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11 September 2023

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 19th September, 2023** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS  
Managing Director

Membership: Councillors Atkins, Bradford (Vice-Chair), Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Purser, Sanders, J Taylor, Williams and Buscombe

Substitutes: Councillors Clarence, Gearon, P Parker, Ryan, Wrigley and D Cox

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Youtube. By entering the meeting's venue you are consenting to being filmed.

## **Public Access Statement**

### **Information for the Public**

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five clear working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

## **A G E N D A**

### **PART I**

#### **(Open to the Public)**

1. Apologies for absence.
2. Minutes (Pages 5 - 10)  
To confirm the minutes of the last meeting.
3. Declarations of Interest.  
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation  
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.
  - a) 23/00483/VAR Woodview - Dawlish (Pages 11 - 18)

- b) 23/01285/HOU 21 Dagmar Street - Shaldon (Pages 19 - 26)
  - c) 23/00937/MAJ Howton Field - Newton Abbot (Pages 27 - 52)
7. S73 Major Decisions Summary (Pages 53 - 54)
  8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.  
(Pages 55 - 56)

**For Information - Upcoming Site Visit Dates**

19 October 2023, 16 November 2023, 14 December 2023

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**PLANNING COMMITTEE****22 AUGUST 2023**Present:

Councillors C Parker (Chair), Bullivant, Hall, Hook, MacGregor, Palethorpe, Parrott, Purser, Sanders, J Taylor, Williams and Gearon (Substitute)

Members in Attendance:

Councillors Clarence, P Parker, Ryan, D Cox and H Cox

Apologies:

Councillors Bradford, Atkins, Buscombe, Goodman-Bradbury, Nutley and Nuttall

Officers in Attendance:

Kay Fice, Scrutiny Officer

Rosalyn Eastman, Business Manager, Strategic Place

Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

Christopher Morgan, Trainee Democratic Services Officer

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Artur Gugula, Planning Officer

**50. MINUTES**

It was proposed by Cllr Macgregor and seconded by Cllr Hook that the minutes of the previous meeting be agreed as a correct record.

A vote was taken by raising of hands.

Resolved

That the minutes of the previous meeting be agreed as a correct record.

**51. 22/01808/FUL - BROOM PARK, COOMBE RD, SHALDON**

The application was introduced by the Planning Officer

Public Speaker, Objector - Spoke on:

- Previous scheme refused
- Contrary to various policies
- Loss of privacy
- Oversized
- Overbearing

Public Speaker, Supporter – Spoke on:

- Other large properties nearby
- Large family requires larger dwelling
- Limited street view
- No greater impact plus carbon reduction.

Comments from Councillors included:

- No clear reasons for refusal
- Change in carbon footprint
- Disapproval of parish council
- Loss of light
- Overbearing
- Other large dwellings in area
- CIL Levy

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

A vote was taken, the result was 11 for and 2 against approving the application.

Resolved

That permission be granted subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

Standard Conditions

- Standard 3-year time limit for commencement
- Accordance with approved plans

Prior to commencement conditions

- Details of slab removal/reduction scheme prior to commencement
- Detail of all proposed site levels including cut/fill required and finished floor levels

Prior to installation/implementation conditions

- Details of materials prior to installation
- Landscaping details and management implemented in first planting season following completion and details prior to implementation
- Details of hard surfaces prior to installation
- Details of boundary treatments including retaining wall prior to installation implemented prior to first occupation
- Details and location of ASHP/GSHP to be submitted prior to installation securing implementation and operation prior to first occupation

Compliance conditions

- Obscure glazing on north elevation
- Removal of PD rights for extensions / outbuildings
- Low transmission glazing to be installed
- Limiting external lighting 14
- Limiting construction timings

- PV panels to be installed and operational prior to first occupation
- Installation of EV charging point prior to first occupation

**52. 21/00802/FUL - HIGHER MEAD FARM, ALSTON CROSS, ASHBURTON**

Cllr P Parker left the room as he was the applicant for the application.

The application was presented by the Planning Officer.

Comments from Councillors included:

- Application is simple and straight forward
- Application solely at committee due to a councillor being the applicant
- Passes all necessary tests

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

A vote was taken – the result was unanimously in favour.

Resolved

That permission be granted to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

1. 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
07 May 2021	TM58B.A1	Site Location Plan
07 May 2021	TM58B.P1 Proposed	Block Plan
07 May 2021	TM58B.P2	Combined Plan

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

2. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town & Country Planning Act 1990, or in forestry, or a dependent of such person residing with him or her, or a widow or widower of such a person, and to any resident dependents.

*REASON: The Local Planning Authority's policy for this rural area is to resist the erection of dwellings which are not essential to the needs of local agriculture, in accordance with Policy WE9.*

3. The permission for the temporary agricultural worker's dwelling hereby granted shall expire three years from the date of this permission.

Thereafter the building hereby permitted including the dwelling shall be removed and the land restored to its former condition on or before the expiry of three years, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

*REASON: To enable the Local Planning Authority to retain control over and review the need for the development which is of a type which could become detrimental to the amenities of the locality if granted permanent consent in accordance with Policies S2 and WE9.*

*Following this item the meeting was paused for 20 minutes in order to receive a briefing from the Business Manager.*

**53. TREE PRESERVATION ORDERS**

**54. TPO E2.29.100 - 17 GATEHOUSE CLOSE DAWLISH**

The Business Manager introduced the Tree Preservation Order to the Committee.

It was proposed by Councillor P Parker and seconded by Councillor Macgregor that the TPO be confirmed in its unmodified state.

A vote was taken. The result was unanimously in favour.

Resolved

That the TPO be confirmed unmodified.

**a) TPO E2.09.21 - Bradmore Woods, Newton Abbot**

The Business Manager introduced the Tree Preservation Order to the Committee.

Comments from Councillors Included:

- The tree is close enough to the ward boundary to affect Bradley ward
- A group of trees had been removed from the TPO plan
- Trees may be at risk of being trimmed without permission

It was proposed by Councillor Macgregor and seconded by Councillor Sanders that the TPO be confirmed unmodified but with the addendum that Tree Group G mentioned in the report be brought to Committee as a TPO also.

A vote was taken. The result was unanimously in favour.

Resolved

That the TPO be confirmed unmodified but tree group G be brought to Committee as its own TPO.

**55. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary sheet.



**56. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.**

The committee noted the appeals decisions made by the Planning Inspectorate.

The meeting started at 11.00 am and finished at 12.40 pm.

Chair  
Cllr Colin Parker

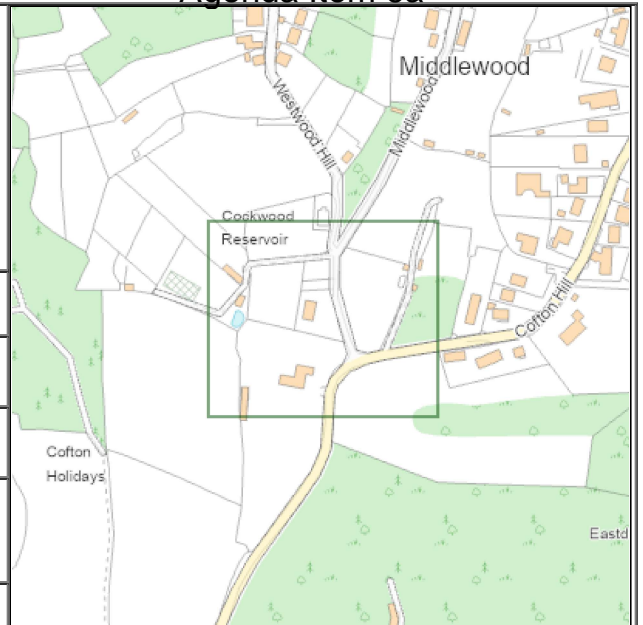
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**Planning Committee Report**

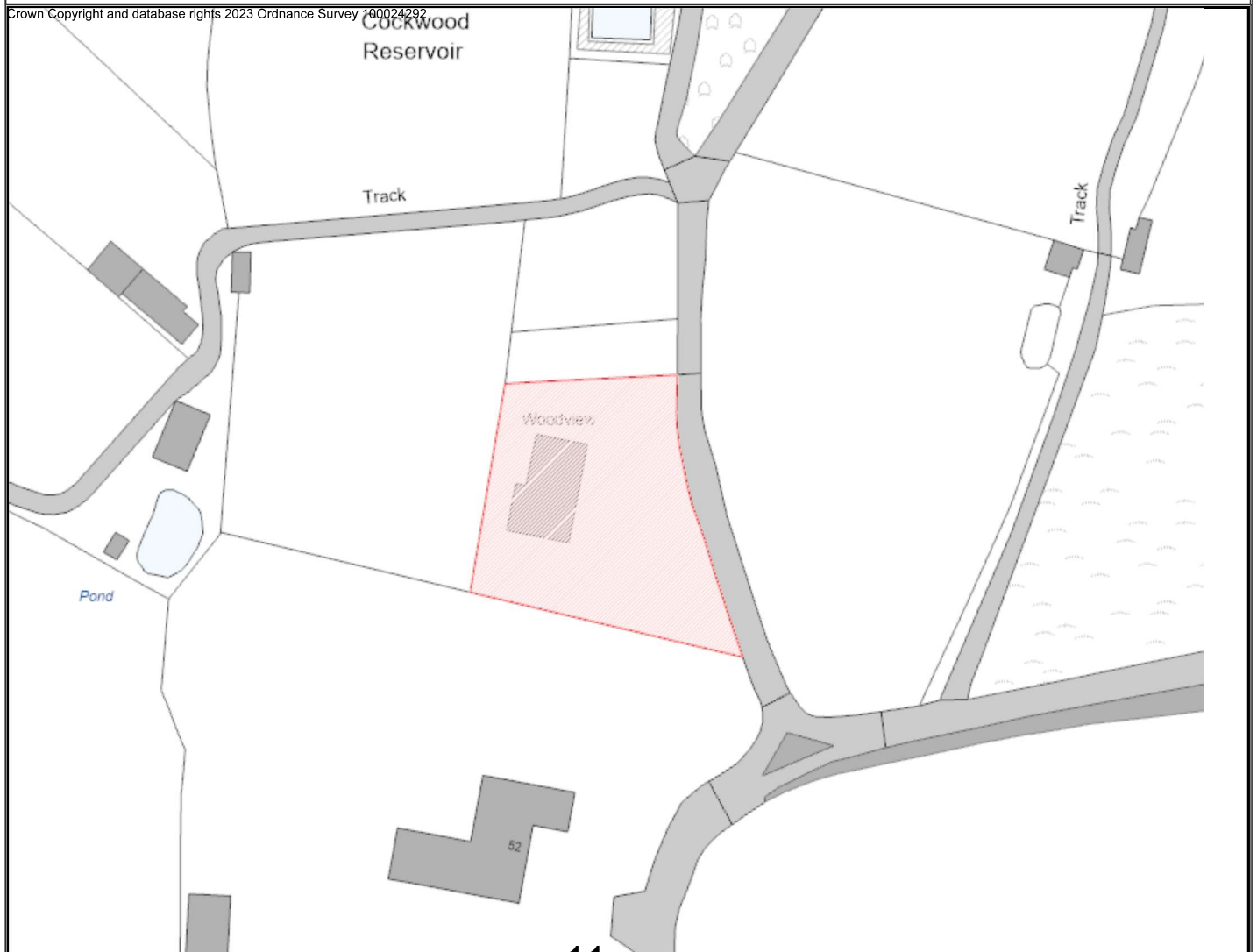
**Chairman: Cllr Colin Parker**

<b>Date</b>	19 September 2023
<b>Case Officer</b>	Niki Warner
<b>Location</b>	Woodview Cofton Hill Cockwood Devon EX6 8RB
<b>Proposal</b>	Removal of condition 2 on planning permission 5/4/1326/29/2 (agricultural dwelling) relating to agricultural tying condition
<b>Applicant</b>	Mr & Mrs Thorne
<b>Ward</b>	Dawlish North East
<b>Member(s)</b>	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley
<b>Reference</b>	23/00483/VAR



