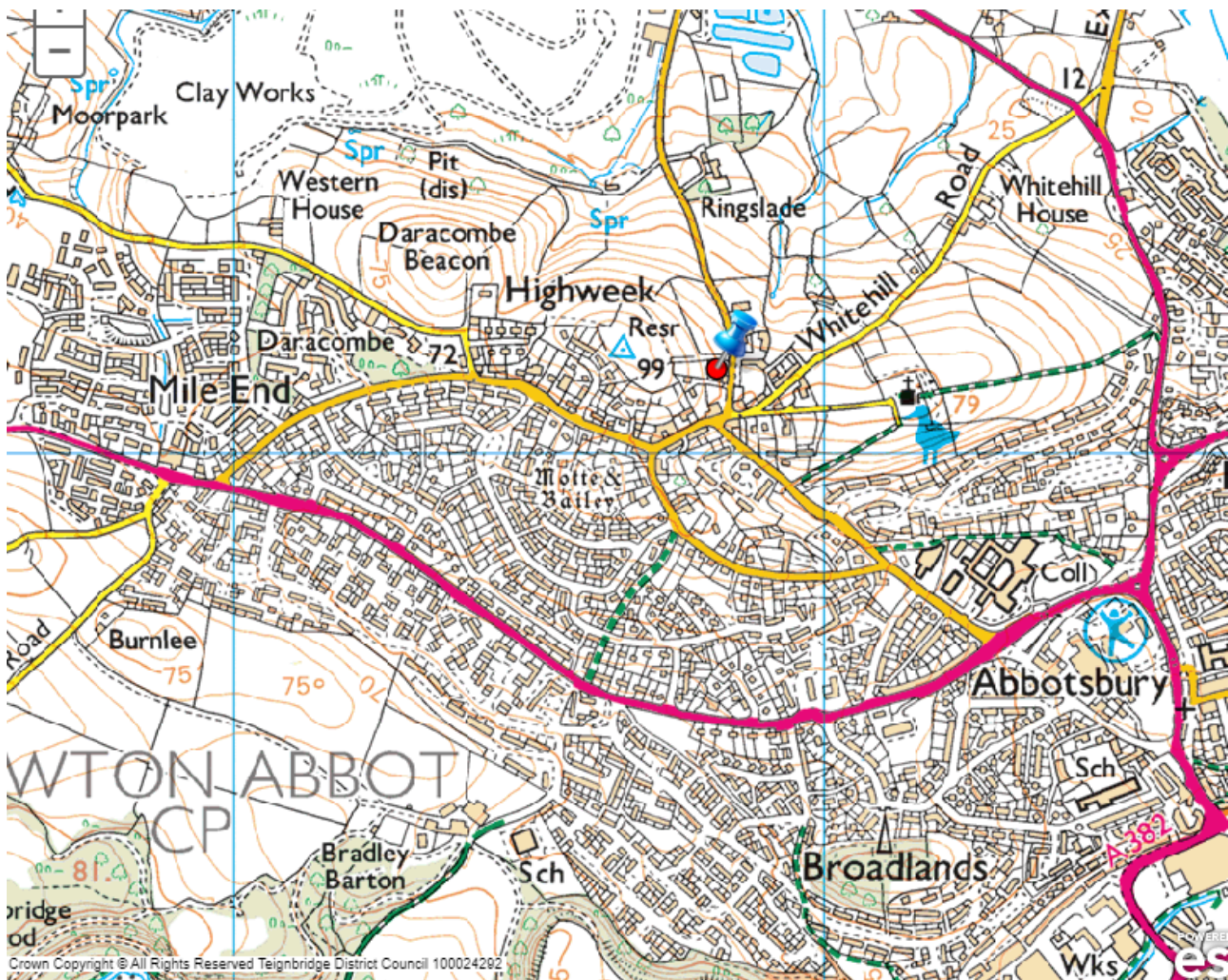
Business Manager – Strategic Place

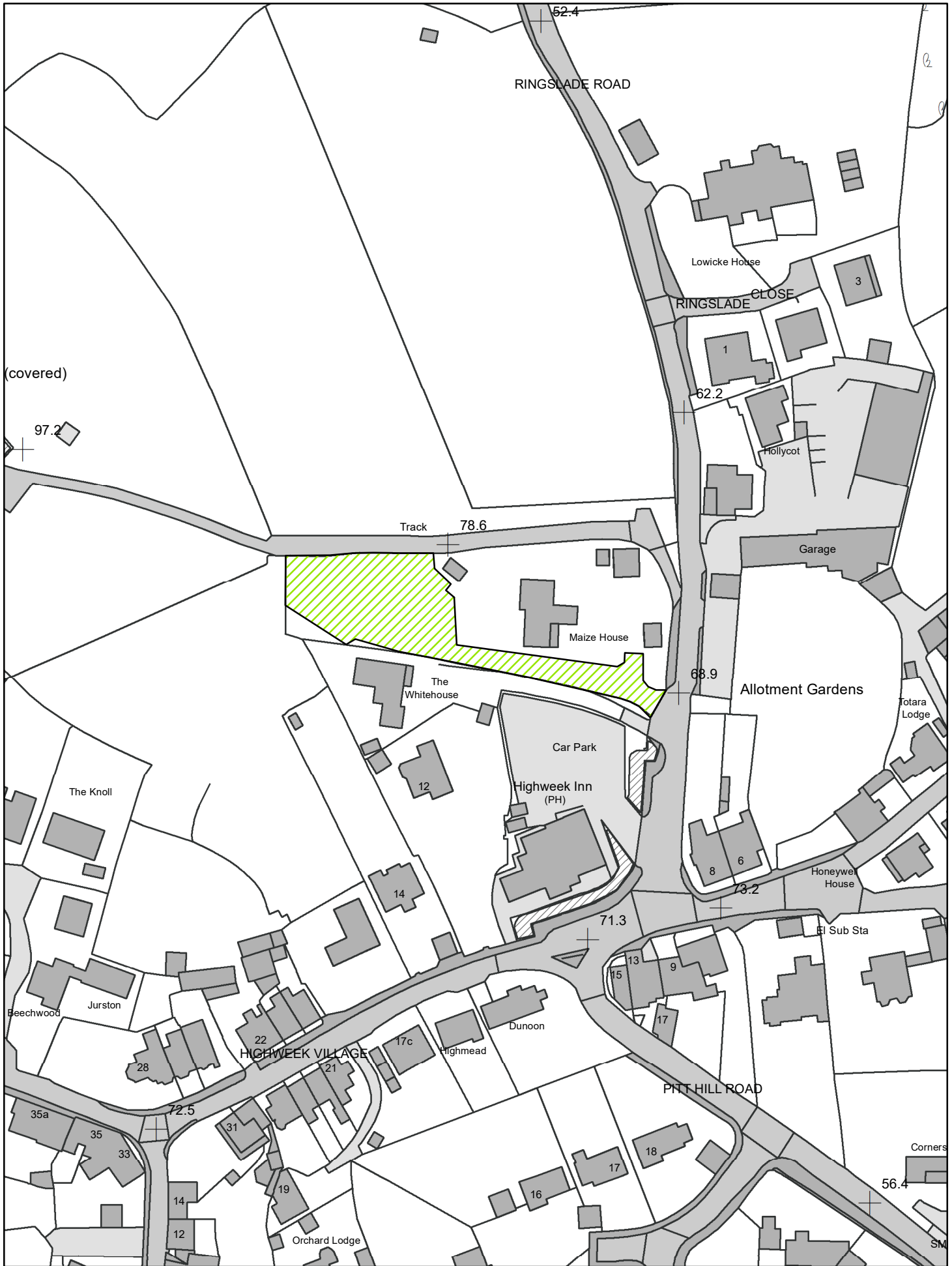
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|----------------|
| APPLICATION FOR CONSIDERATION: | NEWTON ABBOT - 20/01961/FUL - Maize House , Ringslade Road - Two new dwellings and associated works | |
| APPLICANT: | Mr B Denton | |
| CASE OFFICER | Charlie Bladon | |
| WARD MEMBERS: | Cllr Philip Bullivant Cllr Mike Hocking | Bradley |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/01961/FUL&MN | |





Scale:
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**20/01961/FUL - MAIZE HOUSE, RINGSLADE ROAD,
NEWTON ABBOT TQ12 1QF**



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1. REASON FOR REPORT

This proposal is brought before the Planning Committee as the applicant is an employee of Teignbridge District Council.

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED subject to conditions covering the following matters:

1. Standard time limit
2. Accord with plans
3. Protected Tree watching brief
4. Adherence to measures set out in Ecology Statement
5. No external lighting
6. Provision of Bat boxes
7. PD removal – openings in south elevation & roof extensions – neighbor amenity
8. Access/parking complete & EV Ready prior to occupation
9. Securing delivery of enhanced insulation and energy efficient measures as per updated Design and Access Statement

3. SITE DESCRIPTION

3.1 A detached dwelling sitting within a generous plot on the west side of Ringslade Road in the Highweek area on the western edge of Newton Abbot. The site slopes uphill towards the west, away from the road. There are fields to the north side and rear (west) and there are dwellings and a public house to the south side. The public highway abuts the east boundary and beyond that are allotment gardens.

4. APPLICATION PROPOSAL

4.1 The application seeks full planning permission to divide the existing plot and construct two additional dwellings to the west (rear) of Maize House. Access would be via a new shared driveway running along the south side boundary of the site.

5. PLANNING HISTORY

5.1 There have been some earlier extensions to the host dwelling on the site but no applications relating to the current development proposal.

