

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 11th September, 2019										
Time:	11.00 am and 2.00pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	Cllr Taylor										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

- 1. Minutes** **1 - 8**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 14 August 2019;
- 2. Urgent Business**

Brought forward at the discretion of the Chairman;
- 3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
- 6. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:
<http://apps.southhams.gov.uk/PlanningSearchMVC/>

 - (a) 3193/18/ARM** **9 - 36**

Reserved Matters application for the development of 64 no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA
Land to the rear of Green Park Way, Chillington
 - (b) 0842/17/FUL** **37 - 58**

READVERTISEMENT (Revised Plans and Application Form)
Construction of new build dwelling with associated landscaping within the curtilage of a grade II listed building.
"Ashleigh House", Fore Street, Kingswear.

****Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm****

(c) 1744/19/NMM	59 - 66
Application for a non-material amendment following grant of planning permission 1780/18/ARM (additional bedrooms within roof space on plots 30, 38, 44 & 45 and provision of conservatories on plots 35, 36, 39 & 42) Land at SX711 394", Adjacent to Malborough Park, Malborough	
(d) 0356/18/FUL	67 - 80
Change of use of land to accommodate two omni pods for self-catering holidays - Land at SX768460 West of Netherton Barns. Netherton, Kingsbridge TQ9 7RQ	
(e) 1295/19/ARM	81 - 90
Application for approval of reserved matters following outline approval 3631/17/OPA for erection of a mix of B1, B2 & B8 employment buildings. Beacon Park, Dartington	
(f) 0062/19/FUL	91 - 100
Demolition of existing workshop/office building. Erection of office and workshop buildings, extension to vehicle display area and alteration to existing access. "Marquis Devon", Lee Mill, Ivybridge	
(g) 3398/18/FUL	101 - 108
Construction of side and rear extension to existing warehouse. "The Display Works", East Way, Lee Mill	
(h) 2519/19/DCC	109 - 118
County Matters application for change of use from vehicle depot (B8) to waste transfer station (Sui Generis). Including land previously used as householder waste recycling centre. Building works to include demolition of existing storage building and construction of waste transfer station building and associated litter netting. "Ivybridge Council Depot", Ermington Road, Ivybridge, Devon	
7. Planning Appeals Update	119 - 120

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
14 AUGUST 2019**

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr K Kemp
*	Cllr J Brazil (Chairman)	*	Cllr M Long
*	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss (Vice Chairman)	*	Cllr K Pringle
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

Other Members also in attendance:

Cllrs Hawkins and Pennington

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management Practice, Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Specialist Democratic Services
	1548/19/OPA	Devon County Council (DCC) Highways Officer
	1386/19/OPA	Specialist Strategic Planning

DM.17/19 MINUTES

The minutes of the meeting of the Committee held on 17 July 2019 were confirmed as a correct record and signed by the Chairman.

DM.18/19 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R Foss declared a personal interest in application **0620/18/FUL**: Provision of an agricultural workers dwelling – Borough Farm, East Allington, by virtue of being involved with Kingsbridge Show which took place on this site and he remained in the meeting and took part in the debate and vote thereon;

Cllr V Abbott declared a personal interest in application **1386/19/OPA**: construction of 2no. residential dwellings on an infill site, formerly Whiteoaks camp site – ‘Whiteoaks’, Davids Lane, Filham by virtue of knowing the applicant and he remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B Taylor declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being Members of the South Devon AONB Partnership Committee and they remained in the meeting and took part in the debate and vote thereon:

- 1430/19/FUL:** Erection of 16 metal self-storage units as part of farm diversification scheme – Barn, Higher Easton Farm, St Anns Chapel;
- 1291/19/HHO:** Householder application for rear extension and modifications (retrospective) – 36 Above Town, Dartmouth;
- 2134/19/FUL:** Erection of a monument to commemorate the 150th Anniversary of lifeboat based at Salcombe – Cross Gardens, Onslow Road, Salcombe; and
- 2132/19/FUL:** Proposed erection of monument – The Quay, Car Park, Kingsbridge.

DM.19/19

PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.20/19

PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

a) 1430/19/FUL Barn, Higher Easton Farm, St Anns Chapel**Parish: Bigbury**

Erection of 16 metal self-storage units as part of farm diversification scheme

Case Officer Update: None

Speakers included: Supporter – Mrs Hazel Marshall: Ward Member – Cllr Taylor

Recommendation: Refusal

During discussion, a number of Members stated that this proposal satisfied a need, and the support of the Parish Council was also noted.

Committee Decision: Conditional Approval, with the Head of DM Practice being given delegated authority, in consultation with the Chairman of the Committee and the local Ward Member, to approve the final wording of the conditions.

Reasons:

The public benefit of the proposal outweighed the harm and the landscaping scheme would conserve and enhance the Area of Outstanding Natural Beauty in accordance with Policy DEV 25.

b) 1291/19/HHO 36 Above Town, Dartmouth**Parish: Dartmouth**

Householder application for rear extension and modifications (retrospective)

Case Officer Update: None

Speakers included: Objector – Mr Gareth Roberts: Supporter – Mr Ciaran McClennon: Town Council – Cllr Graham Evans: Ward Members Cllrs Hawkins and Rowe

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

Standard Time Limit

Accord with plans

Material samples to be submitted

No use of flat roof areas for amenity purposes

Non-opening windows/doors to west elevation

No insertion of new windows, doors or openings restriction

Use of obscure glass to window facing no. 34

c) 1548/19/OPA Land adjoining Westerland Dale, Westerland, Marldon**Parish: Marldon**

Outline application (all matters reserved) for construction of a single storey dwelling with garage, and alterations to existing vehicular access

Case Officer Update: None

Speakers included: Supporter – Mr Derek Webber: Parish Council – Cllr Gordon Page: Ward Member – Cllr Pennington

Recommendation: Refusal

Committee Decision: Refusal

d) 1386/19/OPA Whiteoaks, Davids Lane, Filham**Parish: Ugborough**

Construction of 2no. residential dwellings on an infill site, formerly Whiteoaks camp site

Case Officer Update: None

Speakers included: Supporter – Mrs Rachel French: Ward Member – Cllr Holway

Recommendation: Refusal

Members had a difficult debate on this application. The case officer outlined the Policy reasons for Refusal of the proposal. Some Members argued the sustainability of the site, and that the site bordered an allocated site where permission for 200 houses had already been given. However, the infrastructure to support the allocated site was not in place until that site was constructed, and therefore the proposal was contrary to policies within the JLP and the Ugborough Neighbourhood Plan.

Committee Decision: Refusal

e) 0620/18/FUL Borough Farm, East Allington**Parish: East Allington**

Provision of an agricultural workers dwelling

Case Officer Update: None

Speakers included: Supporter – Mrs Amanda Burden: Ward Member – Cllr Foss

Recommendation: Refusal

During discussion, a number of Members disagreed with the view of the agricultural consultant and felt that the applicant had demonstrated an agricultural need for an additional dwelling based on the stock levels at the farm. Members also felt it was important to support rural businesses where possible. The Head of DM Practice asked that approval be conditional and that conditions be agreed in consultation with the Committee Chairman and local Ward Member.

Committee Decision: Conditional Approval, with the Head of DM Practice being given delegated authority, in consultation with the Chairman of the Committee and the local Ward Member, to approve the final wording of the conditions.

Reasons:

Members had considered the evidence provided to them including stock levels and had considered the agricultural consultant's report but had come to a different conclusion.

f) 2134/19/FUL Cross Gardens, Onslow Road, Salcombe

Parish: Salcombe

Erection of a monument to commemorate the 150th Anniversary of lifeboat based at Salcombe

Case Officer Update: As the consultation period had not ended, the recommendation should be amended to take account of any further letters of representation received

Speakers included: Ward Member – Cllrs Long and Pearce (statement supplied)

Recommendation: Conditional Approval

Committee Decision: Conditional Approval delegated to Head of Development Management Practice, subject to no additional material comments being made

Conditions:

1. Time limit
2. Accord with plans

g) 2132/19/FUL The Quay, Car Park, Kingsbridge

Parish: Kingsbridge

Proposed erection of monument

Case Officer Update: As the consultation period had not ended, the recommendation should be amended to take account of any further letters of representation received; no objection from Kingsbridge Town Council

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval delegated to Head of Development Management Practice, subject to no additional material

comments being made

Conditions:

1. Time limit
2. Approved plans

DM.21/19 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report. The Head of Development Management Practice provided further detail on specific decisions.

DM.22/19 PERFORMANCE INDICATORS

Members noted the Planning Performance Indicators as set out in the presented report.

(Meeting commenced at 10.00am and concluded at 1.05pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 14 August 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1430/19/ARM	Higher Easton Farm, St Anns Chapel	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
1291/19/HHO	36 Above Town, Dartmouth	Conditional Approval	Cllrs Abbott, Brazil, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle (10)	Cllrs Brown, Hodgson (2)	(0)	(0)
1548/19/OPA	Land adjoining Westerland Dale, Westerland, Marldon	Refusal	Cllrs Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Pringle, Hodgson (10)	Cllrs Abbott, Rowe (2)	(0)	(0)
Page 7 1386/19/OPA	Whiteoaks, Davids Lane, Filham	Conditional Approval	Cllrs Brown, Pringle, Holway, Hodgson, Abbott (5)	Cllrs Brazil, Foss, Kemp, Long, Pannell, Taylor, Rowe (7)	(0)	(0)
1386/19/OPA	Whiteoaks, Davids Lane, Filham	Refusal	Cllrs Brazil, Foss, Kemp, Long, Pannell, Taylor, Rowe (7)	Cllrs Brown, Pringle, Holway, Hodgson, Abbott (5)	(0)	(0)
0620/18/FUL	Borough Farm, East Allington	Conditional Approval	Cllrs Abbott, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Hodgson (9)	Cllrs Brown, Pringle (2)	Cllr Brazil (1)	(0)
2134/19/FUL	Cross Gardens, Onslow Road, Salcombe	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)
2132/19/FUL	The Quay, Car Park, Kingsbridge	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Taylor, Rowe, Pringle, Hodgson (12)	(0)	(0)	(0)

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PLANNING APPLICATION REPORT ADDENDUM

Case Officer: Wendy Ormsby

Parish: Stokenham **Ward:** Stokenham

Application No: 3193/18/ARM

Agent/Applicant:

Applicant:

Miss Robyn Nicholl - Barton Willmore

Acorn Property Group

101 Victoria Street

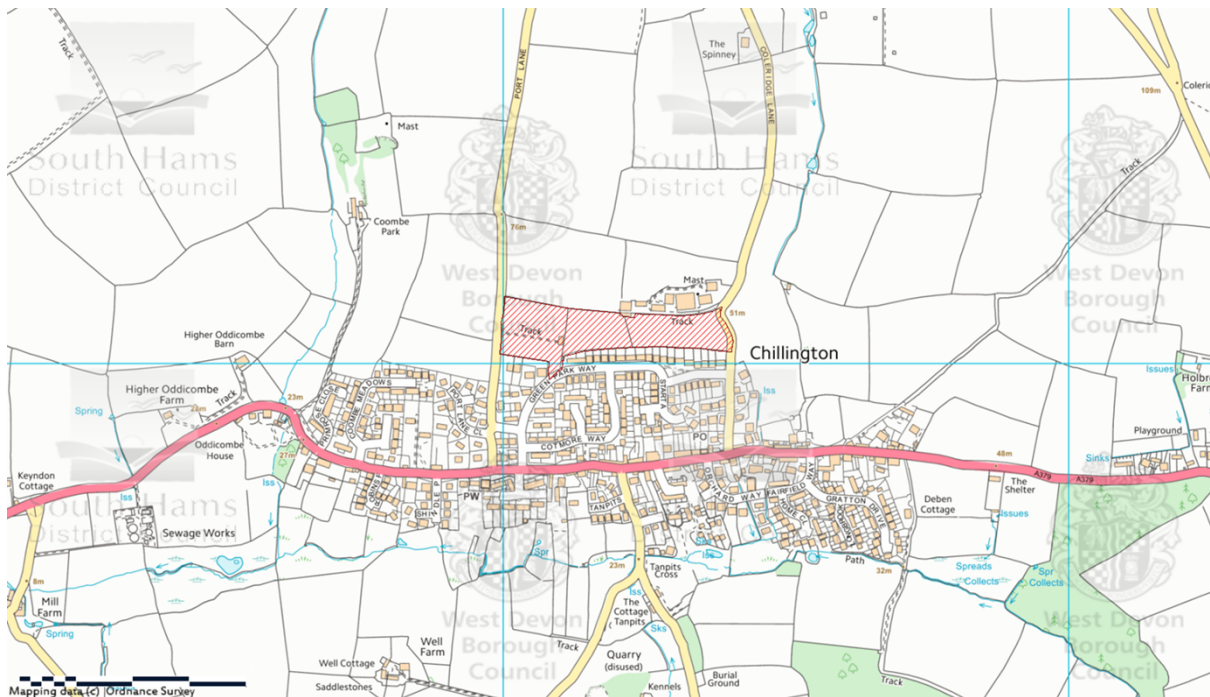
C/O Agent

Bristol

BS1 6PU

Site Address: Land to the rear of Green Park Way, Chillington, TQ7 2HY

Development: Reserved Matters application for the development of 63 no. dwellings(including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA



Background

This application was considered by the Development Management Committee on 17 July 2019. It was deferred by committee for further details to be submitted relating to landscaping and drainage. At the time Devon County Council as Lead Local Flood Authority objected to the proposed surface water management scheme. Further details relating to drainage and landscaping have been submitted and this application is now referred back to the Committee.