[Online Details and Documents](#)

**RECOMMENDATION: VARY CONDITION APPROVAL**



## 1. REASON FOR REPORT

The application has been brought to Planning Committee for determination by Dawlish Town Council if Officer recommends approval for the following reasons:

- 1.1 It is an agricultural dwelling and has land attached and should be kept like that
- 1.2 Farmland should be available to local farmers and residents
- 1.3 The dwelling is outside the settlement limit

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

Retention and reinstatement of boundary treatments to clearly delineate the property from the surrounding agricultural land

## 3. DESCRIPTION

- 3.1 The application site is a bungalow, at the top of Cofton Hill, to the south west of the settlement of Cockwood, in open countryside.
- 3.2 The property was constructed in 1977 and is subject to an agricultural tie condition that was imposed on the original permission which stated:
  - i. *2. The dwelling hereby permitted shall be occupied only by persons employed or last employed full-time locally in agricultural or forestry work, as defined by Section 290 of the Town and County Planning Act 1971, and the dependents of such persons as aforesaid.*
  - ii. *REASON: To ensure that the dwelling is occupied by persons connected with agriculture or forestry, as the site is located in open country where residential development would not normally be permitted*
- 3.3 Condition 1, related to construction material is now obsolete.
- 3.4 The site is adjoining fields that were in the ownership of the father of the applicant and which have been divided from the dwelling through Probate. The applicant is one of 4 beneficiaries of Probate and purchased the dwelling and has a share in some of the adjoining fields.
- 3.5 The business that was associated with the bungalow ceased operation some years ago and little of the structures associated with the business remains on site, having been left as grassland for occasional horse grazing for some time.

## 4. APPLICATION PROPOSAL

The applicant seeks to remove the agricultural tie condition from the original permission, allowing an open occupation or sale

- 4.1 Planning History

**77/00257/OUT** Agricultural dwelling and garage at part OS 129 **APPROVED**

**77/01326/REM** Agricultural dwelling **APPROVED**

**22/01406/VAR** Removal of condition 2 on planning permission 5/4/1326/29/2 (Agricultural dwelling) relating to agricultural tie **WITHDRAWN**

## **5. KEY CONSIDERATIONS**

### **5.1 Site History**

- 5.1.1 While this application only related to the bungalow and immediately associated residential gardens, context is provided to the wider site and the original need for an agricultural workers dwelling, and how the situation has evolved.
- 5.1.2 The site is located within open countryside and was approved in 1977 as an Agricultural Workers Dwelling. Then, as now, residential dwellings were only permitted under specific situations in open countryside, and an agricultural worker's dwelling is one such situation.
- 5.1.3 The property was part of a wider small holding and the justification for the dwelling was based on the needs of the horticultural activities of the applicant's grandfather, who at the time used the wider land for growing fruit and flowers.
- 5.1.4 The ownership passed to the son of the original owner and the father of the applicant, who resided at the property and continued the horticultural business for 20 years. Several buildings and polytunnels, glasshouses and packing sheds were erected over that time, the frame of one polytunnel remains on site, with sheds further back.
- 5.1.5 The applicant's father retired, and the land was returned to grass and used for the grazing for horses. The structures, polytunnels and equipment on site for the effective running of the business have either been removed or have degenerated to unusable conditions. The applicant's father died in 2020 and the estate went into Probate to be divided between his four daughters.
- 5.1.6 Under probate the site has been split into different units and the bungalow was offered for sale.
- 5.1.7 The property was marketed with a guide price of £525,000 via Kivells'. The price was reduced in September 2021 to £500,000 and then October 2021 to £485,000.
- 5.1.8 During this period two offers were made on the property, neither were compliant with the AOC condition.
- 5.1.9 The property was then purchased by the applicants in May 2022 for £400,000; Mrs Thorne, is one of the four daughters of the late owner, and was one of the beneficiaries of the late owner, who was the last person engaged in agricultural activity on the site.
- 5.1.10 Neither of the applicants fulfil the AOC requirements.
- 5.1.11 An application was submitted (22/01406/VAR) to remove the agricultural tie and the Planning Officer raised concerns about the guide price and the lack of a market reduction to reflect the AOC.

5.1.12 Objections have been made relating to the separation of these units of land, but it is assessed that this does not alter the process of evaluation for the agricultural occupancy condition.

5.1.13 The Planning Officer requested that the applicant remarket the property, following a valuation process by no less than 2 independent agents and remarketed on the open market, including Rightmove or Zoopla at 30% less than the assessed market Value for a period of no less than 4 months.

5.1.14 This was agreed to by all parties and the application was withdrawn.

5.1.15 The property was then valued by two agents and was assessed to have a market value of £575,000. A discount of 30% was applied in line with the requests of the Planning Officer.

5.1.16 The property was relaunched for sale in November 2022 for £400,00 and was marketed on:

- Acorus Website
- Zoopla platforms
- Farmers weekly

5.1.17 The marketing generated 4 expressions of interest and only 1 proceeded to request a viewing of the property. As this person was not compliant with the agricultural tie conditions, the viewing did not take place and they withdrew their interest in the property.

5.1.18 The property was marketed until 13th March 2022, completing the 4 months requested by the Planning Officer and no formal offers were received.

## 5.2 Principle of Development

5.2.1 Development in open Countryside is strictly limited and the LPA strongly advocates for the protection of dwellings for agricultural workers, to be offered at a reduction of open market value, to facilitate the vitality of agricultural and forestry enterprises that are essential elements of the function of the rural economy in Teignbridge. However, there is a process established through our adopted Policy to remove conditions imposed on rural workers dwellings via Policy WE10.

5.2.2 WE10 (Removal of Conditions Imposed on Rural Workers Dwellings) of the Teignbridge Local Plan 2013-2033 states:

*The removal or variation of an occupancy condition on dwellings for agricultural, forestry or other rural businesses will only be permitted where:*

*a) it was inappropriately imposed;*

*b) there have been significant relevant changes in circumstances since the condition was imposed; or*

*c) the business does not need the dwelling for its current or future labour needs and it has been offered on the open market for a reasonable period of time at a price reflecting the restrictive condition*

- 5.2.3 WE10a does not apply to this application
- 5.2.4 WE10b does not apply to this application, the probate division of the land does not constitute a significant change in circumstances
- 5.2.5 WE10c is assessed below.
- 5.2.6 It is accepted that the business on the wider site has ceased to operate and the commercial viability of establishing a new horticulture business on the land would be limited, if the holding were looked at as a whole. This is still considered to be the case – it is unlikely that use of the land for horticulture would now demonstrate a need for a full time worker living on site - and the subdivision of the estate during the probate process is not assessed to alter the material planning considerations in this assessment.
- 5.2.7 During the previous application, 22/01406/VAR, it was considered that the bungalow had been offered for sale at an above market value and with no consideration of the market price reduction that officers would need to see to be able assess that WE10c is fulfilled.
- 5.2.8 As it had not been demonstrated that the property had been offered on the open market for a reasonable period of time and at a price reflecting the restrictive condition, the Officer liaised with the applicant and agent to agree a reasonable period of time to remarket the property and it is assessed that that has been fully complied with, the application was withdrawn, the property was remarketed in line with the recommendations of the LPA; no offers were made. The current application was submitted, following the correct demonstration of the fulfilment of the marketing requirements, having sufficiently demonstrated that no persons engaged in agricultural or forestry labour has need for that specific property.
- 5.2.9 It is assessed that the provisions of WE10c are therefore met and that the principle to remove the condition is satisfied

### 5.3 Land separation and boundary treatments

- 5.3.1 We have received representations concerning the separation of the surrounding land and it must be noted that this application is not able to deal with that that. It is also noted that the need for dwellings for agricultural workers is not uniquely for properties that come with attached land, more to give homes, at below market value to workers employed in agriculture in the area. In this instance the property was marketed at 70% of assessed market value and would represent an achievable and desirable home for a locally employed agricultural or forestry worker, but no such worker cited an interest in the property. As the property was marketed on the open market for 11 months in total without a single applicant who might comply with the agricultural tie, it is considered the correct process has been followed.
- 5.3.2 The associated land, which remains in the ownership of the applicant and her wider family, are not granted any degree of residential use and are not considered within this application. It is not assessed that the separation of the land previously associated with the bungalow would necessarily make this site more appealing to local agricultural workers, as there is no ongoing viable agricultural activity on the land that would represent an ongoing business.

5.3.3 The associated land, which is currently used for occasional horse grazing, remains in agricultural use and in open countryside and with no policy justification suggested to indicate that it might be possible to use it for any other purpose than agricultural use.

5.3.4 It is noted that the bungalow is surrounded by mature hedges and if the condition is removed, these would need to be conditioned to remain, but the land associated with the bungalow actually extends to the north to take in a septic tank and there was a boundary hedge here. It is considered to be important that that boundary treatment is reinstated to clearly delineate the domestic confines / curtilage of the bungalow from the associated agricultural land.

#### 5.4 Conclusion

Given the evidence submitted, it is assessed that the measures undertaken by the applicant to market the property accord with the requirements of WE10c of the Teignbridge Local Plan 2013-2033 and demonstrate that there is no market need for the agricultural worker dwelling in this location.

It is concluded that there is no planning reason to deny the removal of the agricultural tie.

#### **POLICY DOCUMENTS**

- Teignbridge Local Plan 2013-2033:
- S21A Settlement Limits
- S22 Countryside
- WE10 Removal of Conditions Imposed on Rural Workers Dwellings
- National Planning Policy Framework
- National Planning Practice Guidance

## 6. **REPRESENTATIONS**

- 3 objections were made from members of the public who made the following points:
- The property has been purchased and is now lived in by the purchasers who don't have any links to agriculture and don't meet the qualifying criteria to purchase the property.
- As the property still has associated land and enough to run it as a smallholding, the agricultural tie should stay.
- This is the second time the application has been made and the same objections apply.
- There is insufficient low cost housing for agricultural workers in the area
- The property was not offered at a reasonable price (it has been overvalued)
- The property has had land removed to make it less attractive
- The objective appears to be to remove the agricultural tie to develop the property as an investment



- The marketing could have been more mainstream

#### 6.1 Officer comment:

- 6.1.1 The above comments have been noted and are responded to here.
- 6.1.2 It is clear that the applicant purchased the property despite non-compliance with the AOC condition, following a period of marketing. As they do not comply with the AOC, they are seeking the removal of the condition.
- 6.1.3 The land associated is not in the sole ownership of the applicant and is of a small scale – unlikely to be sufficient to support a rural worker or deliver compliance with the condition.
- 6.1.4 This is the second application and the applicant has remarketed in accordance with Policy WE10c and has satisfied officers that all reasonable attempts to market it appropriately and at a price appropriate to the AOC have been satisfied.
- 6.1.5 The land has been divided between four siblings. The opportunities to develop the property are not within the remit of consideration, we are only able to assess against policy and policy is satisfied in this instance.
- 6.1.6 The marketing was offered on Zoopla, prime location and on specialist sites.

### 7. **DAWLISH TOWN COUNCIL'S COMMENTS**

- 7.1 Resolved that this Council Recommends Refusal on the grounds that it is an agricultural dwelling and has land attached and therefore should be kept like that to look after the farmers and agriculture in Devon, keeping farmland available for the farmers and local residents.
- 7.2 The Committee further Resolved that if the Planning Officer is minded to approve the application, the Town Council Planning Committee requests that the application is called-in to the Teignbridge Planning Committee for determination, especially as the dwelling is outside of the settlement limit.