6. KEY CONSIDERATIONS

6.1 The application seeks full planning permission to divide the existing plot and construct two additional dwellings to the rear of Maize House, with separate access and off-street parking area from Ringslade Road. The key issues in the consideration of the proposed development are as follows:

- Principle of the development;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;

- Access and Highway Safety;
- Heritage impact of the proposal;
- Ecological impact of the proposal

Principle of the development

6.2 The application proposes 2 new dwellings within the settlement boundary of Newton Abbot. Within settlement limits, development will be permitted where it is consistent with the provisions and policies of the local plan as set out in Local Plan Policy S21A.

6.3 Newton Abbot Neighbourhood Plan Policy NANDP2 supports proposals for small-scale housing on sites within the settlement limit, subject to the policies in the Newton Abbot NP and Local Plan. The Plan states that proposals will be expected to meet a high standard of design and reflect the local character.

6.4 The proposed development would provide a pair of three bedroom properties within the settlement boundary of Newton Abbot, within a short walk of the services within the town, helping to meet local demand. The principle of development is therefore considered acceptable, subject to not having an adverse impact as assessed below.

Impact upon the character and visual amenity of the area

6.5 Policy S1 (Sustainable Development Criteria) requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) requires development to utilise high quality design by responding to the characteristics of the site, its wider context and surrounding area by making the most effective use of the site, integrating with and, where possible, enhancing the character of the adjoining built environment.

6.6 The site is located on the edge of the built-up area and is considered to be suburban in character. There are a range of development styles both on Ringslade Road and surrounding streets. Nearby properties are mostly two-storey and there is a mix of brick and render finishes.

6.7 The proposed dwellings would have a traditional and familiar rectangular footprint, standing at two-storeys in height with a pitched roof and single storey flat roof sections intended to reduce overall mass and bulk of the dwellings. Externally the buildings would be finished in brickwork under a slate tiled roof, with powder coated aluminium framed windows and elements of metal cladding providing contemporary detail to the exterior. The flat roofs to the single storey elements would be finished in similar metal cladding to that proposed for the window details.

6.8 The proposed dwellings would have a total combined footprint of 321.98m², occupying 27% and 34% of their new plots respectively. Surrounding properties occupy varying proportions ranging from approximately 15% to 35% of their respective plots. Taking in to account the provisions of Policy S1 and S2, the size of the proposed dwellings is not considered to be out-of-scale with the surroundings and remains appropriate to its context.

6.9 The two proposed dwellings would be set behind the host dwelling, reducing their visual prominence. The sloping site would increase the visibility of the two

dwellings in the surrounding area. But this would be offset by their position set back from the road behind the host dwelling. Boundary trees and hedges would provide further visual screening to reduce the visual impact of this development when seen from nearby public views. It is considered that the proposals are in keeping with the adjoining properties and would not adversely impact on the character and visual amenity of the area.

Impact on residential amenity of surrounding properties

6.10 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light. During the determination period of the application, concerns have been raised regarding the impact of the proposed development on the residential amenity of nearby properties, in particular “The White House” to the south.

6.11 The submitted Block Plan and associated Section drawings indicate that the proposed Dwelling B and the adjacent neighbour to the south known as The white House would have similar maximum heights above ordnance datum.

6.12 The proposal initially included three windows in the south elevation of Dwelling B at first floor level, which were considered to have an unacceptable impact on the privacy and amenity of residents at The White House. In consultation with the agent, the Dwelling B has been redesigned to ensure that only obscure glazed windows would be present on the south elevation at first floor level. This would prevent overlooking into the adjacent property from first floor level. At ground floor level the existing mature boundary hedge will continue to provide adequate privacy. It is therefore considered that the proposed development will not have a significant adverse impact on the residential amenity of the adjacent dwelling known as The White House.

6.13 The adjacent dwelling to the south of the site is the closest neighbor. Other neighbouring dwellings are situated further from the proposed new dwellings. Given the distance between the proposed development and the surrounding properties, the proposed position behind the host dwelling and existing boundary trees and hedges, it is considered that the proposed development would not impact significantly on the privacy or amenities of any other nearby residents.

6.14 The development has been designed to offer an adequate level of screening between the two proposed new dwellings, between the new dwellings and the host dwelling, and between the new dwellings and near neighbours.

Highway safety

6.15 The proposed development would utilize the existing highway access that currently serves the host dwelling. Parking and turning areas for each of the new dwellings would be provided adjacent to the respective dwellings. A new path leading off from the existing access point along the southern side boundary would provide access to the two new dwellings.

6.16 In accordance with agreed procedure, the Devon County Council Highways Authority’s Standing Advice has been consulted. It is considered that the proposed development meets the requirements set out in standing advice relating to provision of adequate parking and turning facilities.

6.17 There have been no objections received in relation to highway safety issues and it is considered that the proposal is acceptable in this regard.

Impact on ecology

6.19 The application site is outside the catchment areas for local Special Protection Areas and Special Areas of Control.

