

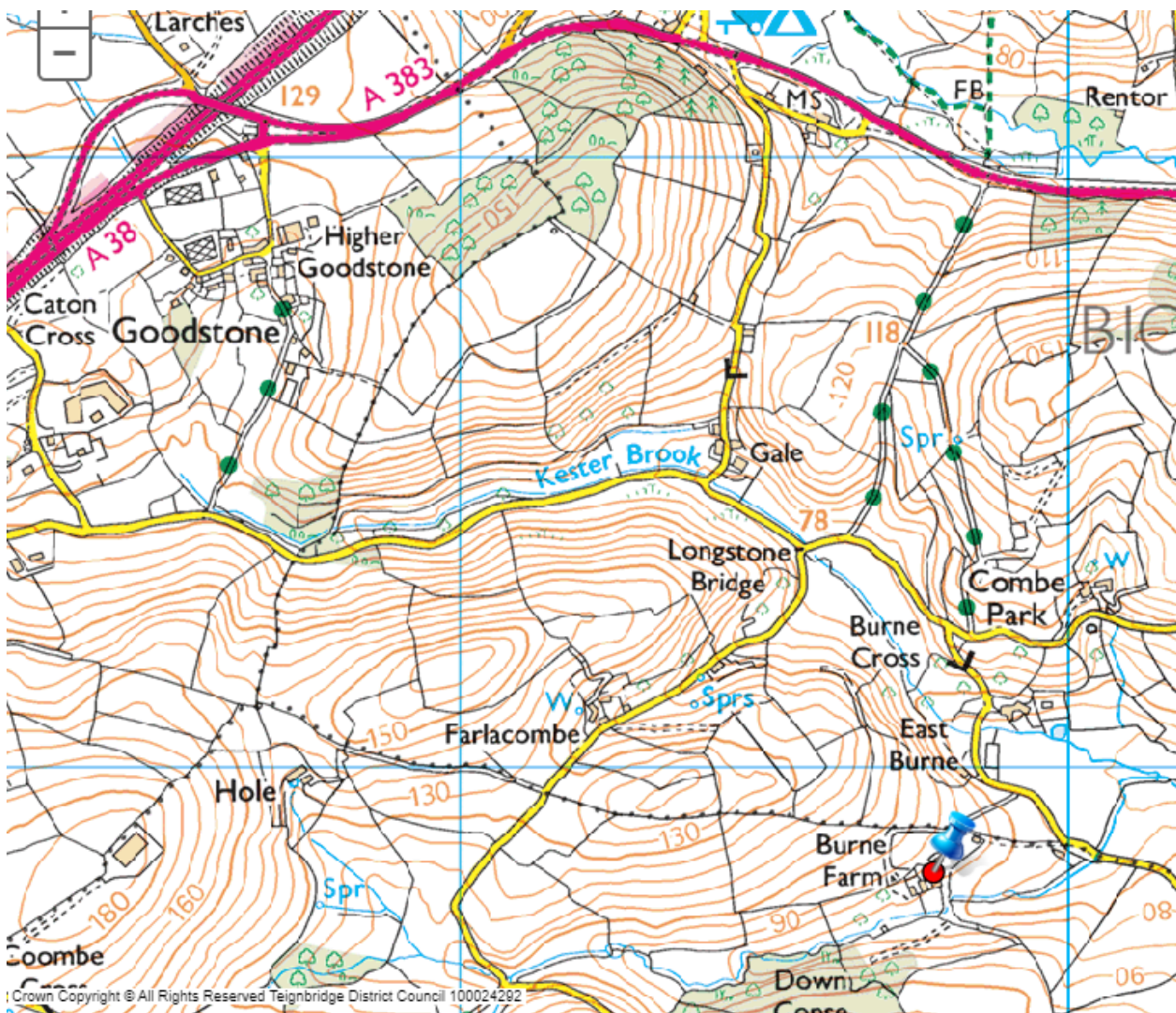
# PLANNING COMMITTEE REPORT

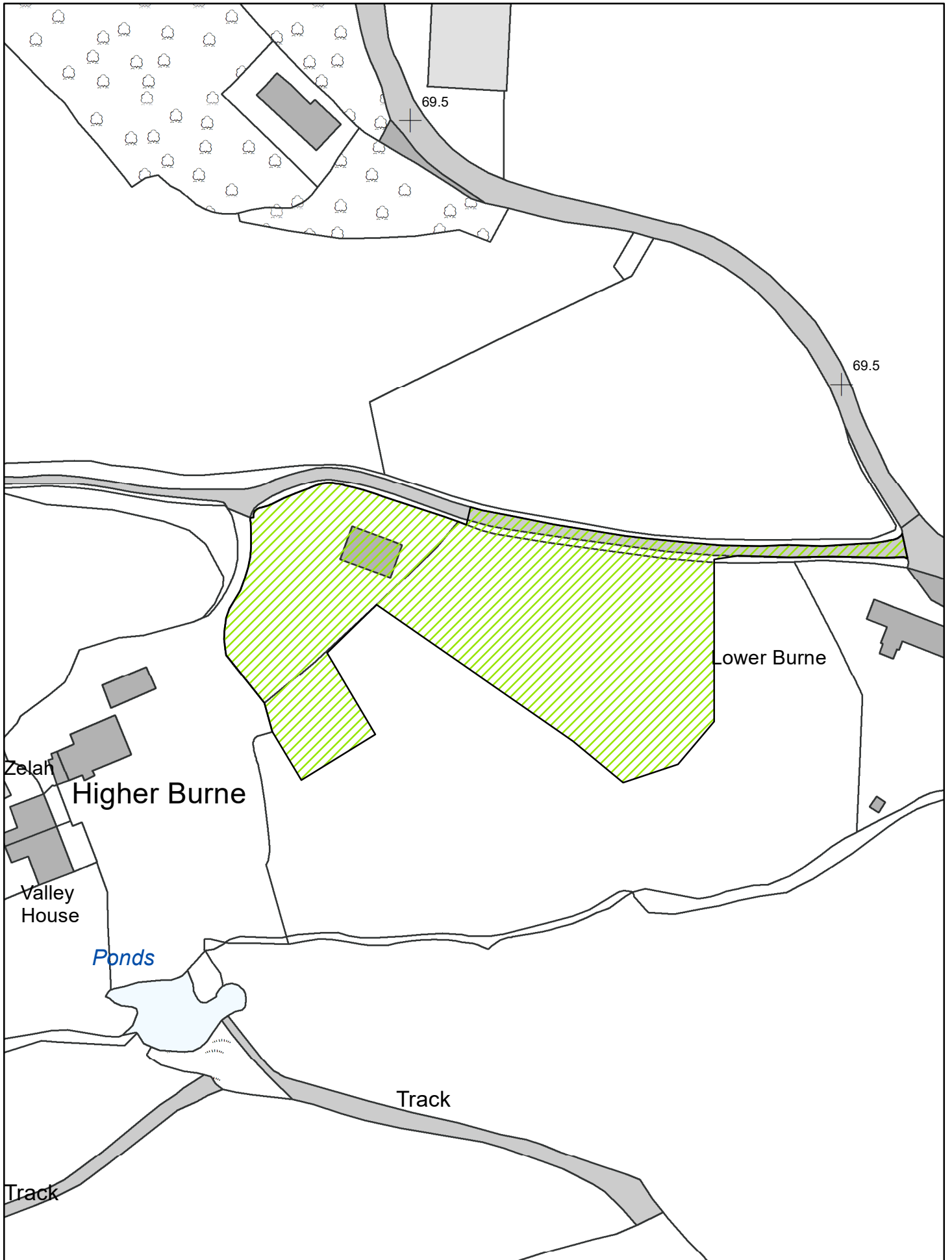
18 May 2021

CHAIRMAN: Cllr Mike Haines



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





Scale:  
1:1,250

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



## **1. REASON FOR REPORT**

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

## **2. RECOMMENDATION**

PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

## **3. DESCRIPTION**

### **Site Description**

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

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

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

### **Proposed Development**

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

### **Principle of the Development**

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

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

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

### **Landscape and Visual Impact of the Proposal**

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

## **Ecological Impact**

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

## **Impact on Trees**

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

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

### **Flood Risk and Surface Water Drainage**

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

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

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

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

### **Renewable energy provision**

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

### **The Planning Balance**

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

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

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

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

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7

S22 Countryside

EN2A Landscape Protection and Enhancement

EN3

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

#### 5. **CONSULTEES**

##### **Biodiversity Officer –**

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

##### **POLICIES THAT APPLY**

NPPE including paragraphs 170, 175, 176 and 177

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

##### Teignbridge Local Plan Policies:

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows



## CONDITIONS REQUIRED

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