### 8. **COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because it is a variation of condition with no increase in floor space on an existing permission granted before the implementation 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.

### 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 Colin Parker**

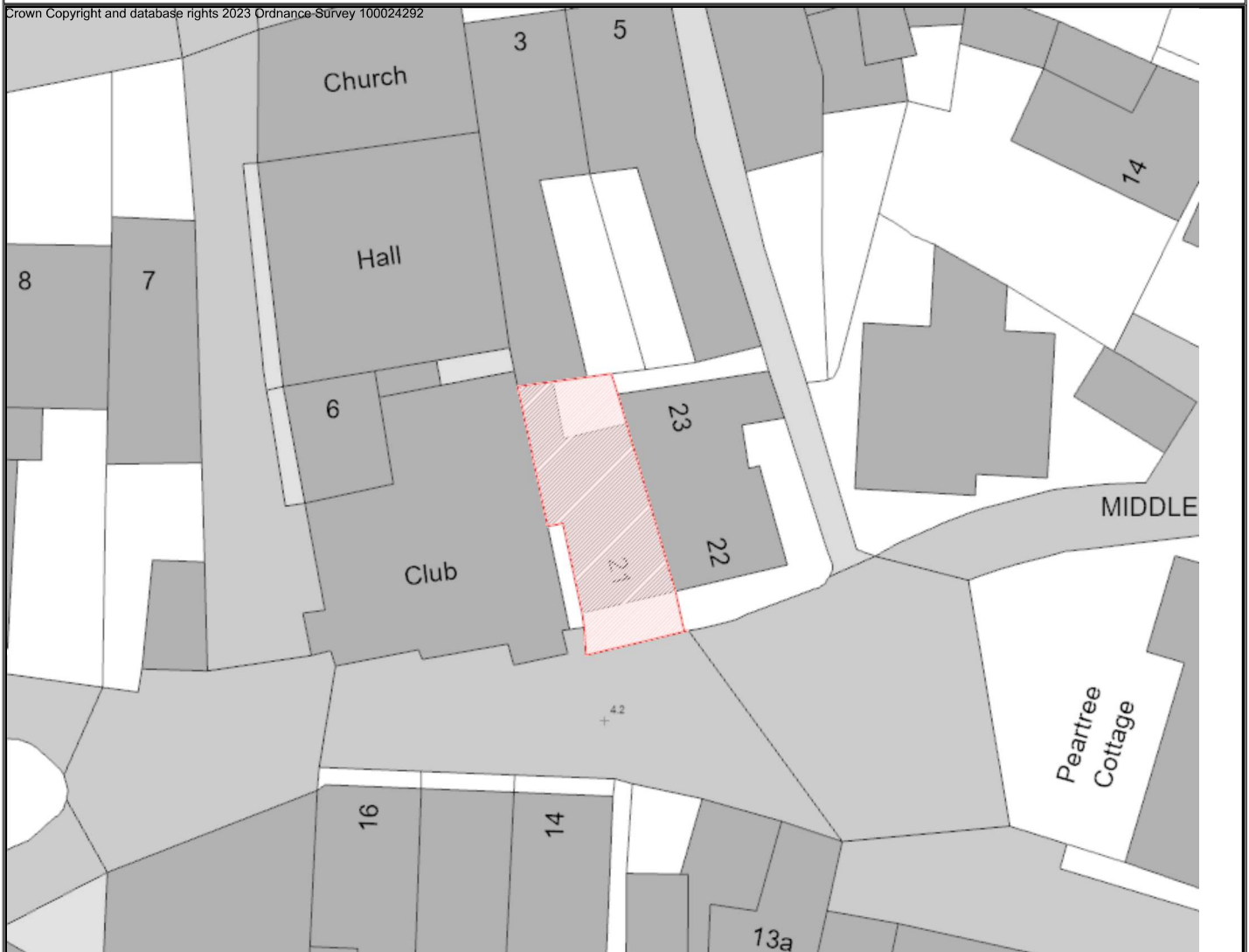


<b>Date</b>	19 September 2023
<b>Case Officer</b>	Niki Warner
<b>Location</b>	21 Dagmar Street Shaldon Devon TQ14 0DU
<b>Proposal</b>	Retention of a first floor rear extension
<b>Applicant</b>	Mr J Hollely
<b>Ward</b>	Shaldon And Stokeinteignhead
<b>Member(s)</b>	Cllr Chris Clarance
<b>Reference</b>	23/01285/HOU

[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION REFUSED**

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## **1. REASON FOR REPORT**

The application has been called into committee if recommended for refusal by Cllr Clarence who has visited the site and asserts that there is no detrimental impact on it or neighbouring properties.

## **2. RECOMMENDATION**

Refusal for the following reasons:

- 2.1 The Extension, by virtue of its height and the inclusion of a clear glazed large openable window has an unacceptable impact on 3 and 5 Fore Street by virtue of their loss of privacy and the increase in overlooking that would occur. The proposal is contrary to Policies S1, S2 and WE8 of the Teignbridge Local Plan.
- 2.2 The Extension, by virtue of its position, design and scale, would cause harm (less than substantial) to designated heritage assets including the setting of Listed Buildings (3 and 5 Fore Street) and the character and appearance of the Conservation Area. There are no public benefits to outweigh the harm caused and the proposal is therefore contrary to policies S2 and EN5 of the Teignbridge Local Plan and the NPPF.

## **3. DESCRIPTION**

- 3.1 21 Dagmar Street is a modest two storey semidetached cottage within Shaldon Conservation Area, built in cob and stone with a slate roof. The plan form is that of a single room cottage, with a lean to extension onto a small rear yard.
- 3.2 The property is attached to 22 Dagmar Street to the front and 23 Dagmar Street to the rear of the eastern elevation and to brick built Conservative Club at the rear of the western elevation.
- 3.3 The rear yard backs onto the rear gardens and yards of No 3-5 Fore Street, which are both Grade II Listed.
- 3.4 The attached 23 Dagmar Street is a similar property with a first floor rear addition with a pitch roof and central valley gutter on a smaller scale to the one proposed here.
- 3.5 During the previous application, 22/01804/HOU, a site visit was conducted and it was observed that the build was underway and unacceptable, the chimney, which is an important characteristic had been knocked down, and a mock chimney has been installed.

## **4. APPLICATION PROPOSAL**

- 4.1 This application sees to retain and complete the built extension, which was commenced without approval. As such, we are obligated to consider the application as a proposal in the same manner as one that works had not commenced. That the works have started, does not mitigate any harm.

## Planning History

### 4.2 **10/03106/PE** Proposed 1<sup>st</sup> floor extension **PE RESPONSE SENT**

- a. This preliminary enquiry, made by the current applicant, advised that a first floor extension might be acceptable subject to materials and finishings being of a correct traditional composition, which was stated as being cement free lime render.

### 4.3 **22/01804/HOU** First floor rear extension **PERMISSION REFUSED**

- a. due to a lack of clarity in the drawings and the relationship with neighbouring properties that meant harm to the surrounding heritage assets and Shaldon Conservation Area could not be ruled out,
- b. due to the use of materials that would be harmful to the conservation area, including cedar cladding, which has been removed from the current proposal

## **5. KEY CONSIDERATIONS**

The site is located within the Shaldon settlement limits and subject to Policy WE8, extensions are usually acceptable in principle – subject to consideration of the wider provisions of the Development Plan and other Material Considerations.

### **5.1 Heritage issues -impacts on the setting of Listed Buildings and the Conservation Area**

- 5.1.1 In accordance with caselaw heritage issues are to be given a great weight in decision making as a result of the fact that there is an explicit legislative requirement to preserve heritage assets, including their setting.
- 5.1.2 The site is within close proximity to listed buildings including: 3 and 5 Fore Street, which are both Grade II listed. This development would be within the setting of both and visible from both properties. Numbers 3 and 5 Fore Street are assessed (in the Conservation Area Appraisal) as making an outstanding contribution to the Conservation Area.
- 5.1.3 The Conservation Officer has assessed that the works are harmful to both the character of Shaldon Conservation Area and to the setting of the Listed Buildings.
- 5.1.4 The scale of the proposal does not sit comfortably with the existing built environment and the difference in height with the extension to 23 Dagmar Street is jarring, the view from the listed buildings is cluttered. The plans do not clearly coincide with the development as undertaken – the chimney is a different form, the window appears in a different location and scale, the rooflights are inconsistently detailed etc.
- 5.1.5 In coming to a decision the council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have give it considerable importance and weight in the planning balance.

5.1.6 Having done so, officers consider the proposal should be refused.

## 5.2 Impact on residential amenity

5.2.1 An objection has been received has been received outlining that the window on the northern elevation (rear) would severely and adversely affect the privacy of neighbours.

5.2.2 The overlooking and loss of privacy created by this development is considered in Policy S1 of the Teignbridge Local Plan as one of the sustainable development criteria.

5.2.3 This part of Shaldon has an especially tight grain with the organic development of the area leading to very close relationships between properties. This does not however automatically mean that there is a high level of overlooking or intervisibility between properties at the moment and as can be seen from the elevations, 21 Dagmar Street does not currently benefit from any first floor rear windows.

5.2.4 The application proposals would both move the 2 storey element of the property significantly closer to the listed buildings to the north and would introduce a large first floor window – significantly altering the environment and experience for existing residents.



(view from 5 Fore Street towards Dagmar Street)

5.2.5 It is assessed by officers that the large window detailed on the application plans would harm the residential amenity of particularly 3 but also 5 Fore Street. The window is intended to serve a new bedroom and whilst it is also shown to benefit from a rooflight, officers consider that it would likely need to be obscured and fixed shut in order to be acceptable. This would not however remove all concerns as overlooking and overbearing impacts can be felt in part through subjective perception and the presence of a large window – even if obscure – in such close proximity to property boundaries is considered harmful.

5.2.6 Whilst an appeal against our decision is pending and there are differences between the proposals, Officers recently refused an application for a second storey on the rear outshot at 5 Fore Street due to residential amenity concerns for neighbours (21/01021/HOU).

5.2.7 Officers believe that the introduction of the window and the increase in height of the wall plate to higher than the base of the chimney, within 4 m of the property boundary, would overall lead to an overbearing impact and unacceptable impacts on neighbouring amenity.

### **5.3 Drainage**

Clarity was requested in the previous application about whether the guttering will go and how that related to the surrounding buildings / ownerships etc. The elevational drawings say there will be hidden guttering but this is not detailed. This could be conditioned.

### **5.4 Ecology**

5.4.1 An Ecological report was submitted

5.4.2 The building was classified as having negligible potential to support roosting bats and nesting birds

5.4.3 No evidence of nesting birds was found

5.4.4 No further survey work is needed.

5.4.5 Mitigations required:

5.4.6 The proposed extension should incorporate 1 bird box. An integrated bird box should be included in the design. The box should be located as high as possible just under the roof eaves on the northwest elevation. A positive determination would require the addition of a condition.