6.20 The Biodiversity Officer has reviewed the proposal and is satisfied that the development would not cause undue harm to protected species, provided that the measures set out in the submitted ecological survey are adhered to, and conditions are applied to restrict installation of outdoor illumination and secure provision of bat boxes.

Drainage

6.21 The application site is within an established urban area which is served by the public sewer system. Accordingly the development would connect waste drainage to the existing mains system.

6.22 The application proposes to direct surface water runoff to a soakaway system within the site. It is considered that there is adequate space for provision of such measures within the site area.

Conclusion

6.23 The application seeks full planning permission for the subdivision of the existing plot at Maize House and the construction of two new dwellings with associated access and parking area off Ringslade Road.

6.24 The application has been assessed against the relevant planning policy context and is considered to be acceptable subject to conditions. Whilst the introduction of additional dwellings at this location will change the outlook for some existing residents, due to the positioning of the dwellings within the site and the design of the building, it is considered that the site can accommodate the additional massing without having an adverse impact on the character of the local area and residential amenity.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S21A Settlement Limits

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

8. CONSULTEES

Biodiversity Officer

Received 17 November 2020

Recommend conditions requiring adherence to measures set out in Ecological Assessment, no external lighting, bat box provision.

Historic England

Received 2 December 2020

No objections raised.

Arboricultural Officer

Received 25 February 2021

Concern over potential harm to roots of third party trees on adjacent land arising from construction and proposed ground level changes. Recommend watching brief during construction.

Environmental Health

Received 6 November 2020

Recommend condition requiring risk assessment and remediation in the event any unsuspected contamination is discovered.

9. REPRESENTATIONS

During the determination period 2 letters of objections were received. The key matters identified in the comments are as follows:

- proposal is considered an overdevelopment of the site.
- potential harm to neighbour's trees close to boundary
- concerns over quality of submitted ecological assessment
- concerns over quality of submitted design & access statement

10. TOWN / PARISH COUNCIL'S COMMENTS

Newton Abbot Town Council

Received 25 November 2020

No objection in principle, however two dwellings may be considered over-development.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 321.98m². 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 0m². The CIL liability for this development is £31,403.15. This is based on 321.98 net m² at £70 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

12. 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.

13 CARBON/ CLIMATE IMPACT

The applicant has provided details of the ways in which the proposal will exceed building regulations requirements. This will be secured by condition.

14 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.