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

No external lighting shall be installed on, or in association with, the new building, except for low-lumen, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any lights should be mounted at a height no greater than 1.5m from ground level, directed and shielded downward and away from the site hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.

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

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

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

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

### **Tree Officer –**

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

### **Drainage –**

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

## **6. REPRESENTATIONS**

6.1. No representations have been received.

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

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

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

- 2) The extent of glass will result in light pollution.
- 3) The whole of the site is to be reduced up to what appears to be circa 3 metres to achieve two full storeys & underground flat roofed parking, therefore changing the character of the landscape, the design of which is more suited to an urban environment.
- 4) The overall footprint of the building & site area is considerably greater than that of the original consent, which restricts development/site area.
- 5) The loss of the hedgerow & reduction of the site levels not only will lead to the destruction of wildlife habitat but increase the flooding on the valley road & pasture below which is a constant problem to traffic & residents.  
  
It is well documented that works of this nature exacerbate flooding in a valley landscape.
- 6) It is not clear from the drawings/statements the physical dimensions & comparable volumes of the existing & proposed.
- 7) It has been noted that the Notice of Planning is not available to view on the gate for public information.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 355.12sq.m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 121.04sq.m. The CIL liability for this development is £65,228.98. This is based on 234.08 net m<sup>2</sup> at £200 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

See Main Body of Report

## **11. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Business Manager – Strategic Place**