#### **5.4.7 POLICY DOCUMENTS**

- Teignbridge Local Plan 2013-2033:
- S1A Presumption in favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S21A Settlement Limits
- S22 Countryside
- WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments
- EN5 Heritage Assets
- EN8 Biodiversity Protection and Enhancement
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

## **6. CONSULTEES**

**TDC Conservation Officer – record of discussion**

- 6.1 The conservation officer reviewed this application at the point of resubmission and felt that an unjustified increase in roof height and the increased clutter to the roof shapes would constitute *less than substantial harm*. In this instance this harm is deemed to be to the setting of Listed Assets 3 and 5 Fore Street and harm to the Conservation Area.
- 6.2 NPPF paragraph 200 states that any harm to, or loss of the significance of a designated heritage asset (from its alteration, destruction or from development within its setting) should require clear and convincing justification.
- 6.3 No justification to offset the harm is considered in the application or offered. The NPPF outlines at 202 that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.4 The Conservation officer felt that Heritage Statement was inadequate and that a refusal would also be warranted on this basis as it has failed to consider the history and significance of the setting of the Listed Buildings or the Conservation Area.
- 6.5 It was also considered that development as undertaken does not match the character of the original and does not resemble that shown in the drawings.
- 6.6 No details have been submitted with regards to the material or composition of the windows or rooflights, the windows will need to be painted timber and if approved a condition should be added. The previous application did state that these would be painted timber. If double glazing is proposed this should be slimline conservation grade glazing units. A section of the windows will need to be submitted and approved prior to installation.
- 6.7 No details are shown in the application form regarding the rainwater goods, but these must be round profile and metal.

## **7. REPRESENTATIONS**

- 7.1 1 objection has been received in respect of the proposed development raising the following summarized points:
- 7.1.a Concern over the insertion of the new first floor window on the rear (north elevation) which would overlook the gardens of 3 and 5 Fore street and the rear of these houses and ensuing overlooking and loss of privacy
- 7.1.b Loss of light to the gardens of 3 and 5 Fore Street
- 7.1.c Extensions to existing dwellings should not affect the amenity of neighbours
- 7.1.d An inadequate 'Heritage Statement' that fails to examine the historic background, the importance of the setting, the contribution of the existing buildings to the conservation area, the impacts on the listed buildings 3 and 5 Fore Street

## **8. SHALDON PARISH COUNCIL'S COMMENTS**



No objection

**9. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling.

**10. 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.

**11. CARBON/CLIMATE IMPACT**

This modest proposal would have limited impacts on the property's carbon footprint. If recommended for approval, enhanced carbon reduction would be weighed against design and heritage concerns and appropriate conditions / informatives applied.

**12 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**

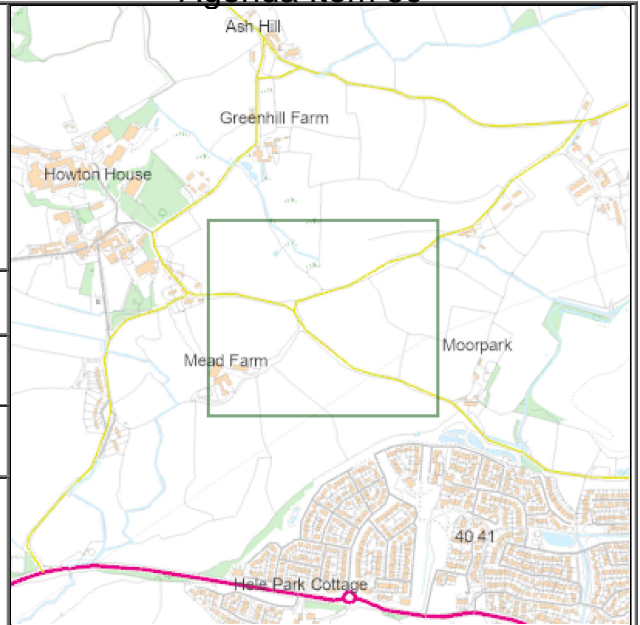
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**Planning Committee Report**

**Chairman: Cllr Colin Parker**

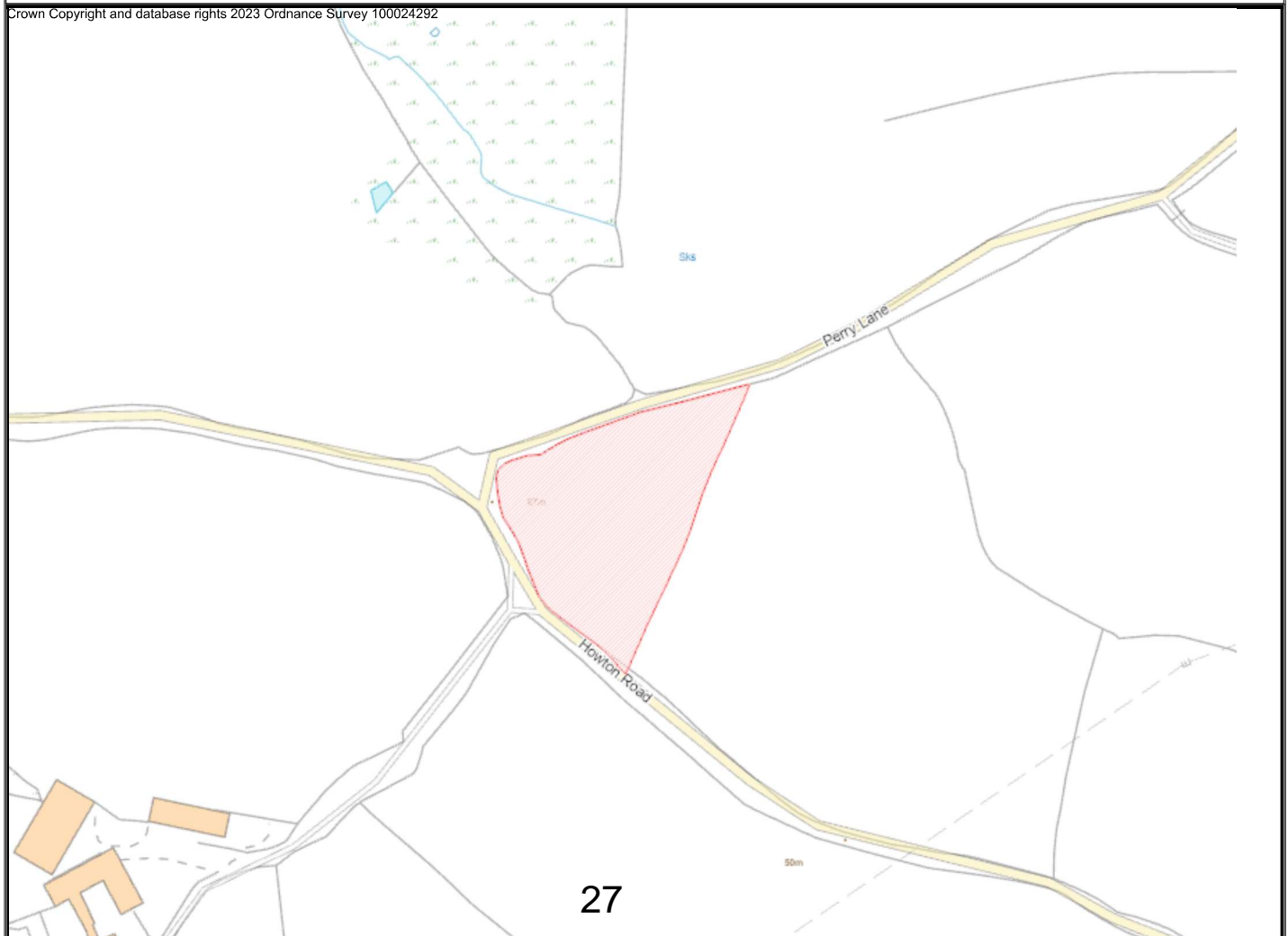
<b>Date</b>	19 September 2023
<b>Case Officer</b>	Helen Addison
<b>Location</b>	Howton Field Howton Road Howton Barton Newton Abbot TQ12 6ND
<b>Proposal</b>	Variation of condition 8, on planning permission 17/02166/MAJ (Outline application for up to 20 custom build dwellings (approval sought for means of access)) to provide landscape and visual appraisal addendum, and highways and drainage information
<b>Applicant</b>	Mr J Denno
<b>Ward</b>	Bradley
<b>Member(s)</b>	Cllr Philip Bullivant, Cllr Richard Buscombe
<b>Reference</b>	23/00937/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: VARY CONDITION APPROVAL**

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## **1. REASON FOR REPORT**

The application has been advertised as a departure from the Teignbridge Local Plan 2013-33 (TLP) because it forms part of land allocated as green infrastructure under Policy NA1 and it is outside of the settlement limit. Under the scheme of delegation any application that is a departure from the TLP has to be determined by the Planning Committee.

## **2. RECOMMENDATION**

### **PLANNING PERMISSION BE GRANTED**

Subject to the receipt of satisfactory further information in respect of ecology, highways, waste and subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

1. Approval of reserved matters to be obtained from the LPA before development is commenced.
2. Application for reserved matters to be made before 21.06.26
3. Development Shall be Phased and each phase shall be begun before the expiry of two years from the date of final approval of the RM for that phase.
4. Prior to commencement of development a scheme to provide 20% affordable housing to be submitted, development to accord with approved scheme.
5. No development shall commence until either:
  - a) A planning obligation pursuant to Section 106 which makes provision for the following:
    - Financial contribution of £1,617 per dwelling towards provision of community facilities;
    - Financial contribution of £3,179 per dwelling towards provision of employment development
    - Financial contribution of £2,235 per dwelling towards Green Infrastructure provision
    - Financial contribution of £4,748 towards Cirl Bunting habitat compensation
  - or
  - b) a scheme has been submitted to and approved in writing by the Local Planning Authority which provides for:
    - Community facilities;
    - Employment provision;
    - Green Infrastructure provision;
    - Mitigation for biodiversity impact.
6. No dwelling to be occupied until a TRO for the closure of Howton Road to through traffic has been made.
7. Development to be carried out in accordance with approved plans.
8. Submission of a CEMP
9. Development to accord with precautions and measures in the Dormouse Report and Preliminary Ecological Appraisal

10. Development to accord with an Exterior Lighting Scheme
11. Bat Roost Plan to be submitted.
12. Incorporation of bat and bird boxes into each dwelling
13. Submission of a LEMP
14. Submission of a Waste Audit Statement
15. Details of temporary and permanent surface water drainage systems to be submitted.
16. No development to be commenced until a scheme for disposal of foul sewage is approved.
17. If contamination not previously identified is found on site, an investigation and risk assessment shall be carried out.
18. Construction management plan for each phase
19. Details of tanker access, which shall include by hedge translocation rather than hedge removal in the formation of visibility splays. This access shall not be illuminated.
20. Development shall not be commenced until a S278 agreement has been entered into to provide a footpath link to south of site.

### **3. DESCRIPTION**

#### Site description

- 3.1. The application site comprises a triangular shaped grass field in agricultural use, owned by Teignbridge District Council (TDC) which has an area of 0.88 hectares, situated to the north west of Newton Abbot. It is bounded by Perry Lane to the north, Howton Road to the west and the new (as yet unopened) A382-A383 link road to the south east. Perry Lane has recently been closed to through traffic through the installation of bollards to the north of the site.
- 3.2. The site sits on elevated ground with views over the surrounding area including towards the Teign Estuary to the east, Seale Hayne to the west and the Hele Park and Mile End developments to the south. There are mature hedgerows on the northern and western boundaries. There is an existing field gate on the western side onto Howton Road.
- 3.3. Ground levels slope downwards on the site from north to south, with more notable drops in levels in the south west and south east corners of the site. The new link road is at a lower level than the application site, with a recently planted bank between the two. The site currently has a rural character derived from its countryside location with no buildings in the vicinity, tranquil location and the existing nearby roads being narrow and mostly bounded by hedgebanks.