Business Manager – Strategic Place

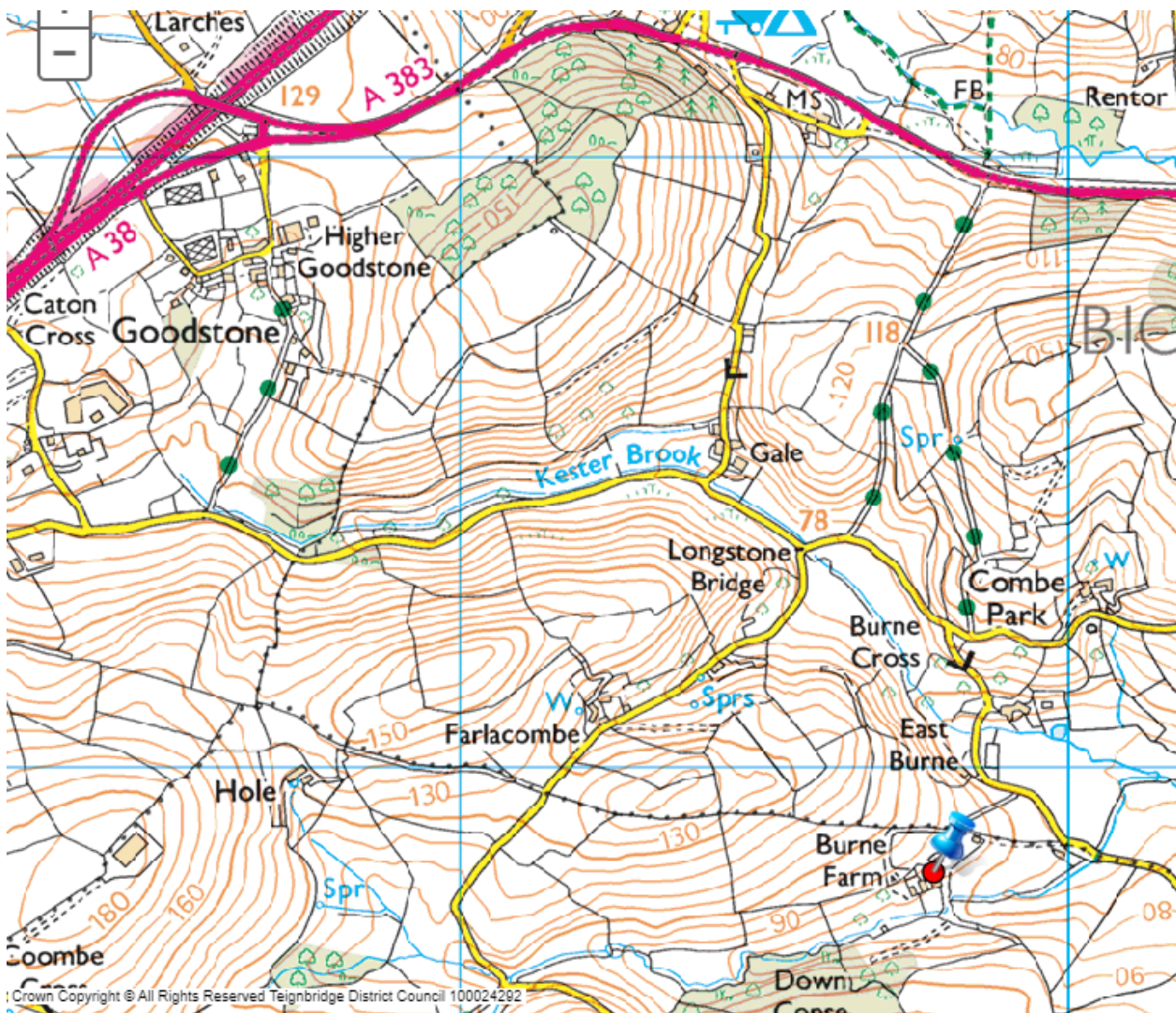
PLANNING COMMITTEE REPORT

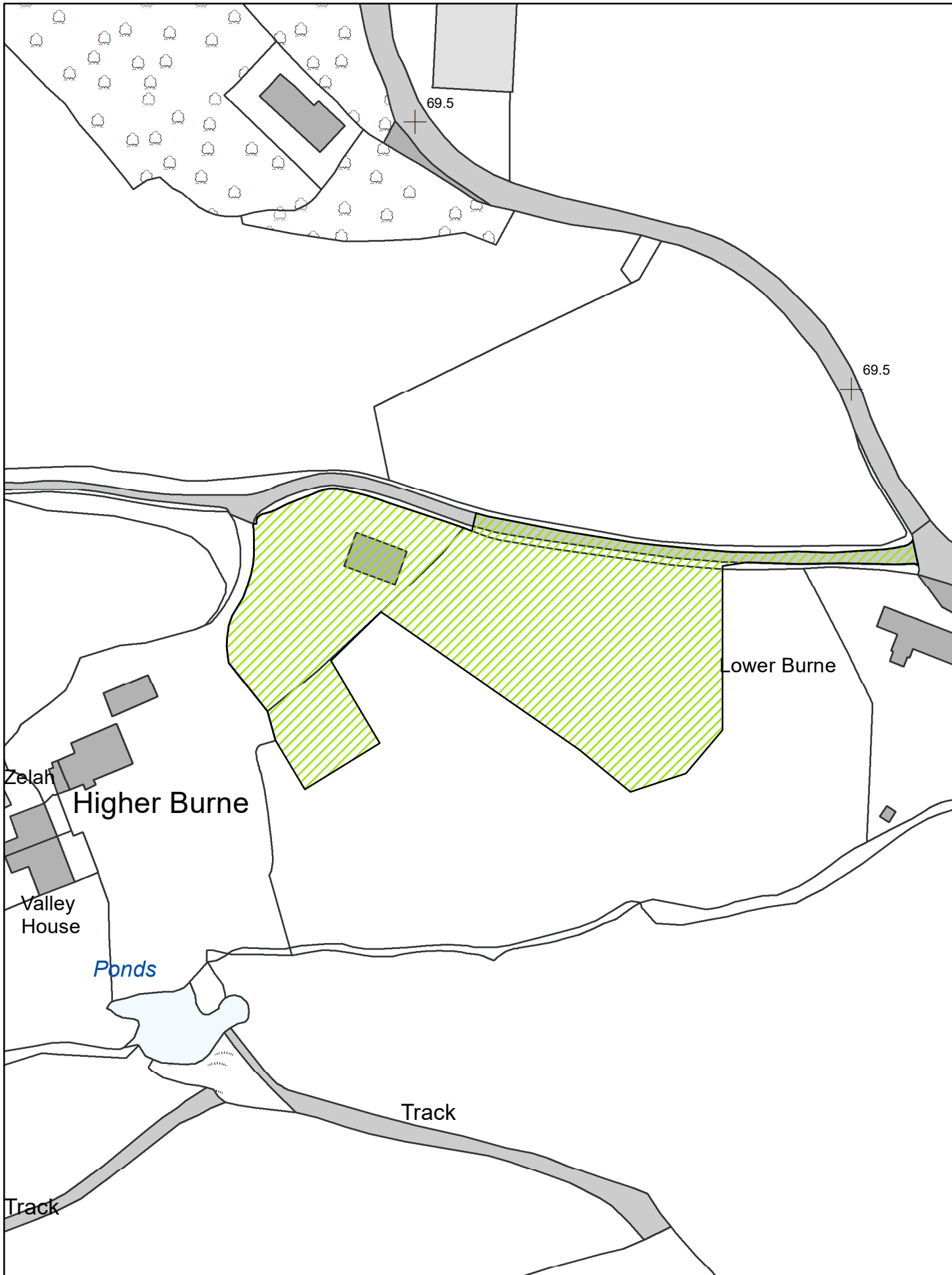
18 May 2021

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|----------------|
| APPLICATION FOR CONSIDERATION: | DENBURY AND TORBRYAN - 21/00608/FUL - Higher Burne Farm, Bickington - Construction of residential dwelling and garage, landscaping and associated works including demolition of agricultural building | |
| APPLICANT: | Ms Marion Harbinson | |
| CASE OFFICER | Jennifer Joule | |
| WARD MEMBERS: | Cllr Mary Colclough Cllr Richard Daws | Ambrook |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=21/00608/FUL&MN | |





Scale:
1:1,250

21/00608/FUL - HIGHER BURNE FARM, BICKINGTON TQ12 6PA



1. REASON FOR REPORT

This application has been called-in to Committee by Denbury and Torbryan Parish Council.

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit
2. Plans condition
3. The domestic curtilage of the dwelling shall include only the area within the purple line as shown on plan reference ACL.1250.205 received by the LPA on 12th March 2020. The residential garden shall not extend beyond the purple line.
4. proceed only in accordance with the recommendations of the ecology report
5. proceed only in accordance with the tree protection measures
6. Provision of bird and bat boxes in accordance with recommendations of the Preliminary Ecological Appraisal
7. Unexpected contamination condition (as was applied to the Class Q approval)
8. Delivery of heat pump etc carbon benefits

3. DESCRIPTION

Site Description

- 3.1 Higher Burne Farm is located within the designed open countryside to the south of Bickington and east of Ashburton. It lies within rolling hills and is well-concealed within the landscape.
- 3.2 Access is taken from a private track to the north of the site which leads to the east and joins the highway between Coombe Park and Metley Cross. This access/ driveway was approved through application ref. 97/02894/FUL and is not a public highway.
- 3.3 The application site is characterized by an existing metal Dutch-style barn, linear vegetation features and open fields laid to grass.
- 3.4 The applicant has submitted an additional plan with a purple line which defines the intended residential curtilage of the dwelling and which is smaller than the red line area.
- 3.5 Higher Burne Farm is also within the applicant's ownership and is approximately 75m to the south west of the site.
- 3.6 The site is in flood zone 1 which means it has a low risk of flooding. It lies within a Critical Drainage Area. It is also positioned within a Bat SAC Landscape