The **officer recommendation** remains that of **Conditional Approval**, as in the original report which is attached to this addendum report, with the following further and amended conditions proposed:

Condition 2 is to be amended to include the full list of drawings and documents to be approved as part of this application. The list is at the end of this addendum report.

Condition 11 amended to read as follows:

Notwithstanding the details submitted and approved as part of this application, within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted to the Local Planning Authority for approval. *The detailed proposals shall be designed in consultation with the residents whose gardens adjoin the southern site boundary.* The approved details shall be implemented and maintained in accordance with a timetable and maintenance schedule to be agreed in writing with the LPA as part of these detailed landscape proposals. No dwelling shall be occupied until these landscaping details have been agreed in writing by the Local Planning Authority and the planting and maintenance shall then take place in accordance with the approved details.

Reason: In the interest of visual and neighbour amenity

Additional proposed conditions:

21. The Construction Management Plan to be agreed pursuant to condition 10 of planning permission 0771/16/OPA shall include details of measures to prevent contaminants from construction activities affecting the Kingsbridge to Salcombe Estuary SSSI with details of how these measures will be managed and maintained. Development shall take place in accordance with the approved details.

Reason: In the interests of biodiversity

22. The surface water drainage scheme to be agreed pursuant to condition 19 of planning permission 0771/16/OPA shall provide explicit clarification regarding how the operational phase run-off impacts have been development to prevent water quality impacts upon the Kingsbridge to Salcombe Estuary SSSI. Development shall take place in accordance with the approved details and shall be managed and maintained as such.

Reason: In the interests of biodiversity

23. No part of the development hereby permitted shall be commenced until the detailed design of the piled foundations and piled retaining walls at locations of soakaway H2 and H3 have been undertaken by a competent structural engineer and submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

Reason: This is to enable soakaways to be satisfactorily sited less than 5 m from foundations and retaining walls.

24. No part of the development hereby permitted shall be commenced until the detailed design of the overflow at the land drain/spring in the vicinity of the existing trough has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To finalise levels in the existing trough area to provide an overflow from the existing land drain / spring feature and reduce the risk of overland flow.

25. Prior to its installation a noise impact assessment of the drainage pump hereby approved shall be submitted to and approved in writing by the Local Planning Authority and, if identified as necessary, the means of how noise impact will be mitigated shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the pumping station

Reason: In the interest of residential amenity

Update on Consultation Responses:

A further response from the Parish Council, commenting on amended plans was verbally reported to the July committee as it was received after the original report was drafted and raised the following issues:

- Amendments reduce but do not eliminate issues of overlooking and overbearing impact on neighbours
- More landscaping details are needed and this should be included now not condition
- Overlooking problems are caused by building up of land – do not accept this is to manage road gradients but is to accommodate drainage tanks
- Drainage scheme is defective
- Not acceptable for drainage to be dealt with by condition
- Maintains its objection to the scheme

Since the July committee the following additional Consultation Responses have been received:

Natural England:

The application needs to consider potential impacts from contaminants during the construction phase entering the watercourse (or other pathways) that connect the site with the SSSI. Where appropriate, measures need to be put in place to prevent contaminants from construction activities affecting the SSSI

The mitigation measures will need to be underpinned by a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) that follows best practice. Mitigation measures need to be managed and maintained.

It would be useful to provide explicit clarification regarding how the operational phase run-off impacts have been developed to prevent water quality impacts upon the SSSI. We note that the engineering proposals put forward are largely devoid of any multifunctional and site specific ecological benefits. This is often the result of high density development that comprises minimal green space provision

Without this information, Natural England may need to object to the proposal

Recommend consultation with the AONB

Proposals should be reviewed in light of Government's Statement to promote biodiversity net gain.

DCC Lead Local Flood Authority:

Objection is withdrawn subject to conditions and a detailed briefing note has been provided which is included later in this report.

Update on Representations

The following additional issues submitted by 12 residents were verbally reported to the July committee but not included in the officer report as they were received after the report was drafted:

- Objection from DCC Flood Risk reported as additional information required – should be ‘objection’
- Better not to determine this application until drainage agreed
- Proposed conditions regarding landscaping, layout, planting, surfaces and finishes all relate to type and layout of drainage and cannot be agreed until drainage scheme is final
- Condition 2 does not include drawing numbers – so new drawings could be approved
- Wrong to condition things like landscaping, boundary treatments, material etc as proposed in the conditions
- Building heights of apartments behind 29 GPW remain overbearing and should be bungalows
- Heights of plots 50 & 51 remain too high behind 53 GPW – should be houses not apartments – or at least roof hipped as per Plot 46. More screening required to provide privacy – controls on external lighting required. Concerned new neighbours should not invoke high hedge complaints about their boundary.
- 47 GPW – want land removed from plot 43 and tree planting provided instead – overlooking still an issue
- Want restrictions to prevent internal changes to houses to having living accommodation upstairs and no changes to windows/doors etc . Plots 50 and 51 should be hipped
- Why is tank H2 showed sitting above natural ground level?
- Officer report now mentions 64 houses again not 63
- Can condition 6 apply to all house on southern boundary?
- Drainage does not enhance biodiversity
- Ramped access are at 1:10 – exceed recommended gradients for DDA compliance
- Steep gardens would not be safe

Since the July Committee the following further matters have been raised:

- A solicitor’s letter has been submitted suggesting an intention to judicially review the planning process
- Residents have commissioned an engineer to review the drainage proposals. The report concludes that the drainage scheme is unsatisfactory and will leave properties at risk of flood. The report is available to read in full on the web site.
- Planning condition 15, renewable energy has not been addressed.
- 47 Green park Way is 25-26 metres from plot 46 not the 38m stated at the meeting
- Dispute the claim that 12 months ground water monitoring has taken place
- Electrical pumping station is not a sustainable solution.

- Large number of documents on the web site is confusing
- Continued concern about possible ground water re-emergence
- Continued detailed criticism of the proposed drainage scheme
- Want to know who will be held liable if flooding occurs and what indemnities will be provided
- Pumping station is too close to a residential dwelling.
- Planning officer was wrong to state underbuild behind 29 and 31 GPW was 1.5m – it is between 1.3 – 1.75 m, giving a total height of 8.75m not 8.5m
- Request a meeting with residents retained drainage engineer and Council officers.

ANALYSIS

Drainage

Devon County Council as Lead Local Flood Authority (LLFA) are the statutory body responsible for Flood Risk and for major application such as this and are the authority upon which this Council must rely to provide advice and guidance regarding the surface water management of major developments.

Notwithstanding that drainage details are not a necessary part of this reserved matters application, Members deferred this application from Committee in July as the LLFA still maintained an objection to the drainage.

Following detailed liaison with the applicant's engineers the LLFA has now withdrawn its objection to the drainage proposals and has provided the following general observations and a detailed briefing note as follows:

The applicant has produced a surface water management strategy which proposes a combination of infiltration techniques, attenuation tanks, a small pump and swales to manage the surface water runoff at the site.

Three sets of ground investigation has been undertaken at the site and indicate the site has favourable conditions for infiltration which is the preferred option for surface water disposal as indicated in the surface water hierarchy. Furthermore the applicant has undertaken 12 month's worth of groundwater monitoring in line with BRE 365 and the Ciria SuDS Manual C753.

The applicant has also submitted a Maintenance Plan indicating how all aspects of the proposed surface water drainage strategy should be maintained during the life time of the development as well as an exceedance plan indicating how runoff during extreme events will be managed.

Based on the information provided, it has been shown that a satisfactory surface water management strategy has been submitted using infiltration. Responsibility remains with the developer and consultant to ensure the proposed surface water drainage network is constructed and maintained in line with the approved drawings and all liabilities remain with the applicant.

Briefing Note To Support The Removal Of Objection By DCC As The LLFA And Statutory Consultee For The Proposed Development At Chillington: Application Number 3193/18/ARM

Introduction

The aim of this briefing note is to set out how we have liaised extensively with the applicant during the past 14 months to provide an improved surface water management strategy for the site. This briefing note highlights various aspects of the proposed surface water management strategy which we were concerned with and how these issues have since been overcome.

Ground Investigations

Although a ground investigation was already undertaken in July 2015 in the form of 20 trial pits and 5 infiltration tests, we recommended that the applicant undertook further infiltration testing at the exact location and depth of proposed soakaways in line with BRE365 and Ciria SuDS Manual C753. This gives us a better understanding of the geology at the site which means the calculations for the sizing of the soakaways are more accurate and representative. The infiltration testing was undertaken in September 2018.

Additional infiltration testing was requested at the proposed depth of soakaway H1 and this was undertaken in July 2019. Results indicated a slower rate of infiltration than previous testing at a higher depth within the ground strata. Subsequently this soakaway has been re-designed based on the slower rate of infiltration which has made the soakaway much larger in plan area. Although the testing indicated slower rates of infiltration, the rate is still viable from an infiltration point of view.

The applicant undertook 12 months worth of groundwater monitoring from January 2017 to December 2017 in line with requirements stemming from BRE365 and Ciria SuDS Manual C753. The results indicate groundwater was found to be between 7.5 and 10 m below ground level and therefore once the seasonal maximum water table has been reached, groundwater is sufficiently deep at the site so it will not impact on the proposed soakaways.

Design of Soakaways H1 and H2

We requested that the factor of safety for these soakaways should be increased from 3 to 5 in line with the Ciria SuDS Manual C753 Table 25.2 Suggested Factors of Safety. We also requested that the half drain down requirements, where the soakaway would be half emptied within 24 hours in readiness for a subsequent storm, were met for the 1 in 100 year storm event which is in excess of the requirements of the Ciria SuDS Manual C753. This has resulted in a conservative design of both the communal soakaways.

Soakaway H1 also receives a pump flow from H3 and we requested that the modelling outputs indicate the impact of this flow on the functioning of the soakaway. We were concerned regarding the installation of the deep soakaways and the potential for long term settlement or crushing. The applicant confirmed that various 2 manufacturers have products designed to operate at the required depth which have capability to manage relevant loads both vertically and horizontally.

The modelling indicates that a range of storm events from 15 mins to 7 days for the 1 in 100 year event plus 40% for climate change has been assessed in terms of the sizing of the soakaway. The applicant has used FSR rainfall which is an approved and acceptable methodology as recommended in the Ciria SuDS Manual C753.

An architect's cross section indicated that the southern section of soakaway H2 was above existing ground level. The applicant has advised that the cross section was inaccurate and

no longer valid and was merely for purposes of indicating the bank in that area. The soakaway will be situated below existing ground level and have 2.6 m of cover.

Diversion Of The Spring

Initially, the proposal was to upgrade the pipe from a 100 mm diameter pipe to a 150 mm diameter pipe. We were concerned that the upgrade would result with more flow coming off the site which would then be restricted downstream when entering an existing 100 mm pipe. Consequently, the applicant has now proposed a 100 mm pipe to ensure there is no increase in flow downstream. In addition, we have recommended an overflow from the spring which will connect into a gully on the access road to reduce the risk of overland flow running off the site towards existing properties. This will provide a betterment to the existing arrangement at the site.

Groundwater Re-Emergence

As the site is steeply sloping, we were concerned about the prospect of groundwater re-emergence of infiltrated water downstream. The applicant has reduced the risk of groundwater re-emergence by using an impermeable membrane wrapped around the sides of the two communal soakaways to aid the vertical infiltration of surface water and to reduce the lateral movement of infiltrated water. Three separate rounds of infiltration testing at the site indicates that the geology is suitable for infiltration.

During ground investigation, two pits were dug one downstream of the other and water was poured into the first trial pit to determine if it would emerge within the trial pit downstream. The results concluded that the infiltrated water travelled vertically and not laterally across the site as the water could not be seen in the trial pit downslope.