- 3.4. The landscape surrounding the site is characterised by undulating topography, hedgerows, Devon banks, trees and woodland. The settlement edge of Newton Abbot influences the setting such that the northern edge of residential development at Hele Park is visible.
- 3.5. The site's setting has changed recently following construction of the new link road which increases visibility of the south east boundary within the street scene and affords additional views over it. There is a post and rail fence along this boundary with new tree planting on the bank leading down to the road. This planting is at an early stage, in the future it will some provide screening of views towards the site.
- 3.6. The application site is within the strategic allocation of Houghton Barton set out in the TLP. This allocation relates to a site of approx. 160 hectares of land which is intended to deliver a sustainable, high quality mixed use development. Policy NA1 (Houghton Barton) in the TLP identifies that the allocation will deliver at least 1,800 homes with a target of 20% affordable homes.
- 3.7. Within the Houghton Barton development a new hub will be provided at the centre of the development which will be the focal point of the area and will include community facilities such as a new school, shops, jobs and community buildings. This will be to the south west of the application site and will be easily accessible when the remainder of the new link road is constructed.
- 3.8. The Council has adopted a Development Framework Plan for NA1 Houghton Barton which provides detailed guidance for this development. It is a Supplementary Planning Document (SPD) which means it is a material consideration in determining planning applications relating to the allocation.
- 3.9. The site contains no heritage assets, with the nearest designated asset being Seale Hayne which is approx. 580 metres from the site.
- 3.10. The site is within flood zone 1 which has the lowest risk of flooding.
- 3.11. The site does not contain a statutory wildlife site. It is within a greater horseshoe bat (GHB) Landscape Connectivity Zone associated with the South Hams SAC and SSSI.

#### Proposed development

- 3.12. This is an outline application with all matters reserved apart from access, submitted under Section 73 of the Town and Country Planning Act 1990. The application is to make a number of amendments to the residential development on the site previously approved under application reference 17/02166/MAJ.
- 3.13. A detailed design code was approved under application reference 17/02166/MAJ which showed a predominantly terraced arrangement of dwellings sited around the outer perimeter of the developable area based on the principle of providing a walled farmstead on the hilltop. The purpose of the design code is to set out parameters for the custom build dwellings that will be built on the site. It establishes a clear vision and sets out the principles and codes for the form and appearance of the development. It is a tool to provide certainty about the appearance of the development and to ensure a consistent and coherent approach across the site. Any reserved matters application will need to adhere to

the principles set out in the code. The applicant wishes to change a number of details in the approved Design Code which includes the following:

- the indicative layout plan revised from a predominantly terraced form of dwellings to a layout based on the principle of providing a group of farmsteads within a largely walled enclosure, comprising mainly detached dwellings and dwellings linked by car ports.
- the number of dwellings to be provided on site reduced from 20 to 15
- reduction in the number of affordable dwellings from 4 to 3
- provision of a second access to the site from Perry Lane for use by a tanker to service the package treatment plant
- omission of starter houses from the proposal
- reduction in number of visitor parking spaces from 4 to 2
- omission of SUDs ponds/swales in the northern part of the site to manage water run off. This would be replaced by an attenuation basin off site, which will be addressed through a separate application.
- allowing dwellings to face both inwards and outwards compared to the previous consent which restricted all dwellings to facing outwards
- amending the boundary detail from a perimeter wall connecting structure that encloses the development to part hedge on the northern boundary
- amending detail of rear boundaries from walls to an unspecified material,
- removing the recommendation that all dormer windows should be on inward facing elevations

3.14. The developable area on the site is driven by the requirement to provide a 10 metre wide ecology buffer along the north and west boundaries.

3.15. The proposed layout plan shows two different clusters of development on the site. To the north and east the dwellings would be inward facing sited in an enclosed courtyard type arrangement abutting the road, with limited private space in front of them. To the south west the layout would be more consistent with the previous approval with outward facing properties sited on the perimeter of the developable area on the site.

3.16. The description of development remains the same for both applications as this cannot be changed under a S73 application. Although it allows for up to 20 custom build dwellings it would continue to be relevant to the proposed indicative layout for 15 dwellings.

3.17. It was indicated on the previous application that the dwellings would be starter homes. (This was a government initiative aimed at first time buyers where dwellings would be sold at a 20% discount from open market value, although the relevant legislation was never passed). It should be noted however, that the decision did not restrict occupancy of the dwellings to starter homes. The applicant has advised that the intention is for the dwellings to be constructed as

either custom build or self build. The Council's Custom and Self Build SPD identifies that for the purposes of planning policy, Custom and Self Build dwellings share the same definition, and the terms are used interchangeably. It explains that Custom Build is where a person commissions a specialist developer to help deliver their own home and Self Build as where a person is more directly involved in organising and constructing their home. (The definition of self build and custom housebuilding does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person).

- 3.18. The position of the main vehicular access to the site from Howton Road would be unchanged. A second vehicular access to the site would be formed off Perry Lane to serve a tanker parking/turning area which would be used in connection with the package treatment plan. Due to changing levels on site the turning area would be dug into the ground and would have steep banks on either side.
- 3.19. Bat mitigation in the form of a 10m wide zone around the perimeter of the site as approved under the previous consent would be retained.
- 3.20. An updated Landscape and Visual Impact Assessment has been received to take account of the change to visibility of the site from the surrounding area as a result of construction of the new link road.
- 3.21. There would be a revision to the site drainage arrangements. The previous consent included provision of SUDS ponds/swales in the north of the site. It is now intended that surface water would be managed off site which would include provision of a new attenuation basin. Provision of this would be addressed through a separate planning application.
- 3.22. The Council worked with Homes England to secure the freehold purchase of the land. This deal requires the Council to oversee the development of the site for CSB homes.
- 3.23. It should be noted that the three passing bays on Howton Road which formed part of the previous application have been provided.

### Planning History

- 3.24. The following application relates to the application site:

17/02166/MAJ Outline application for up to 20 custom build dwellings (approval sought for means of access) approved 21.06.19

The following applications are also considered relevant:

19/00456/MAJ An improved highway link, including pedestrian and cycle facilities, sustainable drainage features and landscaping, A382-A383 Forches Cross, Newton Abbot, approved 01.11.19

20/00585/MAJ Hybrid application comprising outline application for up to 900 dwellings (C3), retirement/extra care accommodation (C2, C3), employment uses (B1, B2 and B8), primary school (D1 and D2), mixed-use local centre (A1, A2, A3, A4, A5, B1, C2, C3, D1, D2), community and leisure (D1, D2), section of A382 / A383 link road, strategic and local open space, and site preparation, other



associated works and infrastructure (all matters reserved) and detailed application for Phase 1 comprising 408 dwellings (C3), current application

21/00864/FUL Relocation of drainage works for approved application ref. 17/02166/MAJ current application.

### Principle of development

- 3.25. Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.
- 3.26. The adopted Teignbridge Local Plan 2013-33 (TLP) contains the Council's strategy for delivering sustainable growth which includes delivery of economic growth and new housing to provide positive benefits to local communities through improving their self-sufficiency and resilience. In order to achieve this a number of strategic allocations are identified in the plan, including NA1 (Houghton Barton).
- 3.27. The principle of residential development on the site was previously accepted by the Local Planning Authority under application reference 17/02166/MAJ. The reason for this is set out below.
- 3.28. In the TLP the application site is shown as being outside of the settlement limit and identified as being within an area for Green Infrastructure. In the adopted Development Framework plan the site is shown as coming forward as part of the NA1 mixed use development and to be used for housing. As this is a Supplementary Planning Document it is a material consideration and carries weight in decision making.
- 3.29. Under the previous application (17/02166/MAJ) it was identified that TDC bought the last area of land for the new link road that was not in developer control using funding from the Government's Homes and Communities Agency (HCA) on the basis that custom build homes are built on the remaining area of the parcel of land. This purchase was made to enable provision of the road. The new link road is an essential piece of infrastructure that is required to unlock delivery of the NA1 allocation and is identified as critical to its provision in part (f) of Policy NA1 in the TLP.
- 3.30. The new link road cut across a larger field separating the western corner, which has become more closely associated with the land allocated for development within the NA1 allocation.
- 3.31. The LPA previously took into account that development of the site would offer an opportunity to deliver a high quality custom build development that would accord with the Development Framework plan and deliver 20% affordable housing. It was considered that these were material considerations that outweighed the restrictions of Policy S22 (Countryside) in the TLP which seeks to strictly manage development in the open countryside limiting it to a number of identified uses. It was considered that the principle of residential development on the site was acceptable.
- 3.32. There has been no change in circumstances since this previous decision in terms of the status of the development plan. The proposed submission Local Plan 2020-

40 has not yet been submitted and currently carries no weight in decision making. It is therefore concluded that the principle of residential development on the site is acceptable.

### Impact on the landscape character and visual amenity of the area

- 3.33. Policy S2 (Quality Development) in the Teignbridge Local Plan 2013- 33 requires new development to be of high quality design, which will support the creation of attractive, vibrant places. There are a number of objectives that new development is expected to meet. These include:
- (a) Integrating with and enhancing the character of the adjoining built and natural environment
  - (b) Making the most effective use of the site
  - (c) Distinguishable, well defined public and private spaces that are attractive, accessible and safe
  - (d) Allow for permeability and ease of movement, placing the needs of pedestrians and cyclists above those of motorists
  - (e) Create a place that is easy to find your way around
  - (f) The building layout takes priority over parking and roads
  - (g) The buildings exhibit design quality using materials appropriate to the area
  - (h) Create inclusive layouts
  - (i) Provision of an appropriate range of dwelling types
  - (j) Protect and incorporate key environmental assets including trees, hedgerows and wildlife habitats
- 3.34. Policy EN2A (Landscape Protection and Enhancement) of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 3.35. Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2.
- 3.36. The design and access statement confirms that *the scheme has been designed to read as a 'walled rural farmstead' which appears on the hilltop*, which is consistent with the design concept of the previous application. A number of other design features have been retained from the previous application which include the concept of more significant 'landmark' plots at the site corners, allowing flexibility to provide rear, side or porch extensions, the height of the proposed dwellings varying between two and three storeys, a high quality materials palette, all dwellings to have a pitched roof although the pitch can be varied, allowing dormer windows on landmark properties, and the position of the vehicular access.
- 3.37. The previously approved application (17/02166/MAJ) demonstrated that a high quality development could be achieved on the site through the submission of an indicative layout plan and a detailed design code that set out parameters for the development. The current proposal seeks to amend a number of these details. A key difference is the reduction in the number of dwellings from 20 to 15. This is driven principally by a desire to increase the number of detached dwellings on the site in order that plots can be built out individually for each purchaser which is characteristic of custom/self build development, allowing plots to be worked on individually, provision of sufficient scaffold margins for this and to improve the proximity and surveillance of parking by bringing this on plot. Additionally, the

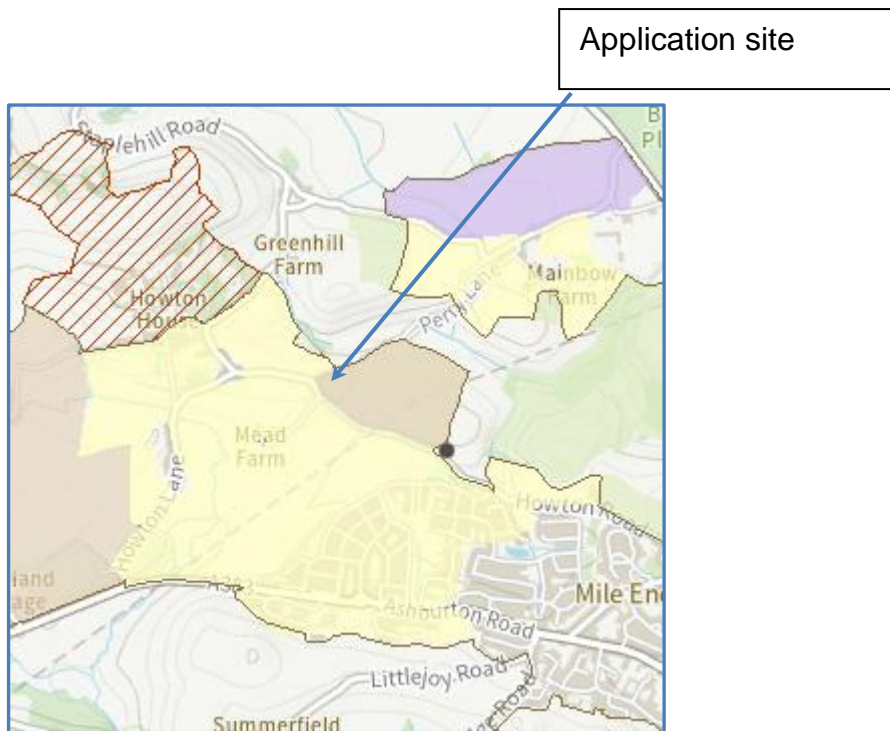
applicant advises that when topographical surveys were completed and ground and drainage design works were reviewed, in order to achieve the drainage design, they had to limit how far the plots could go to the site boundary.