Connectivity Zone and a Great Crested Newt Alert Zone, as it is within 5km of an existing great crested newt record.

- 3.7 The barn on site was granted approval for residential conversion under the permitted development right known as 'Class Q' reference 19/01796/NPA.

Proposed Development

- 3.8 It is proposed to demolish the existing barn, erect a new building with a similar appearance, and add a garage/outbuilding of a single storey to the north east.
- 3.9 The footprint of the proposed barn-style building closely reflects the size and position of the existing barn, although is slightly larger. The footprint of the existing barn is 121 sq.m and the proposed barn-style building is 149.5 sq.m. The proposed building is 100mm taller (Above AOD) than the existing barn.
- 3.10 The proposed single storey garage/outbuilding has a floorspace of 91 sq.m. It will be set in to the hillside location and screened by the existing Devon hedgeback to the north and west and will have a green roof.
- 3.11 The applicant is also proposing:
- A new Devon bank planted with native species to form the boundary of the site to the west and south;
 - New tree planting to comprise both an orchard area and native/naturalised species area to the west and south of the site;
 - The retention of all existing trees and hedgerows aside from the removal of one L-shaped hedge/line of small trees and large bushes adjacent to the existing barn;
 - An alteration to the levels of the site to create a new vegetable growing area and a flat garden area immediately to the south of the proposed dwelling;
 - Solar photovoltaic panels to the roof and a ground source heat pump system to be located in the south eastern field;
 - A sustainable drainage system based on the use of soakaways;
 - The provision of two new bird and two new bat boxes on the proposed dwelling; and,
 - The retention of an existing log store in situ to preserve a potential amphibian habitat.

Principle of the Development

- 3.12 Owing to the approval of the Class Q conversion under reference 19/01796/NPA, the principle of residential development of the site has been established. This remains the fall-back option for the applicant, meaning the conversion proposal could still be implemented as long as the conditions are complied with. There is a three year time limit for the construction to be complete, which is a requirement of the permitted development right and was not imposed by the LPA. This means the extant permission would expire in November 2022 if construction is not complete.