Both communal soakaways have been lowered to a similar level to Green Park Way to reduce the risk of groundwater re-emergence in this area.

The British Geological Survey borehole records indicate the clay layer extends towards the watercourse within the village which adds another level of comfort as infiltrated water can not pass through the clay layer.

Pumping Station

Due to the topography of the site, a small pump is proposed to pump surface water runoff from the access road into soakaway H1. The pump is a duty standby pump so there is a spare pump if one was to fail. There is also battery backup to provide 8 hours of power should failure occur. We have also requested that the pumping station has an alarmed system where an alert is sent to warn of a failed pump or blocked pipe. 3 The pumping station has a tank which stores flows up to the 1 in 100 year event plus an allowance of 40% for climate change. In the event of pump and battery failure, there is adequate storage at the pump for the maximum design event.

Maintenance Schedule

We were concerned how maintenance would be undertaken at the two communal soakaways considering their depth. The applicant has confirmed that both of these soakaways have a 1 m deep sump for sedimentation and have been designed to have an inspection well with monitoring points. A sucker tanker can be used to provide the routine

maintenance of the communal soakaways. There will be a channel within the crates to provide access for CCTV.

Perforated risers are proposed to limit the flow from the tanks situated under the driveways. We have asked for an increased level of maintenance for these flow control devices for the first year and for the maintenance schedule to be updated accordingly based on the performance of these devices during various seasons. For example more maintenance may be necessary during Autumn with fallen leaves.

The Maintenance Plan also provides maintenance schedules for the soakaways, exceedance swales, attenuation tanks and the pumping station. The surface water drainage will remain private and maintenance of the system will be undertaken by a private management company.

5m Rule of Thumb

We queried the siting of soakaways H1 and H2 within 5 m of properties/foundations and retaining walls. The Ciria SuDS Manual C753 states that where infiltration is proposed closer than 5 m from buildings or structures an assessment should be approved by a suitably qualified professional such as a registered ground engineering adviser. The applicant has confirmation from Integrate Limited, in their letter dated 9th August 2019, that based on the ground investigation carried out to date and the use of suitably designed piled foundations by a competent structural engineer, soakaways can be situated closer than 5 m to buildings and retaining walls.

Conclusion

After much consideration and deliberation we believe that the proposed surface water management scheme will provide a betterment compared to the existing surface water regime where runoff pours off the site during heavy rainfall events due to the presence of the impermeable clay layer. The runoff will be picked up, conveyed and stored on the site itself for all events up to the 1 in 100 year storm event plus an allowance of 40% for climate change. The drainage strategy follows best practice by utilising infiltration techniques which are the preferred method of surface water disposal as stated in the surface water hierarchy. The design of the proposed surface water network is conservative taking into consideration the gradient of the site.

We have worked closely with Acorn Developments, Rise Structures and a geologist to improve the proposed surface water drainage strategy. We have also taken on board local knowledge from the residents of Chillington. We no longer have any reason to maintain our objection to the application.

Based on the detailed comments above Officers are satisfied that it has been demonstrated that the site can be adequately drained.

Landscaping

A full set of revised hard and soft landscaping drawings have been provided. The applicant has provided the following summary of the proposed changes:

South eastern boundary near Coleridge Lane

Additional Betula pendula within native planting area below Plots 46 & 50-51 moved south closer to boundary to take account of revised soakaway and offset extent.

Additional Betula pendula tree added to native planting area, below Plot 46, and near the boundary with the rear garden to number 51 along Green Park Way.

Southern boundary with Green Park Way

Additional trees shown along boundary with rear gardens of numbers 33, 35, 37, 39. (New proposed trees along this boundary include 3 No. Malus sylvestris, and 4 No. Betula pendula to the 6 previously).

To the rear of Plots 29-37, the planting has been updated to reflect the revised attenuation tank size. The planting species have been amended to low water demand species and deep-rooted species removed. The planting mix includes native Viburnum opulus and Cornus sanguinea with underplanting of Hedera helix.

On the southern boundary of this area, the tree planting has been relocated to the rear gardens of numbers 33, 35, 37, 39, due to the easement zone to the pipes for the attenuation tank.

The planting species have been amended to low water demand and deep-rooted species removed to the boundary with the rear gardens of property numbers 27, 29, and 31 due to the proximity of the attenuation tank. The planting mix includes native Corylus avellana, Cornus sanguinea and Viburnum opulus.

South western boundary near Port Lane

Additional trees shown along the boundary with rear gardens of the properties between Port Lane and Green Park Way (Acer camepstre).

Boundary with Property Number 17 Green Park Way

1 No. additional Betula pendula has been shown to the rear garden boundary with property number 17 along Green Park Way to help with the boundary planting and containment of views. The additional tree in this area provides a variety in the tree species with varying character, form, shape and maturity. The existing oak trees already provide substantial containment of views however with the additional Betula pendula and the already proposed 1 No. Quercus robur and 1 No. Prunus avium 'Plena' these will provide a mixed natural

buffer. The understory planting in this area also offers considerable variety in structure and height with evergreen species present such as ilex aquifolium used to provide screening and a setting to the substation.

Whilst the revised landscaping scheme provides what is considered to be an improved boundary treatment for the residents neighbouring the site, if any concern remains, the applicant is willing to accept a condition requiring that full details of the boundary planting to be submitted and agreed with the Council. This could include additional consultation if necessary.

The revised plans have been assessed by the Council's Landscape Specialist who considers the proposals to be satisfactory both in terms of visual impact and as a screening function.

Nevertheless the applicant has offered to enter into a direct consultation process with the adjoining residents to discuss the planting on the southern boundary further and it is recommended this be secured via a planning condition.

On this basis the proposed landscaping proposals are acceptable.

Other matters

The issues raised by Natural England regarding potential for contamination of the Kingsbridge to Salcombe Estuary SSSI are addressed through planning conditions.

Residents have employed a qualified engineer to assess the drainage proposals and his report is critical of the drainage scheme. A meeting has been requested with Council Officers to discuss drainage but has not taken place.

The statutory body responsible for flood risk is DCC as Lead Local Flood Authority and as such it is the advice from the LLFA that this Council must have regard to. Detailed comments on drainage including the resident's engineers report have been provided to the LLFA and they will have made their recommendations in light of these comments. Officers did not consider there would be any merit in a meeting when it is the guidance from the LLFA that should be followed.

Conclusion

This reserved matters application was deferred to allow further details regarding drainage and landscaping to be submitted and, in particular, to wait until the holding objection from DCC as LLFA was withdrawn.

DCC as LLFA have now withdrawn their objection and a satisfactory drainage scheme has been agreed. Further, satisfactory landscape details have been provided.

As such it is recommended that conditional approval be granted for this reserved matters application.

Drawings and document list for Condition 2

PL-01	Location Plan
PL-03 Rev H	Planning Layout
PL-07-01 Rev D	Proposed Underbuild Sheet 1
PL-07-02 Rev F	Proposed Underbuild Sheet 2
PL-07-03 Rev F	Proposed Underbuild Sheet 3
PL-06 Rev. B	Proposed Finished Floor Levels Plan
HT-3B-02	House Type Planning Drawings
HT-3B-03	House Type Planning Drawings
HT-3B-04	House Type Planning Drawings
HT-3B-05	House Type Planning Drawings
HT-3B-06	House Type Planning Drawings
HT-3B-07 Rev A	House Type Planning Drawings
HT-3B-08 Rev B	House Type Planning Drawings
HT-04-01	House Type Planning Drawings
HT-04-02	House Type Planning Drawings
HT-04-03	House Type Planning Drawings
APT-01 Rev D	Affordable Apartment 01 Planning Drawings
APT-02 Rev A	Affordable Apartment 02 Planning Drawings
HT-1B-01+3b-01	Affordable Housetype Planning Drawings
HT-2B-01 Rev C	Affordable Housetype Planning Drawings
HT-2B-02 Rev A	Affordable Housetype Planning Drawings
HT-3B-01 Rev B	Affordable Housetype Planning Drawings
GAR-01 G	Garage Planning Drawings
STORE-01	Refuse/Recycling and Cycle Store Drawings
E-01 Rev C	Section through 47 Green Park Way
SE-03	Section through Plots 44-46
SE-04 Rev A	Section through APT-01
SE-05 Rev A	Design Iterations
SE-06 Rev A	Site sections through Plots 48-51

Design and Access Statement

Landscape drawings:

28809_BRL-PL001 Rev J - Hard & Soft Landscape Location Plan
28809_BRL-PL002 Rev J - Hard & Soft Landscape Plan, Sheet 1
28809_BRL-PL003 Rev J - Hard & Soft Landscape Plan, Sheet 2
28809_BRL-PL004 Rev J - Hard & Soft Landscape Plan, Sheet 3
28809_BRL-PL200 Rev J - Planting Location Plan
28809_BRL-PL201 Rev J - Planting Plan, Sheet 1
28809_BRL-PL202 Rev J - Planting Plan, Sheet 2
28809_BRL-PL203 Rev J - Planting Plan, Sheet 3

Drainage Documents:

Drainage and Road Strategy Report Version C2 dated 27.02.2019
Drainage Maintenance Plan Version C4 dated 28.08.19
18026/200 Rev I - Drainage Strategy Sheet 1
18026/201 Rev I - Drainage Strategy Sheet 2
18026/202 Rev E - Drainage Strategy Sheet 3
18026 Rev C2 – Drainage Maintenance Plan dated 12th August 2019
Soakaway Calculations H1 Rev C
Letter Report on Soakaway testing by Integrale dated 9/09/19

Engineering Drawings:

18026/100 Rev B – Highway Layout Sheet 1 of 2
18026/101 Rev B – Highway Layout Sheet 2 of 2
18026/102 Rev B – Road Details
18026/103 Rev B – Road Longitudinal Sections Sheet 1 of 2 – no rev B
18026/104 Rev B – Road Longitudinal Sections Sheet 1 of 2
18026/105 Rev B – Site Cross Sections Sheet 1 of 6
18026/106 Rev B – Site Cross Sections Sheet 2 of 6
18026/107 Rev B – Site Cross Sections Sheet 3 of 6
18026/108 Rev B – Site Cross Sections Sheet 4 of 6
18026/109 Rev B – Site Cross Sections Sheet 5 of 6

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Stokenham **Ward:** Stokenham

Application No: 3193/18/ARM

Agent/Applicant:

Miss Robyn Nicholl - Barton Willmore
101 Victoria Street
Bristol
BS1 6PU

Applicant:

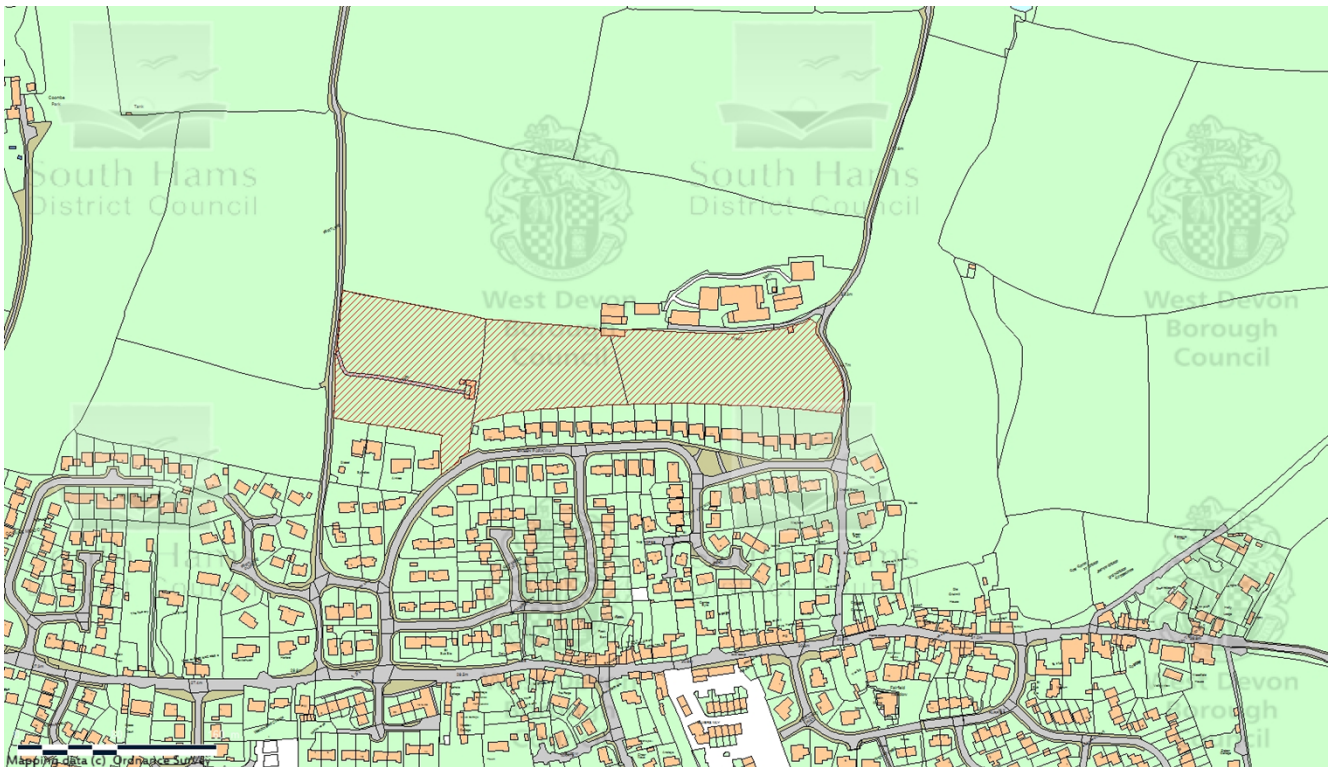
Acorn Property Group
C/O Agent

Site Address: Land to the rear of Green Park Way, Chillington, TQ7 2HY

Development: Reserved Matters application for the development of 63 no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA

Reason item is being put before Committee: At the request of the Ward Member for the follows reasons:

- Pedestrian access
- Drainage and drainage maintenance
- Overlooking from Plots 47 and 48



Recommendation: Conditional Approval

Conditions

1. RM time for commencement
2. Accords with plans
3. Secure delivery and maintenance of planting
4. Details of thresholds where steps to dwellings are proposed to be agreed
5. Details of electricity sub-station to be agreed and landscaping around sub-station to be agreed
6. Plots 2 and 3 no door access onto rear flat roof projection and flat roof not be used as a balcony/terrace/amenity area
7. Colours of materials to be used in external hardsurfaces to be agreed
8. Details of boundary treatments and retaining walls to be agreed and implemented
9. External levels, including levels of gardens and public open space to be agreed
10. No raised decks or terraces to be provided/construction unless otherwise agreed by LPA
11. Details of hedge and tree planting along the southern site boundary to be agreed in writing by LPA and provided and maintained
12. Materials to be agreed
13. Roof to be clad in natural slates nailed and not hooked.

Key issues for consideration:

Whether the details of external appearance, scale, landscaping and layout provide a high quality design and layout that sits comfortably in the wider landscape as well as within the general character of the area; impact on the amenity of existing neighbours, quality of the environment for future residents.

Financial Implications (Potential New Homes Bonus for major applications):

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross. The Kingsbridge Estuary is also nearby.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. The road is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south of the road.

Chillington has a small village shop and post office, a doctor's surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The application site is situated on the northern edge of Chillington. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary.

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way, and are currently used for keeping horses. The site's boundaries are formed by a mix of trees and hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site, some of these trees are covered by a TPO.

The site is sloping, rising from south to north. To the north east of the site is a group of commercial buildings. There is one existing building within the site which will be demolished.

The Proposal:

Outline planning has been granted on this site for up to 65 dwellings with details of vehicular access agreed. The site is allocated for up to 65 dwellings in the Plymouth and South west Devon Joint Local Plan (JLP).

The application seeks to agree the reserved matters of layout, scale, external appearance and landscaping of this outline consent. 35% affordable housing and 10 age restricted retirement homes are included as agreed at the outline stage.

The proposed layout is linear in nature and this is led by the elongated shape of the site and the contours of the land. A single vehicular access from Green Park Way leads northwards into the site and then heads east and west. The main road through the site will be built to adoptable standard with a footpath on one side of the road, shared surface access roads serve smaller segments of the cul de sac.

A pedestrian link from the north east corner of the site is proposed onto Coleridge Lane.

The layout retains most of the existing field hedgerow boundaries and retains protected trees that are within the site. Supplementary landscaping is proposed to soften the site boundaries, to provide screening to the south and to create a green, pleasant environment within the site. Informal areas of public open space are provided within the site,

The scheme includes a mixture of detached, semi-detached and terraced homes and includes two x small, 2 storey apartment buildings. 1.5 storey buildings are included within the north and western part of the site and within the south east corner, although these SW units are on raised ground. A number of the house types are split level to address the slope of the site.

Dwellings on the southern boundary have been designed with dropped eaves and limited window openings to minimise overlooking and dominance, Slate hanging has been used in the upper elevations in some buildings to drop the perceived height of buildings. Buildings on the southern boundary are mainly 1.5 storey.

Architectural styles vary within the scheme but follow a coherent theme, the design is contemporary but reflects the vernacular in terms of roof slope, materials and scale. The materials include natural slate and render as the dominant materials with some buff brick and timber proposed.

The development seeks to address sustainability through a fabric first approach to building design through the use of triple glazing in some homes and low u-value building materials. Ventilation will use 'whole house' mechanical ventilation with heat recovery units – this saves energy by using waste heat from extracted air to preheat the fresh intake air.

In addition the majority of houses have a southern orientation to maximise passive solar gain.

Low water usage fittings will be installed to minimise water consumption

All the 2 bed + homes have a minimum of two off street parking spaces allocated, the one bed units have one allocated space. Of these allocated spaces approx. 50% rely on tandem parking provision. There are however an additional 21 unallocated (visitor) parking spaces within the vicinity of the homes that mainly rely on tandem parking.

The housing mix is as follows:

Affordable

- 6 x 1 bed apartments (50 – 67 sq m)
- 2 x 2 bed apartments (64 – 81 sq m)
- 9 x 2 bed dwellings (79 sq m)
- 5 x 3 bed dwellings (93 sq m)

Market

- 29 x 3 bed dwellings (114 – 136 sq m)
- 12 x 4 bed dwellings (139 – 160 sq m)

The application includes a proposed drainage strategy which has been discussed in detail with DCC Flood Risk team, however drainage was conditioned at outline stage as a pre-commencement condition and does not have to be agreed at reserved matters stage.

Consultations:

- County Highways Authority: Object – Adequate information has not been submitted to satisfy the Highway Authority that surface water is being adequately managed.
- RSPB: Recommends increase in financial contribution from £2,581 to £74, 193 to reflect the current minimum area of habitat and cost. Recommend features to provide opportunities for biodiversity including integral nest sites at a ratio of one per dwelling and permeable garden boundaries including a minimum of one 'hedgehog hole' in each garden fence.
- SHDC Trees: No objection subject to mitigation planting
- AONB: No comment received
- SHDC Landscape: No objections subject to conditions to secure delivery and maintenance of planting
- SHDC Affordable Housing: Support. The tenure mix of 50% affordable rent and 50% shared ownership complies with the Section 106 Agreement. The housing mix supports an identified housing need. We would expect to see some provision for visitor parking and cycle storage
- Police AOL: Drainage areas to the south should be inaccessible to avoid antisocial behaviour/crime. Pedestrian link needs care in design to be safe – should be straight and lit and well overlooked, insufficient usable parking spaces which can lead to social conflict. Rear garden gates should be 1.8m and robust and lockable from both sides. Needs more information about 2nd pedestrian link
Inadequate parking provision 3/12/18
- DCC Flood Risk: Additional information required.
- SWW: No objection to surface water being managed by soakaways. Public water main running through the site requires a 3m easement and cannot be included in private areas
- Town/Parish Council

Objection. Parish Council remained concerned on a number of issues that included drainage, overlooking and loss of privacy, light pollution and the reduction in screening from 6m to 2m along with the need to minimise nuisance to neighbours and the wider community during construction.

Parish Council endorsed concerns raised by Devon County flood management team in their letter of objection dated 8th January and looked forward to satisfactory resolution. It was noted that the Highways Authority had also objected and although the stated grounds for objection related to the insufficient detailed plans for pedestrian access at the northeast of the site they also raised concern regarding the effectiveness of the drainage strategy making reference to securing a bond through the APC process which would allow for the Option B drainage strategy to be implemented. Parish Council would be grateful for further information on the Option B and Bond.

There appeared no clarity on provision of a public footpath, as requested for pedestrian access, as it appeared to go in and out of plans. Therefore parish council would request that such provision be conditioned to be constructed within any planning approval.

With regard to overlooking and loss of privacy it was noted that with regard to AONB objections the ridge heights were restricted to 8.5m but maximums were currently 8.9m. Limiting of heights on boundaries and set back distances had therefore not been complied with as ridge heights on Plots 1, 2 and 3 were 1.67 above OPA. It was also a concern that screening had reduced from 6m to 2m.

Parish Council received a sketch plan, from a resident, showing the effect of the elevated platform and noted the applicant's plans continued to misrepresent the location of 47 Green Park Way's living room extension and the large screening tree that no longer existed. Parish Council had requested plots 46 and 47 be deleted from this scheme and were grateful that plot 46 was removed, but the effect remained.

Parish Council requested that the Planning Authority condition and enforce the reasonable construction management requests made previously by them and endorsed the sensible suggestions made by Mr Harlington on behalf of the Green Park Way Association.

It was advised by a resident that the watercourse designation was being referred to as 'land drainage' which was of concern and needed to be rectified as this was notably a historic watercourse that had fed the village.

Further information was required on what proposals there were for lighting which should be conditioned to be low lit with glimmer/guard screening.

Regarding water runoff it was felt that trying to hold water up a hill and then force it elsewhere by pumping and not utilising gravity would undoubtedly go wrong and any loose gravel on roads could go towards blocking any attenuation/drainage. As this was a more complicated drainage system precise clarification was required to be set out within any planning condition as to how it would be maintained in future, who was responsible and how it would be backed up.

Representations:

Approximately 85 letters of objection (a number of residents have written more than once) have been received raising issues that include the following:

- Residents group want involvement in and strict adherence to a Construction Management Plan including a direct point of contact with a senior person representing the developer. They would also like:
 - Programme of work, road closures and power/water outages
 - Hours of work to be agreed
 - Delivery routes to be agreed
 - Sheet/mesh screening to be added to scaffolding on the south site boundary to provide privacy
 - Lighting control
 - Noise mitigation measures
 - Control of contractor and staff parking

- Road cleaning/wheel washing
 - Consultation over type of planting adjacent to existing properties
 - Control of construction material storage etc.
 - Insurance over damage to private property
 - Survey of road and services on Green park Way before work starts
- Spring on site needs to be accounted for in drainage scheme
- Soakaways too close to existing homes on Green Park Way
- Who will manage and maintain soakaway?
- Swales near southern boundary could cause flooding
- Who will sweep the roads and driveways to control silt as set out in management plan?
- Trees shown to be planted on soakaways – will this work?
- Overlooking from plots 18, 19 and 20 to existing neighbours to No 17 GPW
- Significant overlooking - including from plots 43, 46-47 and 44-45
- Criminal activity possible behind plots 14, 17, 18 and 22
- Reference is made to gas fired boilers – where is the gas coming from – tanks? If so where will they be sited?
- Where will lighting be sited?
- Do not want responsibility of maintaining new rear boundary hedges
- Overbearing impacts on existing neighbours
- Adverse landscape impact
- Adverse impact on the AONB
- Inadequate infrastructure such as school places and doctors
- Why is drainage tank under plots 44-46 not buried like others?
- Why are tallest houses sat on this raised platform?
- Cross sections to show impact of plots 46 and 47 have not been provided as requested
- Pump station could be noisy, will it vibrate? How will it be maintained?
- Pump station is an impractical solution – what if it fails?
- Already suffer flooding – this will make risk greater
- Pedestrian safety concern if pedestrian access is provided onto Coleridge lane
- Drainage scheme is inadequate and flooding will occur
- Houses are taller than agreed at outline stage
- Landscape buffer on southern boundary shown at outline stage has been lost
- Possible impact on village water supply
- Homes do not meet local housing need
- Parts of the site are being built up rather than dug into the slope – making neighbour impact worse
- Increase in noise and smells
- Who will maintain landscaping
- Landscaping will take time to grow and be effective
- Inadequate parking for plots 44-51 and 63-64
- Access location will shine lights into house opposite – should be re-angled to avoid this
- Underbuild is being used to raise heights of dwellings
- Suburban layout is out of character with the area
- Risk of landslips
- Noise pollution
- Object to siting of large drainage tanks close to boundary with Green Park Way
- Plans on web site do not provide enough information
- Plans are wrongly labelled
- Why has 6m deep landscape corridor on southern boundary been removed?
- Will overlook private swimming pool at No 43 GPW
- Object to loss of 5 Elm trees
- Shared space roads are no longer supported by DOT
- Noise and disturbance during construction
- Unadopted roads will fall into disrepair

- Inadequate parking provision
- Roads are too narrow
- Claim riparian right to uninterrupted flow of water – proposal includes re-directing a stream
- Additional tree planting required to screen neighbours
- Ridge heights now 2m higher than illustrated at outline stage – will be equivalent to a 4 storey building viewed from GPW gardens
- Light pollution from large windows
- High density development
- Development too large for the village
- Request traffic order to restrict commercial traffic movements into Cotmore Way outside of set hours
- Affordable homes and retirements homes cannot afford to maintain unadopted roads
- Unsustainable development

Relevant Planning History

0771/16/OPA – outline planning application for planning permission to erect up to 65 dwellings, landscaping and associated works at land at SX 791 430, to rear of Green Park Way, Chillington, Devon

ANALYSIS

Principle of Development/Sustainability:

The principal of development has been agreed in the grant of the outline planning permission. This reserved matters application seeks to agree matters of layout, scale, external appearance and landscaping

Landscape impact:

The site is on land rising northwards beyond the northern built up boundary of Chillington. It is not within a designated landscape but is within the setting of the South Devon AONB which lies south of the A379. At outline stage careful consideration was given to the potential landscape impacts of this development and it was identified that the western part of the site was most sensitive where building heights should be limited to 1.5 and where a strong landscape buffer would be required on the northern boundary to improve the landscape setting of the village.