- 3.38. The Council's Self Build Project Officer has explained that the previous application was submitted at a time when developer demand for sites delivering custom build homes was still emerging. Feedback from developers has since shown a preference for sites consenting detached homes and this is supported by data from the Teignbridge Self Build register.
- 3.39. The submitted indicative layout plan is substantially changed from the previous application. Rather than the dwellings being laid out around the perimeter of the site facing outwards with a central area for parking, a more intimate layout of dwellings is proposed.
- 3.40. Officers have worked with the applicant to amend the submitted layout during the course of the application. Revisions include reducing the dominance of the highway, reducing the extent of car parking at the entrance, changing the footprint of buildings from a square suburban form to a more linear footprint reminiscent of farmyard buildings, creation of an intimate cluster of dwellings to reflect a farmstead and introducing a consistent approach to dwellings facing outwards in the south west corner of the site.
- 3.41. In order to assess the visual impact of the proposed development it is relevant to take into account the extent of development that will take place as part of the NA1 (Houghton Barton) allocation in the vicinity of the site. The extract below is from (undetermined) application reference 20/00585/MAJ which provides an indication of the likely layout of development that will take place in the surrounding area:

Application site



- 3.42. This shows that the application site will, to a notable extent, be subsumed by the south west parcel of NA1 residential development which will meet its eastern boundary and part of the northern boundary. Where new development will adjoin the application site it is intended that it will be separated by a landscape buffer. To the north east of the site Houghton Valley Park is shown as being developer provided as an area of natural greenspace which will be open to the public, funded by S106 agreements.
- 3.43. It is also relevant to be aware that land to the south east on the opposite side of the new link road is proposed for residential development under Policy GC14 (Land North of Howton Road) of the Proposed Submission Local Plan 2020-40. Although this plan carries no weight in the determination of this application it does indicate the potential for future further change to the character of the surrounding area. An extract from the plan is below:



### *Assessment of the visual impact of development on the site*

- 3.44. A key issue to consider is the reduction in the number of dwellings that would be delivered on the site from 20 to 15. Part (b) in Policy S2 (Quality Development) requires new development to make most effective use of the site. It is considered that the introduction of a predominantly detached layout would be a more realistic and attractive proposition for the custom build market in this location where the sale of these plots would be competing with existing housebuilding being carried out in the area. It would also improve natural surveillance within the site including of the car parking areas. The density of development on the site overall would be 17 dwellings per hectare which is lower than would normally be expected. However, the biodiversity requirement to provide 10 metre deep buffers along the north and west boundaries notably reduces the developable area of the site. Considering the net developable area of the site, the density of development would be 35 dwellings per hectare which, whilst being a relatively low density, given the location of the site at the northern most edge of this part of the NA1 development would provide a softer transition between the urban form and rural landscape.
- 3.45. It is considered that the proposal would generally be consistent with the objectives of Policy S2 (Quality Development) in the TLP. It would create a distinctive and individual development with a layout that reflects its rural setting and responds to the site's characteristics. The northern part of the site would barely be visible from Perry Lane due to level differences and existing vegetation and therefore the dwellings on this part of the site can be inward facing, framing the access road within the development, creating an intimate mixed use space between them that would encourage community interaction. In contrast, the southern end of the site would be visible from the new link road and it is appropriate that the development addresses it in a positive way by providing an active and consistent frontage in this

direction. Plot 6 is considered to straddle both elements of the layout and would work effectively in either. It is the applicant's preference that it addresses the northern courtyard of which it forms part rather than face the new link road.

- 3.46. The maximum height of dwellings would be controlled through the Design Code and would be 3 storeys which would be appropriate in this location.
- 3.47. The previous application confirmed that linear 'on the way' play features would be provided on site within the buffer zones. This application is silent on this point and on balance this is considered unlikely to be successful due to conflicts between the management regimes required for play and ecology buffers- see below.

#### *Assessment of the impact of development on the character of the surrounding area*

- 3.48. The application site falls within the Teignbridge Lemon Valley and Ridges Landscape Character Type identified in the Teignbridge District Landscape Character Assessment (2014). The key characteristics of this landscape type include prominent distinct rounded hills, variable field pattern of pasture and arable enclosed by sometimes dense hedgerows, settlement pattern of scattered houses, farms and hamlets with vernacular buildings of stone/render and slate, a network of winding, enclosed narrow lanes and a variable sense of tranquility which is more disturbed close to main road and the town of Newton Abbot. It is recognised that pressure for urban extensions at the edge of Newton Abbot could lead to erosion of rural character and tranquility. The recommendations for this landscape character type include ensure new development reflects the vernacular character and enhance rural character through enhancement of hedgerows
- 3.49. An update to the Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. This considers that the current application follows the previous approval in many key areas such as maintaining existing hedges and creating a 10m buffer to these features. It notes that the density of buildings on the site would be less, allowing for an increase in greenspace and vegetation. It concludes that the landscape effects of the development will be no more than those stated in the original report and may well be less. (The original report concluded the landscape significance of the development would be moderate adverse, with a residual effect after 25 years of minor adverse and following development of the link road and NA1 allocation a neutral effect).
- 3.50. In the assessment of visual amenity, the LVIA identifies three new viewpoints that were not previously considered. These are from the new link road, the new housing off the A383 and a public road Little Joy Lane which was not formally identified as relevant. It is concluded that the judgement made on visual amenity effects in the 2017 report are valid with the current application. (The original report concluded from the south and southwest, the site can be seen from a small number of public locations and will suffer a moderate to minor adverse effect, however this will be reduced to minor adverse after 15 years. It also concluded that from the two viewpoints closest to the site, the overall impact will be high to moderate adverse during the construction and residual phase reducing to moderate adverse after 15 years, however the effect would be neutral once the NA 1 development and A383/382 link road have been constructed).
- 3.51. The area around the application site has already undergone change as a result of the construction of the new road adjacent to the south eastern boundary. This has

increased the site's visibility from the surrounding area and started to introduce a more urban feel to the existing rural setting. As identified above, the area will become increasingly urbanised as the NA1 allocation is built out to the sw. The proposed layout of dwellings on the site would retain the unique character of the development that was approved under the previous application through retention of the perimeter masonry wall in the most prominent locations. By reason of the buffers around the application site and within the adjoining proposed development it would be physically separated from other development which would make a positive contribution to delivering a development with its own distinct character. There would be further opportunity to strengthen the character through the materials palette and design of the dwellings.

- 3.52. The LVIA recognises that the NE corner of the site would be visible from the new link road and describes it as being 'exposed'. It states that development in this location has been improved slightly through the removal of a plot and garage. On the indicative layout plan, Plot 5 would be in this location. Compared to the previous application the orientation of the dwelling would be reversed with rear of the property would facing outwards. In terms of visual amenity, it could be argued that it would be preferable for the property to face outwards, however this would prevent formation of the farmyard cluster of buildings on this part of the site, which is an integral design feature of the development. As submitted, it was proposed to replace the masonry wall around the perimeter of this plot with a hedge, in order to soften the visual impact in views from the new link road. Officers consider that the boundary wall should be provided around the curtilage of plot 5 as the walled farmyard cluster is an important and consistent element of the design of the development, it would conceal the ground floor level of the dwelling and would provide a good level of security to the property, which a hedge would not do until it matured.
- 3.53. The LVIA also found that the addition of a pavement as the site entrance extending into the site had the potential to dilute the agricultural feel. Following negotiations this has now been removed from the indicative layout.
- 3.54. Delivering a development with its own individual character on the site would make a positive contribution to legibility in the area. The site is in a key location where the new link road will cross Howton Road and the development will be visible from this point. By having a unique farmstead character which will be controlled through the Design Code it will make a positive contribution to the visual amenity of the area which will be characterised by larger pockets of residential development. The individual and distinct appearance will assist in making the area easier to find your way around.
- 3.55. The layout plan provides for pedestrian connectivity to the south of the site. The site will be relatively central within the NA1 development, and the Houghton Barton Local Centre will be easily accessible as it will be south west of the site along the new link road. This connectivity will support the principle of providing a walkable neighbourhood within NA1 and encourage active travel as the preferred way to access local facilities and facilitate social integration. As such the proposal would meet the objectives of Policy S2 in the Teignbridge Local Plan to create places that are easy to navigate, whilst promoting health, well-being, community cohesion and safety.



## Green Infrastructure

- 3.56. Policy WE11 (Green Infrastructure) requires new development to provide at least 10m<sup>2</sup> per dwelling of children's and young persons play space and about 100m<sup>2</sup> per dwelling of other forms of green infrastructure.
- 3.57. Under the previous application it was identified in the Design and Access Statement that 'play on the way' would be provided within the biodiversity buffer zones and SUDS ponds and it was suggested that this could be informal or more natural play to maintain the purpose of the buffer zones. It was noted that the NA1 allocation is set to provide a range of play facilities for older and younger children within a short distance of 250-400m from the site.
- 3.58. A contribution towards off site play space within the NA1 allocation was included as part of the previous application. The applicant has been asked to confirm whether play facilities for young children will be provided on site. It is however noted that Appendix F of the NA1 Framework Plan sets out that a buffer zone of a minimum 10m depth is required to separate the edge of a play activity zone and the boundary of the nearest property. A minimum of 20 metres is required to be provided between the activity zone and the habitable room facade of the nearest dwelling. On this basis, it is apparent that there is insufficient space on the site to meet this standard for provision of play space.
- 3.59. Grassed footpaths can be provided in the buffer zones to provide onsite recreational space for residents.
- 3.60. The Houghton Barton NA1 development framework plan sets out an expectation for the Green Infrastructure network within the urban extension. This includes provision of a valley park to the north of the site, and structural open space within the development leading up to Seale Hayne.

## Impact on ecology/biodiversity

- 3.61. The application site is within a greater horseshoe bat (GHB) Landscape Connectivity Zone associated with the South Hams SAC and SSSI. It is designated in part due to its internationally important population of greater horseshoe bats. GHBs are among the rarest and most threatened bats in Europe. The Landscape Connectivity Zone includes a complex network of bat commuting routes and provides connectivity between the designated roosts. GHBs are known to be a light sensitive species.
- 3.62. The principle of development of the site in relation to ecological matters was addressed under the previous application where a range of biodiversity mitigation was identified and secured by condition.
- 3.63. The ecological appraisal submitted under the previous application comprised a desk study and a field site visit. Separate bat and dormouse surveys were undertaken. The bat survey recorded GHB activity on the site. GHBs used the hedges as flight paths with the northern hedge particularly seen to be used by this species. Survey results also indicated that dormouse are present on the site. The appraisal identified that the site is likely to support one pair of ciril buntings which is a legally protected priority species. The site is within a great crested newt consultation zone. Limited signs of badger activity were also observed on site.