There is however no reason to consider at present that either the construction could not be undertaken in that timeframe OR that a further Class Q approval could be given.

- 3.13 The Local Plan does not provide “in principle” support for the current proposal for a new open market dwelling in the countryside.
- 3.14 It is therefore necessary for the subject application to demonstrate either betterment, meaning it offers some form of improvement on the Class Q application, in order for there to be a material consideration as to why permission should be granted for the current scheme rather than leaving the applicant to implement the approval they already have. .
- 3.15 This application has been recommended for approval on the basis that it is considered to offer betterment beyond the Class Q position and this outweighs the conflict with the Local Plan.

Landscape and Visual Impact of the Proposal

- 3.16 The site is located in a remarkably well-screened and concealed countryside location. It cannot be seen in long-range views or from the public highway. It can only be glimpsed from the closest neighbours to the site which comprise Lower Burne Farm to the east and Zelah and Valley House at Higher Burne Farm to the west. No representations have been received from these dwellings.
- 3.17 The applicant has proposed extensive new tree planting and the construction and planting of a new Devon bank along the perimeter of the site. These additional landscape features will greatly outweigh those that will be lost and will offer the benefit of further screening of the site, in turn enhancing the landscape and visual amenity of the area.
- 3.18 The proposal is for a very similar dwelling design to that approved under Class Q. The proposal maintains the industrial agricultural appearance of the barn and makes use of high quality materials. On this basis it is considered that the design of the dwelling is suitable for its context and is an appropriate response to the site, in accordance with Policy S2.
- 3.19 The proposal maintains the roof height of the existing building and includes a small increase in the footprint of the barn-style building beyond the existing barn. It is not considered that these changes will be perceptible in the landscape. The proposed garage/outbuilding will be single storey, have a green roof, and be built in to the hillside such that it will be of very low visibility in the landscape.
- 3.20 A condition is proposed that refers to the domestic curtilage of the dwelling. The LPA needs to consider not only the impact of buildings on the landscape, but also the impact of general paraphernalia and personal effects associated with a dwelling, which can bring about landscape harm. The applicant has proposed a limited garden area/curtilage which follows the line of the proposed bank and hedgeline around the site. If approved, this will be conditioned such that the curtilage of the dwelling is only that proposed and marked by a purple line on the plan.
- 3.21 On the basis of a restricted domestic curtilage, and limited landscape visibility, the proposal is considered to accord with Policy EN2A and not bring about any landscape harm.

Ecological Impact

- 3.22 The applicant has submitted a Preliminary Ecological Appraisal and the Biodiversity Officer has commented that she has no objection to the proposal subject to the imposition of three conditions.
- 3.23 The Ecological Appraisal found no evidence of nesting bird activity within the existing barn and no evidence of bat roosts but some bat droppings indicating potential hunting activity.
- 3.24 The report makes a large number of recommendations for opportunities to offer biodiversity enhancement as part of the development and these have been almost entirely complied with. The only area where the recommendations have not been followed is for the removal of the elm tree within the hedge/tree line to the immediate south of the existing barn.
- 3.25 The following measures are proposed:
- Retention of clumps of trees to the south of the site;
 - Replacement of marginal habitats to the south east of the barn with a new hedgebank to the north west;
 - Planting of a new orchard with a wildflower meadow between the trees;
 - Provision of a 'hibernacula' for reptiles and amphibians, which is to comprise a log store in the north west corner of the site;
 - Use of sustainable and natural building materials such as a green roof and ground source heat pump;
 - Provision of new native trees;
 - Controls on lighting including external lighting; and,
 - Nest boxes for birds and bats which are recommended to be secured through condition.
- 3.26 It is therefore considered that the proposal will offer biodiversity gain subject to the above recommended conditions. This is a benefit of the proposal above and beyond the Class Q fall back option.

Impact on Trees

- 3.27 The applicant has proposed extensive new tree planting as part of the proposal. This will principally comprise two new areas of planting - a new orchard area to the north and west of the barn and a new area of native and naturalised English planting to the south.
- 3.28 The site already contains a large number of trees, as is set out within the Tree Constraints and Tree Protection Plans. It is proposed to retain all existing trees aside from a category 'C' hedge/line of small trees/large bushes immediately adjacent to the existing barn, which is partially suffering from ash dieback.

- 3.29 The net gain in trees will be significant and this is considered a noteworthy benefit of the proposal from both a landscape, visual amenity and biodiversity gain perspective, above the Class Q position.

Flood Risk and Surface Water Drainage

- 3.30 The site lies within Flood Zone 1 but it is within the Critical Drainage Area to the West of Newton Abbot.
- 3.31 The application proposes only a very small increase in impermeable areas owing to the green roof proposal for the garage/outbuilding and the small increase in the footprint of the barn building.
- 3.32 The applicant has proposed a soakaway system which will be installed within the eastern field, where the land is at its lowest.
- 3.33 The Drainage Officer has requested the detail of infiltration testing which will determine the scope for and size of the soakaway system.
- 3.34 It is not considered necessary that this matter is addressed prior to determination of the application and so the following condition has been agreed with the agent and is recommended to be applied to the consent:

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

REASON: The information is required prior to commencement to ensure the site can be satisfactorily drained before new impermeable surfaces are laid within the site.