Policy DEV25 of the JLP states that:

The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings.

The landscape impact of the proposed development has been considered by the Council's landscape specialist who has commented as follows:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;*

- *The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes*
- *Joint Local Plan - DEV23 Landscape Character and DEV25 Nationally protected landscapes*

Landscape comments

The current revisions (Hard and Soft landscape plans and planting plans Rev G; dated 25.04.2019) and submissions relating to landscape planting and mitigation are noted. This followed substantive discussions over initial concerns relating to impacts arising from the submitted layout, and the approach to mitigation and planting throughout the site.

The sensitivity of the site, accepting its location outside of the South Devon AONB but within the setting were noted in the outline stage and have sought to guide and influence the initial approach for a landscape led development; this has proved challenging.

Discussions over the life of the application have led to some improvement in layout including setting into the ground and slightly orientating the dwellings located on the upper slopes, reducing the numbers of dwellings in the eastern corner, and more recently the addition of planting around the perimeters of the site to achieve higher standards of planting to mitigate the quantum of units. There remains some disappointment at the overall densities of the build which, if reduced, would have allowed for greater spacing between dwellings; and therefore providing an opportunity for additional planting within setting of individual buildings and garden spaces, and achieving a lower density transition of the village edge with the rural setting.

However, there has been a consistent approach to ensuring that impacts resulting from the proposed development do not adversely harm the setting of the AONB, and the wider landscape character, returning to the LVIA and reviewing of the more sensitive viewpoints. This has seen an overall improved northern edge to Chillington, and with the combination of existing hedgebanks and trees that extend south, down through the site, achieving reasonable screening and division of the development, and with the additional new planting around the periphery, the overall development is now broadly acceptable in landscape terms. On this basis, the development proposal accords with JLP policies which seek to conserve and enhance the landscape character and visual amenity.

Recommendation

No objection subject to conditions

Suggested Conditions

Secure submitted landscape planting schemes and longer term establishment.

The proposed development is considered acceptable in terms of its wider landscape impact and impact on the setting of the AONB

Design and landscaping:

Policies DEV10 (Delivering high quality housing) and DEV20 (Place shaping and the quality of the built environment) of the JLP give guidance on the standards new housing development should achieve.

The supporting Design and Impact Statement demonstrates a considered approach to the design and layout of the proposed development that reflects and addresses the site topography and local context.

The scale and massing broadly follows the parameters advised at the outline stage, concentrating 1.5 storey dwellings on the north and west parts of the site. It is noted that within the south eastern parts of the site the ground is made up where it drops more steeply to sit buildings level with the new road;

this does make them more elevated by 2 – 2.6m. Being in the lower corner of the site however the landscape impact of this is considered to be acceptable.

The linear layout is dictated by the shape and topography of the site, efforts have been made to make the layout more organic than originally proposed at pre-application stage to help the scheme sit more comfortably in the landscape.

Provision of informal open green space and retention of exiting landscape features within the site helps to break up the massing of the development and introduce a feeling of space and greenness within the development. Many of the dwellings have front gardens which further softens the scheme. The use of a varied palette of hard surfacing materials will also add visual interest.

A variety of contemporary house types are proposed that are a successful blend of modern and vernacular. The dwellings mostly maintain traditional pitched natural slate roofs but incorporate modern box style dormers and glazing styles. Materials mostly reflect the vernacular including coloured render and natural slate hanging but also propose some buff brick and timber cladding. The use of timber cladding is minimal and used mostly to articulate smaller architectural features within the scheme and is considered acceptable. The use of buff brick however does not reflect the vernacular and officers recommend that the applicant give further consideration to the use of this material, natural stone being an appropriate alternative. The details of materials can be dealt with by condition.

For the most part appropriate boundary treatments are proposed but in some parts there are close board timber fences addressing the public realm; this is discouraged as fencing deteriorates over time and presents a 'backland' feel; officers consider that adjacent to the public realm hard boundaries should be either natural stone walls or painted render. This detail can be dealt with by planning condition.

Subject to the above, the general layout, design and orientation of the dwellings is appropriate for the site and will create an interesting and pleasant living environment that will complement the character of the area.

Neighbour Amenity:

Concern has been raised by a number of residents of the adjoining houses in Green Park Way with regard to the development being overbearing and causing loss of privacy. The building up of land in areas such as plots 48 – 51 has been questioned where the land is built up by as much as 2.6m

Since submission the scheme has been amended and plot 47 (previously adjoining the southern side of plot 46) has been omitted and a hip added to the southern roof slope of plot 46. This has been done to reduce the overbearing impact on the neighbour below.

The properties on the north side of Green Park Way have until now enjoyed privacy in their gardens and rear aspects; to varying degrees their rear gardens are more or less secluded from the development site; some have existing vegetation which will help to screen, others have open boundaries to the development. Some loss of privacy is an inevitable consequence of large scale development such as this however efforts have been made to minimise this and keep it to acceptable levels.

The most sensitive part of the site is the southern eastern boundary. The distance between the rear facing elevations of the proposed and existing dwellings is an average 30m, this meets the industry standard of 30m (taking into account the change in levels). The eaves are lowered on these dwellings at the rear to minimise the perceived massing and window sizes are kept to a minimum.

The outline illustrative plan showed a dense band of tree planting along this southern boundary, the planting indicated as part of this application is less substantial, it shows a new hedgerow planted to the south with some tree planting. Officers consider additional tree planting could be provided along this boundary for screening purposes and it is proposed that this is dealt with by planning condition.

The applicant has stated that the raised ground level of plots units 46, 50, 51, and 29-37 are necessary to achieve an acceptable gradient of the road and to provide level access into the properties to comply with Part M of the Building Regulations. Having regard to the distance from neighbours the relationship is not considered to be unduly overbearing.

Concerns have been raised about the full height first floor windows in plots 18, 19 and 20 and the potential to overlook properties in Green Park Way. These elevations are 38m from the nearest existing neighbour which is considered to be an adequate separation distance.

Plots 1 -5 have single storey flat roof projections at the rear with full height windows at first floor. Conversion of these flat roofs to terraces would be likely to cause significant overlooking issues therefore it is proposed to apply a condition such that planning permission would be needed to use the roofs as exterior amenity space.

On balance the impact on residential amenity is considered to be acceptable and to accord with policy DEV1 of the JLP.

Highways/Access/Parking:

On the west side of the site adequate and convenient on plot parking is provided, with a minimum of 2 side by side parking spaces per plot plus garages. On the central and eastern side the development is denser however and there is reliance on tandem parking. This has been addressed by the developer with the introduction of 21 visitor spaces within this area; this should result in an acceptable level of parking provision and limited pressure for unplanned on street parking. Where there are continuous rows of parking such as in front of units 32-37 the pairs of spaces have separation gaps to allow adequate space to allow easy access into and out of parked cars.

A pedestrian access point is proposed onto Coleridge Lane in the north east corner of the site. This route meets the road directly opposite a rural public right of way (PROW) so allowing easy connection into recreational walking routes. The path will also allow greater permeability and inter-connectivity with the village.

Objections have been raised on the basis that there are no footways on Coleridge Lane and it is dangerous with heavy goods vehicles accessing the industrial site to the north.

There is a safe pedestrian route into Green Park Way with footpaths available to all residents. The Highway Authority have raised no objection to this access onto Coleridge Lane on safety grounds and there are benefits to providing this connectivity to the PROW

Matters relating to highways, access and parking are considered to be acceptable.

Drainage:

This application includes a surface water management strategy. At outline stage drainage was a strong matter of contention with local residents very concerned about flood risk having regard to existing flood problems in the village and flooding that already occurs from time to time from the site, caused in part by a layer of impermeable clay close to the surface.

The outline application was granted subject to conditions requiring that prior to the commencement of development a detailed scheme of surface water management be agreed, informed by percolation testing.

A scheme has been submitted and at the request of DCC Leal Local Flood Authority (LLFA) further work and amendments undertaken. A scheme is now agreed in principal subject to further percolation testing within a recently dug bore hole.

Detailed drainage does not have to be agreed at this stage however as it a pre-commencement condition not a reserved matter. The applicant acknowledges that if the drainage scheme has to be revised in a way which impacts on layout that a revised reserved matters application would need to be submitted.

Planning Balance

The proposed development will deliver a high quality scheme which respects its rural setting and sensitive landscape location. The impact on neighbours has been mitigated as far as is reasonably possible and the impacts are acceptable and accord with Policy DEV1 of the JLP.

The proposed reserved matters of layout, external appearance, scale and landscaping are acceptable and as such it is recommended that conditional reserved matters approval be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan – no plan covering this area

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions in full

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission 0771/16/OPA; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers xxxx

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Details of the timing/phasing for the implementation of the soft landscaping and its long term maintenance shall be included in the Landscape and Ecological Management Plan required by condition 5 of outline planning permission 0771/16/OPA to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and residential amenity

4. Prior to development continuing above slab level on any dwelling hereby approved that will not have a level threshold to a principal door fronting the highway, details of the door threshold including details of steps, ramps and any walls or balustrading shall have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

5. Prior to its installation/construction details of the electricity sub-station including landscaping around it shall have previously been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

6. The roofs of the single storey rear (south) building projections on plots 1, 2 and 3 shall not be used as external amenity or sitting out areas at any time.

Reason: To protect the amenity of adjoining residents.

7. Prior to their installation details including samples and colours of materials to be used in external hardsurfaces within the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity

8. Notwithstanding any details submitted as part of this application, prior to their installation details of all boundary treatments and retaining walls or structures shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures for biodiversity enhancement such as the provision of hedgehog holes in fencing. Development shall take place in accordance with the approved details and shall be retained as such.

Reason: In the interest of visual and neighbour amenity and biodiversity.

9. Prior to development continuing above slab level on any plot details of external levels within the site as a whole, including levels of gardens and areas of public open space shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity

10. Notwithstanding the provisions of the Town and Country Planning (England) General Permitted Development Order, 2015, (and any Order revoking and re-enacting this Order), unless previously agreed pursuant to condition 9 above, no raised decks or terraces above 300mm above existing ground levels (measured at any point) shall be provided/constructed within the gardens of any dwelling hereby approved without the express consent in writing of the Local Planning Authority

Reason: In the interests of residential amenity

11. Notwithstanding the details submitted and approved as part of this application, within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented and maintained in accordance with a timetable and maintenance schedule to be agreed in writing with the LPA as part of these detailed landscape proposals. No dwelling shall be occupied until these landscaping details have been agreed in writing by the Local Planning Authority and the planting and maintenance shall then take place in accordance with the approved details.