- 3.64. The footprint of the development would result in the loss of approx. 0.5ha of species poor semi improved grassland. The more species-rich grassland is located around the edge of the field, associated with the hedgerow, and much of this will be retained as part of the provision of hedge buffer zones.
- 3.65. At the entrance to the site a 22m stretch of hedge would be impacted by the provision of the vehicular entrance to the site associated visibility splays. It was previously conditioned that the hedge should be moved and maintained to enable GHBs and other bats to continue to follow this route through the landscape.
- 3.66. A 10m wide buffer zone would be retained between the hedges and the edge of the development. This area would be managed for biodiversity, especially to generate prey for GHBs and other species of bats. Informal public access will be allowed in this area, but management for biodiversity would be the primary aim. No lighting will be positioned within the buffer zone and a lighting scheme will ensure that a light level of 0.5 lux maximum will be achieved at 5m from the face of the hedges.
- 3.67. Biodiversity enhancements identified in the ecological appraisal included retaining hedges and buffer zones in public ownership or ownership by a management company, include bird and bat roosting boxes in each dwelling, installation of dormouse boxes within the existing hedges, newt hibernacular and reptile basking sites to be created in the hedge buffer zones, provision of suitable gaps to allow hedgehogs to move between gardens and planting of wildlife friendly species.
- 3.68. Under the previous consent the Council's Biodiversity officer required provision of the following: (a) additional bat measures as development of the site would reduce the prey generating capacity of the area. A bat roost roof structure was considered appropriate, (b) compliance with the Dormouse Survey Report measures to mitigate and compensate for impacts on dormouse, including hedge translocation rather than removal to form the site access and visibility splay, (c) a financial contribution of £74,193 to fund off site bird bunting conservation measures to compensate for the loss of territory and (d) biodiversity offsetting calculations to be used to quantify the net impact on habitats and if there is a net loss, off site offsetting should be provided.
- 3.69. The majority of these measures were secured by conditions which also included submission of a LEMP and a CEMP.
- 3.70. In terms of this application the following changes to the proposal are relevant to biodiversity:
- the bat house in a bin store has been dropped. There is however an opportunity to provide a bat house in the roof of the garages between plots 2 and 3 which would be close to the northern boundary of the site.
  - an additional break through in the northern hedge would be needed to allow tanker access to the water treatment plant
  - SUDS would now be provided off-site which means there would be no ponds or other attenuation features in the northern buffer zone
- 3.71. In respect of this application the Council's Biodiversity Officer has completed a Habitats Regulations Appropriate Assessment which finds that there will be no adverse effect on the integrity of the SAC, provided various conditions are applied. These are mostly the previous conditions with small changes to suit the variations

to the plans and an additional condition to address the new access required for a tanker to service the package treatment plant off Perry Lane.

- 3.72. The Biodiversity Officer has noted that in their previous consultation response for they required a full curlew bunting contribution of £73,193 to compensate for the anticipated loss of a curlew bunting territory in the NW corner of the application site. However, a much smaller contribution was taken of £4,748. In the Biodiversity Officer's opinion this would be appropriate for loss of a small part of a breeding territory, but not in this case where the nest location itself, and so the entire breeding territory, would be compromised.
- 3.73. The officer report for the previous application stated that a proportionate financial contribution had been calculated to compensate for the loss of Curlew Bunting territory and did not provide any further explanation as to why the full contribution was not sought. In this case as the previous consent remains extant and could be implemented, it is considered that it would be inappropriate to seek the full value of the contribution.
- 3.74. The relevant policies in the Teignbridge Local Plan 2013-33 are Policy EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites and EN11 Legally Protected and Priority Species, which require that protected species and habitats are protected and enhanced. Para. 179 of the NPPF requires development proposals to minimise harm to biodiversity and provides opportunities for biodiversity enhancement.
- 3.75. Natural England has been consulted on the Council's Appropriate Assessment and their response is awaited. Subject to the receipt of a satisfactory response in advance of committee consideration of this application, on the basis of the mitigation measures identified above being secured by condition, it is concluded that the proposed development would accord with the relevant Policies in the Teignbridge Local Plan 2013-33.

#### Highways including walking and cycling

- 3.76. The main vehicular access to the development would be on the western boundary where the existing field gate is, which is the same location as the previously approved application.
- 3.77. The proposal includes creation of a second access point off Perry Lane to serve the tanker parking/turning area which would be used in connection with the package treatment plan. Due to changes in ground levels vehicles would not be able to access the site from this second access point.
- 3.78. The indicative layout plan shows that the roads serving the development would be shared surface. The plan demonstrates that a minimum of two parking spaces per dwelling could be achieved with two visitors parking spaces.
- 3.79. It is good practice to provide connectivity and permeability to the surrounding area to facilitate provision of a walkable neighbourhood in new development. The Government publication 'Streets for a Healthy Life advises *walking, cycling and public transport are the most important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health and to tackling climate change through reductions in carbon emissions.* In this case, the site would be well located within

the NA1 development when it is delivered, being close to the neighbourhood hub and new primary school which will be to the south west of the site. This means that the daily needs of occupiers will be close enough and well connected so that they can be met within a short, safe and pleasant walk or cycle. The adjoining new road includes a segregated walk and cycle way which will support sustainable movement through the area.

- 3.80. The originally submitted indicative layout plan included the opportunity for a pedestrian link to the south east of the site between plots 6 and 9. The shortcoming of this was that it would have required a number of steps to connect to the new cycle/walkway due to the difference in ground levels. The DCC highway engineer was not supportive and advised that a ramp would be preferable. However, this would require considerable engineering works to deliver which would erode the rural character of the site and result in a negative visual impact on the amenity of the area. The applicant was asked to provide a pedestrian/cycle link from the south of the site to the new road as the level difference would be more favourable in this location. Securing a connection to this link can be achieved by means of a Section 278 agreement, which can be addressed by condition.
- 3.81. It would also be preferable for a connection to be provided to the north of the site, to support sustainable modes of travel in this direction. This has been explored with the applicant but hasn't been possible to achieve due to the difference in levels between the site and the adjoining footpaths.
- 3.82. The DCC Highway Engineer has requested further information about the materials proposed for the roads as the submission is contradictory on this point, advised that the turning head would be an excessive distance from plots 4,5 and 6 and that the footway along the northern access would not serve much purpose.
- 3.83. A revised layout plan together with associated supporting highway details is awaited from the applicant. Further comment from the DCC highway engineer will be sought when this information is received. Members will be updated on this at their meeting.
- 3.84. The NA1 Houghton Barton Framework Plan sets out that Howton Road will become restricted to pedestrians, cyclists and only vehicles that are accessing properties. As part of the previous application, it was identified that Howton Road will become stopped up via placement of bollards at a point to the east of the site. The exact location of the bollards is yet to be agreed. A condition was imposed on the previous consent that no dwelling could be occupied on the site until a Traffic Regulation Order for the closure of Howton Road to through traffic has been made. It is appropriate to include this condition on any new grant of planning permission.
- 3.85. The stopping up of both Howton Road and Perry Lane will provide easily accessible walking and cycle routes for residents into the surrounding area.
- 3.86. Policy S1 (Sustainable Development Criteria) requires new development to perform well against a number of criteria including (b) road safety and congestion and Policy S2 (Quality Development) requires new development to (d) allow for permeability and ease of movement within the site placing the needs of pedestrians and cyclists above those of the motorist. Policy NANDP 4 promotes

provision of cycle/walkways which connect into the emerging town wide cycle network in new residential development.

- 3.87. Subject to the receipt of satisfactory further information and confirmation from the DCC Highway Engineer that the proposed development would be acceptable in highway terms, it is concluded that the proposal would be consistent with the above policies and is acceptable in terms of its impact on highways, walking and cycling.

#### Land drainage/flood risk

- 3.88. The application site is within flood zone 1 which has a low probability of flooding.
- 3.89. The proposal includes provision of a package treatment plant in the north east of the site, which is the same method of treatment for foul drainage as under the previous application. As detailed above, the application includes provision of a new access point off Perry Lane in order that a tanker can service this plant.
- 3.90. A flood risk assessment was submitted with the previous application which confirmed that infiltration would not be a strategy for disposal of surface water run off from the site due to existing ground conditions. Following the hierarchy of surface water disposal, the next preferred means of disposal is to a watercourse. There is a watercourse some 150m to the north east of the site and it is proposed to discharge the surface water to the open section of this watercourse. The system will be designed to discharge at greenfield rates with an additional 40% allowance for climate change.
- 3.91. SUDS ponds were previously proposed in the north of the site within the biodiversity buffer zone to provide attenuation for surface water disposal. It is now proposed that there would be an off site attenuation basin to the north of the site. As this is outside of the application site, a separate planning application for this part of the drainage system will be required. Provision of the surface drainage system to serve the development can be secured through the imposition of a 'grampian' condition. The SUDS land is owned by DCC who have agreed with the principle of siting SUDS ponds and associated drainage infrastructure serving Howton Field on land within their ownership. (A grampian condition restricts the implementation of development, in whole or part, until off-site works have been completed on land not controlled by the applicant).
- 3.92. The Environment Agency has confirmed that it has no objection to the proposed foul drainage method subject to a condition relating to details of the scheme to be agreed with the LPA.
- 3.93. The Lead Local Flood Authority has confirmed that they have no objection to the application.
- 3.94. Policy EN4 (Flood Risk) in the TLP sets out that in considering development proposals regard will be had to (i) the adequacy of drainage, disposal arrangements, and sewerage, (ii) the need for surface water drainage systems separate from foul drainage systems and (iii) the use of sustainable drainage systems where ground conditions are appropriate.

- 3.95. It is concluded that the proposed development would accord with Policy EN4 subject to the imposition of a condition requiring implementation of the SUDs pond and associated surface water drainage works.

### Affordable Housing

- 3.96. The proposal includes provision of three affordable custom build dwellings on the site. They would be built together as a terrace. Constructing them in this way would reduce the cost for the purchaser.
- 3.97. Under the previous application four affordable dwellings would have been provided. As the total number of houses to be built on the site has been reduced the effect of this is that there would be a reduction in the level of affordable housing provision by one dwelling.
- 3.98. The reasons for the reduction in number of dwellings that would be constructed on the site are set out above. Officers believe that there is a reasonable business case for this change. It is considered that weight should be given to the response from the Council's Self Build officer who is familiar with the CSB market and refers to the Council's self build register as evidence of the type of plot that prospective purchasers are looking for, who supports the number of dwellings proposed on the site.
- 3.99. The Council's Housing Enabling officer has not raised an objection to the application. It was agreed under the previous application that all affordable dwellings would be provided as intermediate housing. The affordable dwellings would be discounted affordable custom build dwellings. A 20% discount from market rate would be "pegged back" in perpetuity so that the homes remain affordable in perpetuity (although the SPD does confirm that to ensure self build affordable housing projects can access mortgage finance, S106 agreements may include clauses which allow unrestricted re-sale of properties in the event of repossession).
- 3.100. As the Council as landowner could not enter into a S106 agreement with itself to secure provision of affordable housing on the site this will be addressed by means of a condition.
- 3.101. It is concluded that there is a reasonable justification for the reduction in number of dwellings on the site in this case, combined with level of provision being 20% which accords with Policies WE2 (Affordable Housing Site Targets) and NA1 (Houghton Barton) in the TLP, it is considered that the level of affordable housing that would be provided would be acceptable in this case.

### Climate Change

- 3.102. Policies S7 and EN3 of the TLP set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states that the Council seeks to achieve a reduction in carbon emissions by 42% by 2030, which amounts to a target of 2.86 tonnes per person.
- 3.103. Teignbridge District Council has declared a climate emergency aiming to be carbon neutral by 2025.