- 3.35 This matter is considered neutral in the planning balance as it is necessary to ensure the development will not increase the risk of flooding elsewhere.

Renewable energy provision

- 3.36 The applicant is proposing a roof-mounted solar photovoltaic array to the southern-facing roof slope and a ground source heat pump system, to be installed in the south eastern field of the site.
- 3.37 In light of the requirements under Policy S7 & EN3 for development to reduce emissions impact, these measures are considered benefits of the proposal which improve upon the Class Q position.

The Planning Balance

- 3.38 The fall back option for the applicant remains the Class Q approval. It is considered that this planning application offers betterment for the following reasons:
1. Biodiversity gain and landscape benefits can be secured through the provision of a range of measures, notably extensive new tree planting and a new Devon bank.

2. Renewable energy provision can be secured to include a ground source heat pump and solar photovoltaic panels.

3.39 It is therefore recommended that the application be approved subject to the above conditions.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7

S22 Countryside

EN2A Landscape Protection and Enhancement

EN3

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

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Biodiversity Officer –

The site is within the South Hams SAC Landscape Connectivity Zone. The wildlife survey concluded that the barn was not used by nesting birds or roosting bats, but was used by some feeding bats. The report recommended various biodiversity enhancement measures, which should be followed. Lighting controls are required to avoid impacts on light averse greater horseshoe bats and other wildlife. I welcome the proposed planting of new trees and hedges.

POLICIES THAT APPLY

NPPE including paragraphs 170, 175, 176 and 177

177: The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Teignbridge Local Plan Policies:

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

CONDITIONS REQUIRED

The works, including any demolition and vegetation clearance shall proceed in strict accordance with the precautions, measures and enhancements described in the wildlife survey report (by Colin Wills, dated 28 September 2020). This to include installation of bird boxes, bat boxes and a reptile shelter.

REASON: For the benefit of legally protected and other wildlife species.

No external lighting shall be installed on, or in association with, the new building, except for low-lumen, 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 lights should be mounted at a height no greater than 1.5m from ground level, directed and shielded downward and away from the site hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.

All glazing shall be treated to have low light transmission properties, i.e. with Visible Light Transmission of 50% or less. No skylights shall be installed.

REASON: For protection of legally protected light-averse bats.

Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e. from April to October inclusive). No lighting shall be left on over-night during the construction phase. Works compounds to be located away from roosts, new roost building, and dark corridors. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from hedges, trees and other dark corridors

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

Tree Officer –

There are no arboricultural objections to the proposal, as no trees or hedges that contribute significantly to the visual amenity of the wider area will be adversely affected by the proposal.

Drainage –

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing to demonstrate that infiltration is viable prior to a planning decision.

6. REPRESENTATIONS

6.1. No representations have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. The Parish Council object to this application as follows:-

- 1) It is not a conversion but a total New Build but the design is not of, "Exceptional Quality of Design" & should be more in-keeping with the countryside landscape.

- 2) The extent of glass will result in light pollution.
- 3) The whole of the site is to be reduced up to what appears to be circa 3 metres to achieve two full storeys & underground flat roofed parking, therefore changing the character of the landscape, the design of which is more suited to an urban environment.
- 4) The overall footprint of the building & site area is considerably greater than that of the original consent, which restricts development/site area.
- 5) The loss of the hedgerow & reduction of the site levels not only will lead to the destruction of wildlife habitat but increase the flooding on the valley road & pasture below which is a constant problem to traffic & residents.

It is well documented that works of this nature exacerbate flooding in a valley landscape.
- 6) It is not clear from the drawings/statements the physical dimensions & comparable volumes of the existing & proposed.
- 7) It has been noted that the Notice of Planning is not available to view on the gate for public information.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 355.12sq.m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 121.04sq.m. The CIL liability for this development is £65,228.98. This is based on 234.08 net m² at £200 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. CARBON/ CLIMATE IMPACT

See Main Body of Report

11. 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.

Business Manager – Strategic Place

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 18 May 2021
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

1 21/00001/FAST BISHOPSTEIGNTON - 2 Rydon Gardens Newton Road
Appeal against the refusal of planning permission for
20/01624/HOU - Demolish existing outbuilding and
construction of new annex building

2 20/00058/REF SHALDON - Rushymeade Higher Ringmore Road
Appeal against the refusal of prior approval of permitted
development rights for 20/01473/NPA - Notification for
Prior Approval under Part 3 Class Q (a) and (b) and
paragraph W of the GDPO for change of use of
agricultural building to a dwelling

APPEAL DISMISSED - DELEGATED

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