Reason: In the interest of visual and neighbour amenity

12. Notwithstanding any details submitted as part of this application, prior to their installation details and samples of all external building materials, including roofing materials, elevational treatments, door and window details and rainwater goods shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

Reason: In the interest of visual amenity

13. Roofs shall be clad in natural slates which shall be fixed in the traditional manner using nails and not hooks.

Reason: In the interest of visual amenity

14. Prior to the continuation of development above slab level on any plot full details of the pedestrian access onto Coleridge Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of amenity and highway safety

PLANNING APPLICATION REPORT

Case Officer: Kate Cantwell
Dart

Parish: Kingswear **Ward:** Dartmouth and East Dart

Application No: 0842/17/FUL

Agent/Applicant:

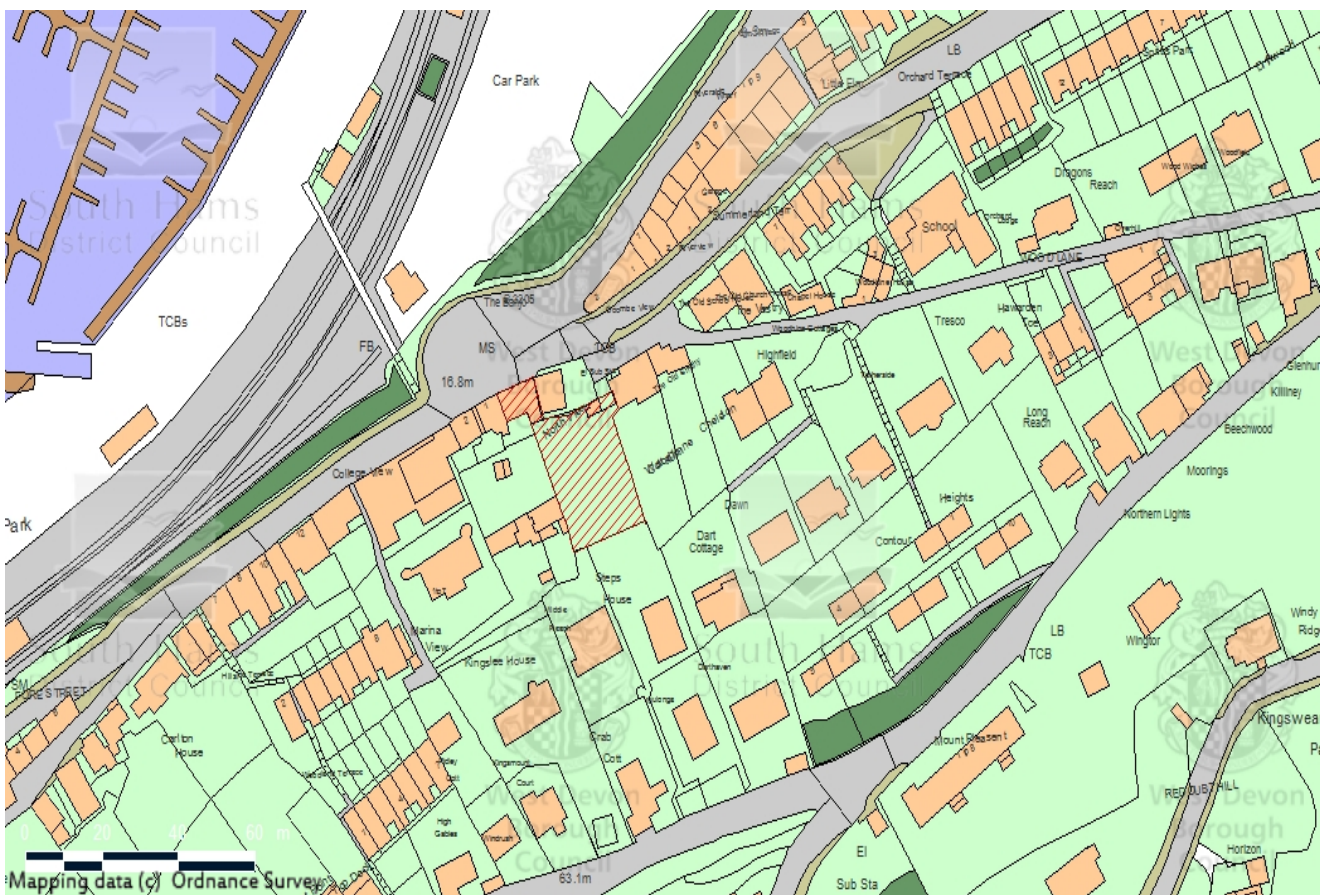
Mr Adam Bennis
BBH Chartered Architects Ltd
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr & Mrs S Merotra
Ashleigh House
Fore Street
Kingswear
TQ6 0AD

Site Address: Ashleigh House, Fore Street, Kingswear, TQ6 0AD

Development: READVERTISEMENT (Revised Plans and Application Form)
Construction of new build dwelling with associated landscaping within the curtilage of a grade II listed building



Reason for taking to committee: Cllr Hawkins requested this was brought to committee based on concerns regarding size, un-neighbourliness, overlooking and highways.

Recommendation: Conditional Approval

Conditions

1. Standard commencement
2. Accordance with plans
3. Details of external materials
4. Details of building details (rain water goods, etc.)
5. Area above terrace doors shall not be glass
6. Balcony screen to be solid or opaque
7. Construction Management Plan – prior to commencement agreed by applicant 18/6/2019
8. Provision of parking and turning areas
9. Unsuspected contamination
10. Surface water drainage details
11. Adherence to ecology report recommendations
12. Garden to serve Ashleigh House
13. Adherence to low carbon measures and noise limit on air source heat pump
14. Adherence to MCS for air source heat pump
15. Piling – notification to residents

Key issues for consideration: Scale, amenity and relationship to surrounding buildings, access and parking, impact on heritage, drainage, construction impacts, land stability, design and landscape impacts.

Site Description:

The site lies in the heart of the village of Kingswear on the east side of the river Dart estuary. The site is located off Fore Street, Kingswear, to the rear of the existing buildings fronting the road. Fore Street, the row of houses to the front of the site, including the existing dwelling Ashleigh House, and a portion of land at the front of the site is within the Conservation Area. Ashleigh House is a grade II listed building.

The site is a steeply sloping rectangular garden plot of approx. 0.1ha. The garden has a number of terraces connected by flights of steps with sloping flower / shrub beds between levels, including an area of decking at the top / south end with an area of lawn below. At the bottom / north end of the site, the garden ends in a near vertical drop of bedrock.

The site is approximately 700m² including the existing dwelling and slopes downwards towards Fore Street from the south to the north.

The Proposal:

It is proposed to build a detached 3-bedroomed property on the site towards the top of the garden, with a separate garage and car parking area at the bottom / north end of the site.

The proposed house has three storeys. The ground floor comprising a large boot room, outside store and utility room and stairs to access the first floor and main living areas. First floor comprising 3 double bedrooms including the master with en-suite and there is an additional separate bathroom. The second floor comprising a large kitchen, dining and living room area, which open onto the covered terrace/balcony which provides an outdoor eating with sea views. In addition to a larder, W.C. and study area there is another large living room with Juliet balcony on the second floor also.

The proposed house has a ground floor internal area of 21m², the first floor has 86m² and the second floor has 105m² - totalling 212m².

Proposed materials: external walls of the ground floor to be finished in a natural stone and have modest openings for access and windows; first and second floor walls to be finished in a painted render with larger windows to serve the main living spaces and take advantage of the views; the roof to be natural slate; doors to be a timber hardwood and powder coated aluminium; windows and roof lights to be powder coated aluminium; balustrading to be glass with a top bar and no frame, and; the external floor finishes to be a natural stone paving.

Consultations:

Landscape Specialist

No objection based on the revised plan which take into account earlier comments.

Drainage Specialist

Objection received dated 15th March 2019 was withdrawn when the LPAs Drainage Specialist's attention was drawn to information relating to the drainage proposal in the application documents. Condition recommended relating to surface water based on the in principle scheme shown in submitted documents.

Devon County Council - Highways Authority

24 May 2019

I have now had sight of the Transport Advisory Note and can see the proposals would be acceptable. The Highway Authority has no objections.

28 August 2018

The proposal again includes a single dwelling to the rear of the property North View. It is noted the parking area proposed to serve the existing dwelling and new dwelling has been revised again. It is noted the neighbouring parking space for Wood Lane Cottage is excluded from the planning red line and three internal spaces are now shown for the two dwellings. It is the view of the Highway Authority the spaces as shown on drawing 3489 03 Rev K are unworkable. The parking spaces are 4.5m in length and there is a 3m manoeuvring area behind the parking spaces, which is too tight. The proposals will therefore likely generate additional parking demand on the public highway where there is no spare capacity. The nearest parking available on the public highway, which is unrestricted is located on Higher

Contour Road. Higher Contour Road already attracts regular complaints to the Highway Authority due to the fact there is insufficient capacity for parking and there have been requests to extend the residents parking zone further to incorporate this road. Also Wood Lane that leads to Higher Contour Road is not ideal to walk up as it is steep, narrow and bounded by private property with limited passing places. It is noted some of the objections to the application also are concerned about the possibility that drivers will contravene the 'no entry'. The Highway Authority cannot recommend refuse a planning application because drivers are likely to contravene a traffic order, since that is an enforcement issue. There are however no injury accidents reported to the Police in the last 3 years on Wood Lane and for a single dwelling the Highway Authority is concerned it would not be able to substantiate a road safety argument at appeal. Furthermore, parking on the public highway is a privilege not a right under highway statute and over subscription of parking on the highway is not necessarily going to generate a road safety issue. To assume it would be speculation and the Highway Authority is concerned at appeal speculation would fall down as a reason to refuse for refusal.

In conclusion, whilst the site appears to be overdeveloped the Highway Authority is unable to substantiate a reason for refusal on highway safety grounds.

Environmental Health Section

Initial objection due to absence of a contamination Assessment was removed following submission of Phase 1 Preliminary Geotechnical and Contamination Assessment Report by Ruddleston Geotechnical. Based on this contaminated land assessment, a condition was recommended.

Kingswear Parish Council

27th March 2019

Object:

- The construction and excavation works will have serious implications for the stability and structure of the surrounding area.
- The property is too large and represents over-development.
- The structure and design is not in keeping with the Conservation area and it will not be of any value in terms of enhancement to the Area of Natural Beauty (AONB).
- It is out of proportion in terms of its description as a 3 bed property.
- The access is from a narrow road and this will be dangerous to other road users and pedestrians
- The construction vehicles would cause serious congestion and create further parking problems in this area.
- There is known to be many species of wildlife within the grounds of the property and neighbouring properties that will be disturbed and will result in a loss of habitat.
- The development will create noise and air pollution from the ground works and this will have a detrimental effect on the neighbour's health and well being.
- There are potential emissions of radon gas that will affect this property and the neighbouring properties.

Biodiversity Specialist

Given the nature of the site and results of the site survey I am happy that we rely on the submitted survey report from Butler Ecology from May 2016 and that the recommendations would remain valid and necessary. If minded to approve please condition adherence to section 7 of the report.

Representations:

Representations from Residents

33 letters of objection have been received over the course of the application (and accounting for the re-consultation). Those comments cover the following points:

- Development is out of scale, overshadowing the neighbouring Grade II listed Ashleigh House
- Loss of Ashleigh House's private garden
- Loss of privacy to neighbouring properties
- Loss of natural light to neighbouring properties
- Located in the AONB
- Located in the Conservation Area and will unbalance setting of historic buildings, harmful to character the area
- The proposal is overdevelopment of the site
- Will rely on access via Wood Lane which, at 1.7m wide, cars and vans regularly get jammed on my wall. It is near a busy primary school and the lane is not fit to take

more traffic. Additional traffic on the highway will mean more blockages both during the build and day-to-day use.