- 3.104. A Council report, 'Existing Future planning policies to meet the challenge of climate change' which acknowledges the advancement of the national government's carbon reduction targets and adopts a commensurate adjustment in the Council's target timeframe for reducing carbon was passed in October 2019. Whilst the Local Plan seeks a 42% reduction in carbon emissions, the current target has been amended to 48% (2017-2033) - a target of 2.58 tonnes per person.
- 3.105. Policy S6 (Resilience) states that the Council will work with developers to ensure that the future impact of climate change and fossil fuel scarcity is minimised through adaptations and mitigation. This includes at (b) buildings should take account of the likely changes in temperature, rainfall and wind in their design and (c) use of energy, water, soil and materials should be minimised.
- 3.106. No carbon plan was submitted with the previous application and no relevant conditions were imposed requiring submission of further information to ensure the development would meet the standard set out in the above conditions.
- 3.107. As this application is for a minor material amendment to the previous application it would be inappropriate for the LPA to require submission of additional information in respect of reducing carbon emissions.
- 3.108. It is relevant to consider that changes to Building Regulations from June 2022 mean that Co2 emissions from new build homes must be around 30% lower than previous standards. This includes provision of facilities for charging electric vehicles at home for developments of 10 dwellings or more. It is understood that the reduction in level of emissions needed to meet Building Regulations are equal to the level that would be achieved through completion of the Council's carbon calculator.
- 3.109. It is noted that the greatest contributor to carbon emissions in Teignbridge is transport. As identified earlier, this site will be in a sustainable location within the NA1 development, with easily accessible walking and cycling routes which will make a positive contribution towards minimising transport emissions.

#### Impact on residential amenity of surrounding properties

- 3.110. There are no residential properties in the vicinity of the site and therefore the proposal would have no impact on residential amenity of any nearby properties.

#### Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.111. The application site is not within or adjacent to a conservation area.
- 3.112. The nearest listed building to the site is Seale Hayne which is approx. 580m from the site. Due to the intervening vegetation, and distance from this listed building it is not considered that the proposed development would impact the setting, historic or architectural character of this listed building.
- 3.113. In coming to this decision, the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting

and features of special architectural or historic interest which it possesses and have given it considerable importance and weight in the planning balance.

### Management of Waste

- 3.114. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.
- 3.115. This matter can be addressed through imposition of a condition. The DCC Waste Planning Officer has confirmed that this approach would be acceptable.
- 3.116. In terms of domestic refuse management on the site the TDC Waste technical Officer has requested details of the bin collection location(s) for the plots that would be outside of the adopted highway. This information is awaited from the applicant.

### Section 106 agreement

- 3.117. Teignbridge District Council as landowner is unable to enter into a S106 agreement with itself and therefore contributions from the development to deliver necessary infrastructure set out in Policy NA1 in the TLP were previously addressed by condition. This required the following contributions:
- Financial contribution of £1,617 per dwelling towards provision of community facilities
  - Financial contribution of £3,179 per dwelling towards provision of employment development
  - Financial contribution of £2,235 per dwelling towards Green Infrastructure provision
  - Financial contribution of £4,748 towards Cirl Bunting habitat compensation
- 3.118. As the policy position has not changed since the previous application it is appropriate to impose the same condition.

### Conclusion

- 3.119. In conclusion, the principle of residential development on the site has previously been agreed by the LPA under application reference 17/02166/MAJ. This proposal seeks to amend the approved design code to include a reduction in the number of dwellings on the site, revising the type of dwellings to be predominantly detached, facilitating an amended layout of dwellings and road within the site, and provision of a second access point.
- 3.120. It is considered that the proposal would constitute a good quality development of the site. It would integrate well with the character of the surrounding area. The development would deliver an attractive, accessible and safe place for people to live, that will provide legibility within the forthcoming NA1 development.
- 3.121. The proposal would deliver a number of biodiversity mitigation measures to ensure that there would be no adverse effects on the integrity of the South Hams SAC.

3.122. For these reasons and those set out in the report above, it is considered that subject to the receipt of satisfactory further information in respect of ecology, highways and waste management the proposed development would accord with the Teignbridge Local Plan 2013-33 and is therefore recommended for conditional approval. Details of the conditions are set out above.

#### **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S6 (Resilience)

S7 (Carbon Emission Targets)

S9 (Sustainable Transport)

S14 (Newton Abbot)

S22 (Countryside)

WE2 (Affordable Housing Site Targets)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN2A (Landscape Protection and Enhancement)

EN3 (Carbon Reduction Plans)

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)

HT1 (Heart of Teignbridge – Movement)

NA1 (Houghton Barton)

Newton Abbot Neighbourhood Development Plan

Devon Waste Plan

Devon Minerals Plan

Houghton Barton NA1 Development Framework Plan Supplementary Planning Document

TDC Custom and Self Build Housing Supplementary Planning Document

National Planning Policy Framework

National Planning Practice Guidance

#### **5. CONSULTEES**



## Full Details of Comments may be viewed on the application file online

- 5.1. **DCC Highways-** The access arrangements were considered and approved as part of outline application 17/02166/MAJ.

The Highway Authority would like to request some clarification on the materials proposed. ...

For a traditional turning head not to be required, a vehicle must be able to reverse for less than 30m before being able to turn....

The footway along the northern access doesn't seem to serve much purpose and the site may be better off as a shared surface. ... There is no street lighting shown on the drawing and taking into account any conservation or ecological constraints, a design would likely be necessary should the roads be offered for adoption.

- 5.2. **Environment Agency-** We can remove our objection to this proposal. However, we recommend that you include conditions on any permission granted to agree the final foul drainage scheme and to deal with any unsuspected contamination.
- 5.3. **Lead Local Flood Authority (DCC)** – We have no in principle objections to the application from a surface water drainage perspective...

The future homeowners of plots 4/5 and 11 will need to be made aware of the exceedance routes through their curtilages. These routes will need to remain open...

The ditch along the eastern boundary of the site will need to remain open...

- 5.4. **TDC Housing Enabling Officer-** 'Definition of Affordable Self Build Housing' which appears in the Custom and Self Build Housing SPD dated July 2016 as follows:

3.3 *Self build housing may be considered as affordable housing where it complies with the following criteria set out below, which includes that affordable housing is only provided to eligible households (as determined by local incomes and house prices), that affordable housing remains affordable for future households, and that it costs no more than 80% of market rates. All the criteria must be satisfied.*

3.4 *To be considered affordable housing in planning terms, occupants of affordable self build dwellings must satisfy 1) and 2) or 3);*

1. *Be made by an eligible household(s) meaning occupants of self build dwellings must be able to demonstrate need, to be assessed against the following criteria;*

- (a) *Household income of less than £80,000 per annum*
- (b) *Do not already own a home;*
- (c) *Able to sustain home ownership*

2. *Put in place a legally binding restriction upon the property, as agreed and implemented via a covenant on the property to ensure that;*

(a) *the resale of the property is limited to at most 80% of the market value in perpetuity, and*

(b) *the property may only be sold, let or sub-let after both a period of 3 years after completion of the dwellings, and only to people who satisfy all the criteria in 1) for affordable housing.*

Or;

3. *Excluding on Rural Exception Sites, the occupant satisfies and complies with Regulations such that the dwelling(s) can be considered a Starter Home.*

3.5 *To help ensure self build affordable housing projects can access mortgage finance, S106 agreements may include clauses which allow unrestricted re-sale of properties in the event of repossession.*

...

#### 5.5. **TDC Biodiversity Officer-**

South Hams SAC The site is within the Landscape Connectivity Zone of the South Hams SAC, designated for greater horseshoe bats. This species is very light averse and navigates the landscape by following linear features such as hedges. I have completed a Habitats Regulations Appropriate Assessment which finds that there will be no adverse effect on the integrity of the SAC, provided various conditions are applied. These are mostly existing conditions with small changes to suit the proposed variations.

Cirl Bunting In response to the original application, I advised that a full cirl bunting contribution of £73,193 would be required. This was to compensate for the anticipated loss of the cirl bunting territory based in the NW corner of the application site. I see that a much smaller contribution was taken (£4,748) which would be appropriate for loss of a small part of a breeding territory, but not in a case like this where the nest location itself, and so the entire breeding territory, will be compromised.

Dormouse At the time of survey dormouse was present in the hedges – the creation of the access through the northern hedge is likely to impact dormice. The required avoidance and mitigation measures are already secured via condition 11 on 17/02166/MAJ.

CONDITIONS REQUIRED All previous biodiversity, CEMP and LEMP policies should continue to apply, but with the changes and the one additional condition required in the Appropriate Assessment.

Additional Condition required for tanker access:

#### 5.6. **TDC Self Build Project Officer-**

The current outline consent ref 17/02166/MAJ is for a scheme of up to 20 custom build homes, predominately arranged in terraces. ...

However, over time feedback from developers showed a preference for sites consenting detached homes. This is supported by data from the Teignbridge Self Build register which lists greater demand for plots siting detached homes.

This position was carried into the Council's tender to identify a development partner to invest and deliver the Howton Field scheme, where the development brief offered bidders the flexibility to deliver a policy compliant scheme of between 10 and 20 homes. ..

The submitted scheme seeks approval for 12 modestly sized market value detached and link-detached homes with 3 affordable homes arranged in a single terrace, which is considered acceptable in terms of the tender award.

- 5.7. **DCC Historic Environment Officer**- no comments
- 5.8. **DCC Minerals**- no comments
- 5.9. **TDC EHO (contaminated land)** – no objections
- 5.10. **Police Designing Out Crime Officer**-

The rears of plots are the most vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that ‘the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings<sup>1</sup>’. The illustrative plan shows some rear gardens of plots abutting public space / 10m buffer zone. Although it does not appear excessive at this stage, it should be considered as more detailed design is developed.

- 5.11. **TDC Waste**- I am happy that the collection vehicles should be able to access and turn within the site. The only element that I do not have information on is the bin collection location for the plots that are outside of the adopted highway where our collection vehicles can access. There is no information on distances of the properties in these areas to the adopted highway, in order for me to determine if they are close enough to the highway to not need a bin collection point or whether there is a requirement for a bin collection point within 10 metres of the adopted highway in these areas. I am unable to support this application until I have confirmation of the proposed bin collection points for the properties.

- 5.12. **DCC Waste** - ...

It is noted that DCC Waste Planning previously commented on the original application to request that a more detailed waste audit statement is submitted at the reserved matters stage. It is noted that condition 16 of the outline permission requires this.

Therefore, we would request that this condition is carried forward on to any subsequent permissions.

## 6. REPRESENTATIONS

- 6.1. Two objections received which raise the following points:

- Detail surrounding access and the new junction at Howton Road with the HBLR needs to be clarified
- D and A statement is incorrect as Perry Lane is permanently bollarded.
- Where will the block on Howton Road be and how would it be enforced? Would it be for new residents or for all who live in the area?
- Preventing west to east movement along Howton Road at the HBLR junction would be to the detriment of existing residents along Howton Road as it would effectively become a cul de sac with no place to turn.
- I cannot access my property via Howton Road from Highweek, the right turn is too sharp due to narrow lanes. If this route is restricted how does the developer propose that I access my property?
- A crossroads with a simple ‘access only’ arrangement would seem appropriate at the HBLR junction

- Is there sufficient new affordable homes?

Full details of the representations can be viewed on the Council's website.

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

7.1. Newton Abbot Town Council- no objection

## **8. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## **10. CARBON/CLIMATE IMPACT**

10.1. This is addressed in the main section of the officer report above.

## **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 Colin Parker

**DATE:** 19 September 2023

**REPORT OF:** Business Manager – Strategic Place

**SUBJECT:** S73 major decisions summary during the previous calendar month

There were no such determinations made in this period.

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

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TEIGNBRIDGE COUNCIL DISTRICT

**PLANNING COMMITTEE**

**CHAIRMAN: Cllr Colin Parker**

<b>DATE:</b>	<b>19 September 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

There were no such determinations made in this period

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