- Day-to-day deliveries to the proposed build will cause additional delivery vans to use Wood Lane. They often ignore the signage, following poor sat nav instructions and get stuck on the wall at my house and have been known to damage listed properties. This blocks the road, access for which is essential for elderly residents who rely on access to get to appointments and hospital.
- The access to build this property requires reversing from Fore Street the wrong way through a one-way entrance. Any attempts to deliver goods and building materials will end up with vans getting stuck.
- The combined sewerage system on Wood Lane (there aren't separate storm sewers) are already at capacity during rain. Additional load from foul and/or storm water will lead to additional flooding on Wood Lane and Fore Street.
- Parking is over-capacity in Kingswear and this property will also be eligible for a parking permit on already over-capacity roads.
- The proposed development is not in keeping with the prevailing style of properties in Kingswear and as such can only make a negative contribution in this regard.
- Construction period will result in noise disturbance, dust and air pollution impacting on amenity and environment.
- Concern about de-stabilisation of the ground and impact on surrounding properties from the groundworks resulting from excavation and building works.
- We reside with our extended family immediately next door that is 2 metres away, from the proposed development. Given the site, it seems deliberately antagonistic to site the proposed building in such close proximity & to place its dominant aspect immediately up against our home. The direct impact of this is as follows:
 - A) bedroom windows are completely obstructed by the proposed building.
 - B) The large new balconies now extend forward of the building line & directly overlook our patio. The main sitting areas are within metres & afford no privacy what so ever for either party.
- The Geotech report of Feb 2016 provided no intrusive investigation & as such is entirely speculative. Given recent experiences in the village it would be grossly negligent to permit such an extensive development so close to older existing buildings based entirely on un- indemnified speculative data.
- Please see my previous comments with the photos attached. For the past 2, 3 years I have commented on this application try to correct the red line. Last year I sent to the Case Officer my Official copy from HM Land Registry title plan number DN326595 and DN686037. Latest plans still show the red line well over my parking. Also I refer to an application with SHDC MRE/30-0129/01 Demolition of store and construction of parking area at Ashleigh House. These plans shows how parking for Ashleigh House was created and the true position of the red line. My parking is to the east of the proposal. Access to the proposal is only 2.1m wide. The red line was put out over the my land to give the impression, wider entrance. 1.0m was taken from the North end of my parking area and green planterbed cut by half! It's limits how close to the wall I can park, I do need access to my back door. Bin men need come there too to collect the rubbish bags and recycling. It's impossible to park car close to the house because of a 25cm high step at the entrance of the parking space. Red line enclose part of my private land and we not formally notified, why Certificate of Ownership shows - owner is unknown?
- Why the triangle hatched area of the public road shown in the red line. I enclose old photos, the correct line of the highway to run across past our house to the original fence. When parking to the rear of Ashleigh House was done in 2011, the developer

damaged part of road and repaired the tarmac along their assumed highway line. Now the applicants refer to tarmac line as it line of Highway! How I can park my car if this triangle behind will added to the applicants? As it stands on the drawings now I wouldn't be able to park my car next to my house, after 28 years use of my parking space I will be need to find parking on the overcrowded village roads. It will be minus one parking place in Kingswear.

- The proposed parking arrangements are totally impractical, will never be able to provide good access for 3 vehicles.
- The Climate Change Act set target in UK of reducing CO₂ emission 80% by 2050 or 34% by 2020. The UK Green Building Council says around 10% of UK CO₂ emissions are from construction. The CO₂ generated through the entire building process excavation, transportation, materials, construction, disposal, maintenance. It estimates that to build average 4 bedroom house generates 150t of CO₂ emission. This proposal shows carbon footprint above the average 250 tonnes, it will emit CO₂ enough to build 5 typical 2 bedrooms houses! Additional huge excavation required to create access and the car park, excavations for house and numerous terraces for the landscape, big quantities of concrete and aluminium. It requires at least 2000 trips of heavy emission 1 tonne dumpers to remove excavated rock and then uploading to bigger trucks. Architect's Journal from 01.2019 urged to reconsider use of concrete after research found that cement responsible for 8% of global CO₂ emissions. Design, Access and Heritage Statement don't show any effort to use less polluting eco-friendly sustainable materials such as timber windows, compressed earth for foundation, lightweight roof tiles, low carbon cement. Proposed wood burner will produce 38% of particle matter air pollution. Will excavated soil and rock be transported and reused for other projects or recycled, if some rock possible to recycle for retaining wall? Site description says - "site consists of series of timber and stone" but project doesn't showing any use of recycling materials. Doesn't show how far will be travel building materials. 20% of the UK CO₂ comes from transportation
- Ecology report more then 3 years old
- The latest tinkering of the plans which were uploaded on 24/5/19 addresses none of the concerns or issues raised previously. Indeed, by moving the chimney stack externally & changing the material, this proposed dwelling is even more overbearing.

NB - Objections were also made regarding impact on property values and concern about radon gas. Neither are material planning matters. Radon gas is a consideration under Building Regulations controls.

Relevant Planning History

30/0571/06/F: FUL Formation of underground Calor Gas storage tank. Conditional approval: 24 Apr 06

30/0873/05/F: Erection of garden shed. Conditional approval: 20 Jun 05

30/0099/92/1: OPA Outline application for erection of two dwellings. Dismissed (Refusal): 23 Nov 92

30/0128/01/LB: LBC Listed Building Consent for demolition of store to allow creation of parking area. Conditional approval: 16 Mar 01

30/0129/01/F: FUL Creation of parking area. Conditional approval: 16 Mar 01

ANALYSIS

Principle of Development/Sustainability:

The JLP has established an approach to prioritising growth through a hierarchy of sustainable settlements in policy TTV1. Each town and village has a role to play within the rural area. The evidence base for the JLP scored Kingswear high within the Sustainable Villages category, and it was only removed, along with all other villages in the South Devon AONB, due to the absence of site-specific landscape sensitivity information.

Kingswear benefits from a good level of local services and facilities, is well connected both digitally and physically to settlements in higher tiers of the settlement hierarchy, and is considered a suitable location to deliver sustainable development subject to a proposal demonstrating that all relevant JLP policies (including AONB and landscape policies) are satisfied. By developing a vacant site within an established village with functional links to Dartmouth (which is a Key Town), the development accords with policy TTV2: Delivering sustainable development in the Thriving Towns and Villages Policy Area, as it reinforces the sustainable settlement hierarchy.

The criteria in policies SPT1 and SPT2 are considered through discussion of material planning considerations in the following sections of this report.

TTV26 does not apply to this site as it is not a countryside location being plainly within the Kingswear settlement. TTV27 is an exceptions site policy, which also does not apply to this site.

The development of a single dwelling squarely within the settlement of Kingswear reinforces the settlement hierarchy because it will accommodate residents who have potential to enhance or maintain the vitality of the village community. While this dwelling is not going to be an affordable home, a truly affordable home on this site would be unlikely to be achievable. The site is restricted to a single dwelling as there is no access or parking for more, and development finance would dictate that a single dwelling in this village with extensive views of the Estuary would need to command a final value to make the project viable after building costs on this site are taken into account.

Analysis extrapolated from ONS 2011 data for the Parish shows that Kingswear has roughly the same proportion 4+ bedroom properties and detached properties that we find across the District, but in Kingswear 4 bedroom properties are currently 28% of the stock, where the Strategic Housing Market Needs Availability Assessment (SHMNAA) seeks 18% to rebalance the housing mix. There is just a 2% difference between the number of detached dwellings in Kingswear and those found across the district, and given the site constraints nothing other than a single detached property would be appropriate for this site. Being a single dwelling, it will not have a significant impact on the existing oversupply of 4+ bed properties in Kingswear.

Taking this into account, the proposed development does not conflict with policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area, because the dwelling is a size, type and tenure is not significantly at odds with that which is needed in the area and the site constraints do not enable a different housing offer (such as 2 smaller units) to be provided on the land. The site characteristics hinder opportunities that might be presented on more easily developable sites to meet specialist housing needs.

Design/Landscape:

The site is steeply sloped and so the proposed dwelling is positioned to the rear of the site which is up-slope. This will enable a cut and fill exercise to manage the height of the building and maintain off-set distances between Steps House to the rear and south of the site and also Waterview House to the front and north of the site.

The design includes garaging near the site access at the lower part of the site which will also be built into the slope of the land and will provide a garden area above (effectively on its roof) to serve Ashleigh House. This addresses some of the neighbour concerns about complete loss of garden space to serve Ashleigh House. It was also specifically in response to advice from the Council's Conservation Specialist who advised that to retain a market value and help secure ongoing occupation and therefore maintenance of Ashleigh House which is listed, retention of a functional garden space was desirable.

The sloped site and position of the house within the site means that retaining structures and steps are required to connect the dwelling with the access and garage. The Council's Landscape Specialist was closely involved in development of the landscape design to secure an approach which would leave room for structural planting in available level areas, and planting within the face of retaining features. This successfully avoids large areas of retaining walls and the Landscape Specialist concludes that proportionate opportunities available within the site constraints for securing enhancements have been taken, with appropriate planting and materials. The Landscape Specialist raised no objection to the proposed development.

Policy DEV23: Landscape Character requires that *“development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.”*

Within the wider landscape context of Kingswear and surrounding countryside the development will continue the horizontal rows of buildings forming tiers on the Kingswear slopes which respects the scenic quality of the settlement and maintains that element of the village's distinctive sense of place. While the development will result in the loss of some green space to accommodate the new building, the Landscape Specialist has agreed the proposed landscaping scheme and the loss will not be significant in these wider views. Amendments to the landscaping plan were made to include retaining wall surface that would allow vertical planting to green the facing walls. The development will not affect the seascape as it will be set back from the water, and given the enclosed nature of the site, more proximate views are limited by intervening buildings and changing levels.

Materials for the building are details on plans as:

- Lower walls – natural stone
- Walls – sand cement render
- Roof – natural slate
- Doors – timber hardwood
- Windows and roof lights – power coated aluminium
- Rain water goods – galvanised metal
- Balustrade – glazed with no posts
- Side boundaries - fences

A planning condition is proposed to secure submission of further details of external materials such as the texture and colour finish of the render, samples of stone, mortar and roof slates

to ensure appropriate materials for the location of the building adjacent to the Conservation Area and listed building and within the AONB.

The design is contemporary but retains some traditional design features which create a visual coherency with the surrounding built form. Materials reflect those used in neighbouring properties with natural slate roofing. The walls will be render finish with a colour and texture to be specified through planning condition to complement the surroundings. Further details will be submitted to satisfy a condition seeking details of the design of rain water goods, doors, window reveals and the eaves. Careful attention to such details as well as materials used in the hard landscaping around the building will be key to integrating the new building into its setting and securing a positive contribution to the village character.

Taking these factors into account, the architectural and landscape design is considered appropriate to its landscape context and, overall, there will be no significant adverse landscape or visual impacts.

The west elevation facing the adjacent property has no windows so there is no overlooking in that respect. The western gable does incorporate a balcony which is 2.5 metres deep on the western boundary. To avoid overlooking to the garden area of adjacent property to the west, a condition requiring that the 1.8m high balustrade shown on the plans is obscure is recommended. It is noted that the neighbouring gardens are steeply sloped and are heavily vegetated and do not offer views of an open lawn area which would be more sensitive to overlooking. For this reason the taller obscure balustrade is considered adequate protection for privacy.

The proposed eastern elevation similarly has no windows, and the eastern gable has only a Juliet balcony facing north, which avoids overlooking to the gardens of properties to the east. The occupants of Wood Lane Cottage to the northeast of the site have objected on the grounds of loss of privacy from the north facing windows of the proposed building, but this was not detected during the site visit.

The rear/southern elevation of the proposed dwelling is single storey above ground level at that point and will not be seen in full elevation from surrounding properties as it is set down slope from the nearest property to the south. That property has a conservatory and balcony area which is raised above ground level and so will not be obscured by the proposed building and light will be retained to its living spaces facing north.

The proposed elevations helpfully show, too, that the roof of the proposed dwelling will be lower than that of the adjacent properties to the west. The proposed roof will be 41.18 AOD and the submitted site survey shows the rear boundary to vary between 38.61 and 39.91 AOD. This means the roof will be a maximum of 2.57 metres above the ground level and approximately therefore less than 1m above the existing site boundary. The distance between the neighbouring property to the south and the proposed building, in combination with the changing levels and the pitched roof which reduces mass, is an acceptable building relationship, particularly in Kingswear where buildings are characteristically positioned in a tiered fashion and fairly close together.

The patio area to the front of the proposed dwelling is split-level and measures 2.4m deep at its widest point, which suggests it will not be used as the main outside living space which instead is the covered terrace at second floor.

Occupants of Waterview House have raised concern that the new dwelling will result in loss of light to the rear/south elevation of their property, in particular light and privacy loss through their second storey living room window. It is a gable fronted dormer window positioned 14m metres from the front of the patio of the proposed dwelling and approximately 8m below the main living spaces on the second floor of the proposed dwelling. There will be a direct line of sight, without intervening structures or mature and tall vegetation, however, the distance between this window and the proposed dwelling creates an angle which will not offer a clear view into the gable window. The size of the gable window on Waterview House means it does not contain a main living space, but rather allows light to reach the room it serves and increases the volume of that room. The occupants activity will necessarily be further within the building itself which also avoids direct observation of activities between the two buildings.

Taking these specific matters into account, and in the context of the built form common in Kingswear which is characterised by closely grouped buildings on steep slopes, leads me to conclude that this is an acceptable building arrangement without significant adverse amenity impacts.

Objections also raised concern that the entire garden amenity space for Ashleigh House will be lost as a result of this application. In fact the area on top of the proposed garage is designed to serve Ashleigh House.

For the reasons set out above, the proposed development accords with JLP policies DEV10: High Quality Housing, DEV3: Amenity and DEV20: Place shaping and quality of the built environment.

Heritage:

The application originally was accompanied by a listed building consent application. A site visit was carried out with the Conservation Specialist who advised that, while the site is in the curtilage of a listed building, there are no curtilage listed structures altered or affected by the proposal so Listed Building Consent is not required. Accordingly, that application was withdrawn.

The Conservation Area crosses only the northernmost tip of the site which is the location of the existing Ashleigh House to which no changes are proposed. The proximity of the development to the Conservation Area does however require assessment. The height of existing surrounding buildings and the slope of the site, limits public views of the site from the Conservation Area and in other near views from outside the Conservation Area. There are also other examples of large modern buildings within and near the Conservation Area such as the building which Kingswear Village Stores occupies (within the Conservation Area) and the row of terraces properties to the east of the site.

In distant views from Dartmouth and the Estuary itself, the site and development will be seen in the context of all the surrounding development with similar proportions and materials.

The Conservation Specialist has been consulted as the design developed to address points raised and no objection was raised to the final design. The amendments included changes to the footprint of the building and changes to fenestration to increase the wall to window ratio and better reflect adjacent building proportions.

JLP policy DEV21: Development affecting the historic environment requires that development proposals need to “sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-

designated heritage assets and their settings, according to their national and local significance.”

Due to the position of Ashleigh House between the site and the Conservation Area and the position of the proposed building lower than existing adjacent properties, the impact on the Conservation Area is negligible as only a small portion of the new building will be visible in some views. The Conservation Officer has raised no objection to the impact on Ashleigh House as a listed building. As such, the significance, character, setting and local distinctiveness of these heritage assets are retained and the tests in part 2 of DEV21 do not need to be applied.

Environmental Health:

The Environmental Health Specialist has reviewed the submitted documents and suggested a planning condition should the application be approved which would come into force if unexpected contamination is found during ground works on site.

The proposed residential use within a settlement and adjacent to other residential uses poses no conflict in terms of environmental impacts once construction is completed. Construction impacts are considered in more detail on other sections of this report.

The submitted plans show an air source heat pump located on the north eastern extent of the northern patio in front of the proposed house. This is a low carbon measure which is proposed in combination with a whole house ventilation system. This and other measures described by the applicant are secured by a condition to ensure they are implemented and the low carbon benefits are realised. The Environmental Health Specialist has suggested a condition to ensure the noise from the pump is limited to 42dB and in all other respects accord with the MCS (Microgeneration Certification Scheme) Planning Standards which are also referred to in Class G.1 of the General Permitted Development Order 2015 which allows for installation of air-source heat pumps on sites which are not within the curtilage of a Listed Building as this one is. In this case the location of the pump surrounded by walls (as shown on the plans and elevations submitted) has no adverse impact on the setting of the Listed Building and so is considered acceptable also in that regard.

Neighbour Amenity:

This has been included in the section on design.

Highways/Access:

The accessed by a series of timber and stone stairs leading upward from Fore Street and the existing parking is limited to a single space to serve Ashleigh House and the adjacent parking space (just outside the red lie boundary) which is used by occupants of Wood Lane Cottage. The proposed scheme creates two additional parking spaces to serve the proposed dwelling (achieved by excavating a section of the ground at the front of the site) and retains the parking space serving Ashleigh House. The new layout also provides a separate bin store area and improved stairway to provide a safer way to access the proposed dwelling and separate steps from the parking area up to the raised garden to serve Ashleigh House.

The applicant is aware of some changes to highways signage which are needed (and were raised in public consultation responses) and advises that permission to change these as necessary will be applied for in due course. This is separate to the planning consenting process.

Many of the objections referred to highways related matters, namely: how traffic related to construction will access to site and where it will park, where deliveries will be made and site compound located; concern that the new dwelling will encourage or result in drivers driving the wrong way up the one way street to access the site; obstruction of adjacent neighbours parking area and access to their property and in particular complaint that the site boundary is not drawn correctly on plans and does not reflect ownership correctly resulting in the absence of proper notification having been made to those neighbours (Wood Lane Cottage).

In response to these points:

- A Construction Management Plan is required by planning condition and should provide sufficient detail to demonstrate how vehicles will be directed to the site, which route they will take, where staff vehicles, delivery vehicles and construction machinery will be parked, materials stored, and any site office/staff welfare facilities located. This will require formal approval by the LPA in consultation with DCC and the Highways Authority before development can commence.
- Normal highways rules will apply and vehicles should not travel the wrong way along a 1 way road. The LPA can reasonably rely on drivers following the Highway Code, and if this is not done it would be a civil legal matter to resolve (beyond any controls agreed through a Construction Management Plan).
- The query/objection relating to the site boundary, specifically the part of the site where it borders Wood Lane Cottage, has been the subject of a number of emails and additional information has been submitted by the occupants/owners of that property to support their position. In response to local objection challenging the ownership of an area of land hatched red on the site plans, the applicant undertook a land registry search and advertised to try and identify the owner. There was no registered owner (Certificate Ref 052/Z63NZLB).

The land registry title documents provided by the applicant (refs DN 369475 and DN 456711) show applicants' ownership of two areas of land (the main part of the site and a narrow section of land near the entrance) which are reflected in the most recent site boundary plans. The applicant acknowledges that Wood Lane Cottage has used the space for years and this is not disputed or prevented by the applicant or application.

There area of land (a narrow sliver) above/south of Wood Lane Cottage parking area adjoins their land and the site boundary was amended by the applicant in response to their comments and to omit the area at the foot of that rock face. This maintains access to their rear garden and bin store area. Any further dispute over ownership of this land should be resolved through civil legal measures. There is no development proposed in that location, and no obstruction to access to the rear of Wood Lane Cottage as a result and so no further planning implications to consider.

Biodiversity:

The site lies within the SAC Sustainance Zone for the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, but is not within any of the designated 500m-wide flight corridor buffer zones.

The application included a wildlife survey dated 20th May 2016. The summary of that report reads:

“A European Protected Species survey of the very steep terraced garden of Ashleigh House was carried out on the morning of 30th November 2015 by Nic Butler (Butler Ecology). No evidence of protected species was found, but potential bird nesting and

slow worm habitat was noted on site. The proposed development (construction of a new detached house and garage in the garden) can be timed and carried out to minimise any risk of disturbance or injury to animals and overall there are no significant wildlife reasons why the planning application should be refused. Recommendations are made for the development to be timed / carried out in such a way to avoid disturbance to nesting birds and / or injury to slow worms.”

- A bat licence under the Conservation (Natural Habitats, &c) (Amendments) 2012 Regulations will not be required for the proposed works.
- No further survey work or mitigation is necessary.
- 2 x Schwegler 1WI Summer and winter Bat Boxes should be built into the west and east elevations

The SHDC Biodiversity Specialist has been consulted and specifically asked if the submitted 2016 Preliminary Ecological Appraisal is still acceptable due to the date on which it was undertaken. The Specialist stated that: “Given the nature of the site and results of the site survey I am happy that we rely on the submitted survey report from Butler Ecology from May 2016 and that the recommendations would remain valid and necessary. If minded to approve please condition adherence to section 7 of the report.”

The proposed bat boxes alongside the proposed landscaping scheme are considered to be adequate biodiversity gain for this site which is already in use as a residential garden.

Taking these matters into account, the proposed development accords with JLP policy DEV26: Protecting and enhancing biodiversity and geological conservation.

Drainage

The site is located in Flood Zone 1 and is not in a Critical Drainage Area. The applicant has provided further details to confirm an ‘in principle’ scheme i.e. attenuated discharge to SWW sewer, can be accommodated on the site and in July 2016 South West Water emailed the agent to advise that attenuation to limit flows to 1.5l/s would be required to enable a connection to the mains sewer, and unrestricted surface water discharge would not be allowed.

Objections received as a result of public consultation referred to the submitted Ballentine commenting that the report says soakaways not practical and that there is nowhere for attenuation. The Ballentine letter in fact says that “with the slope of the site infiltration drainage systems to cater for the surface water from roofs, house and terrace are not appropriate or reasonably practical to install.” Attenuation is not the same as infiltration and so this element of the objection appears to be based on a misunderstanding. The attenuation approach proposed has been agreed in principle by SWW and the Council’s Drainage Specialist, requiring further details to be secured and agreed by planning condition.

A letter of objection commented that the existing public combined sewerage network in the vicinity of this site is currently at capacity during period of high rainfall. However South West Water have confirmed that there is capacity in the network and the Water Act requires that it ensures this is the case.

Taking this into account, the proposed development and details provided so far evidence the development can be achieved in accordance with the requirements of JLP policy DEV2: Air,

water, soil, noise, land and light which requires that “Development should: 1. Avoid harmful environmental impacts and health risks for both new and existing development arising from soil, air, water, land, or noise pollution or land instability.” Also the requirements of policy DEV35: Managing flood risk and water quality impacts are met.

Construction:

A letter from Ballentine (Civil, Structural and Marine Engineering Consultants) dated April 2016 Rev A states that “it is considered that the excavations required to construct the property will not compromise the support to the adjacent properties or adversely affect the overall slope stability.” They advise some ‘shallow support provisions’ may be needed as work progresses, and further investigations will be undertaken as work on site progresses with trial holes being used to inform the structural design and to be supervised by a suitably qualified geotechnical engineer. Ballentine’s review of the Ruddlestone Geotechnical report concluded that the excavations will be into solid rock and so it is not envisaged that any significant active earth pressures will be applied to the retaining walls.

As a result of objections raising concern about land stability and impacts on neighbouring properties, Devon Building Control were consulted and reviewed the Geotechnical report and proposed plans. Devon Building Control also observed that the report identified that the site is underlain by rock, which is the most suitable ground condition for construction. While they recognised that no structural drawings had been provided setting out the exact construction method, they were confident that an acceptable solution could be found. This is normally and appropriately done through the building control process.

Furthermore, following these consultations, the Planning Specialist consulted SHDC Environmental Health again to specifically consider the impacts of the construction process from a human health and amenity perspective. The Environmental Health Specialist was satisfied that the suggested conditions would be sufficient to control the development, and if, during construction, neighbours felt aggrieved, they could pursue a complaint through the Statutory Nuisance process.

In this respect, the proposed development accords with the requirements of JLP policy DEV2: Air, water, soil, noise, land and light having demonstrated with evidence that harmful environmental impacts and health risks arising from land instability are unlikely to occur.

Low Carbon Development

JLP policy DEV32 identifies the need to deliver a low carbon future for Plymouth and South West Devon which: “should be considered in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. The following provisions apply:

“1. Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.”

In response to this the applicant provided the following commentary:

- The building will be designed to achieve a built envelope that exceeds the current building regulation requirements for thermal performance. This is the most effective area to invest in when seeking longevity in performance. It cannot be easily changed

and will as such be required to continue to perform at an extremely high level for the life time of the building. Technologies and renewables will no doubt come and go and as such a versatility and investment in the core design will allow for technologies to be added and replaced over time, whilst all being able to function as efficiently and effectively in conjunction with a super insulated and highly sealed built envelope.

- The current proposals are designed to work with a heating system powered by an air source heat pump and with no reliance on fossil fuels.

- The areas of glazing are not excessive and larger areas are predominantly designed and positioned to the north sides of the building. This will improve the quality of the natural day lighting within the building, lessening the load requirements on powered lights and will assist in the management of solar gain and overheating in the summer months.

- The building will be designed to be 100% low energy lighting throughout all the internal and external requirements.

- The building will be designed to have a whole house ventilation system with heat exchanger to provide ventilation compliance in accordance with the desire to seal the external envelope and achieve an air tightness under required test that will be in excess of the building regulation requirements.

A planning condition to secure the implementation of these measures is proposed to ensure delivery as specific details are not included in the plans and documents provided with the planning application. On that basis the application accords with the relevant criteria of policy DEV32.

Conclusion:

Policy SPT1 states sets out that development will be planned for and managed in accordance with principles of sustainable development which is comprised of a sustainable economy, a sustainable society and a sustainable environment. Addressing the relevant part of that policy, it is concluded that the Conservation Area and nearby listed building are not adversely affected by the proposed development. The building is designed to take account of solar orientation and satisfactorily plans for necessary drainage infrastructure which will accommodate impacts of climate change. The development also responds to the JLP target for delivering low carbon development. The proposed building makes effective use of land in this central village location to provide a new dwelling. No additional dwellings would be achievable on this site because of parking and access limitations and so a single dwelling on this site is acceptable in terms of housing provision in respect of DEV8. Biodiversity, amenity and environmental impacts of construction have been properly accounted for in the proposal and analysis in this report.

Policy SPT1 also requires that “local distinctiveness and sense of place is respected, maintained and strengthened through high standards of design.” Design is in some respects a subjective matter, but the assessment in this report has made a detailed assessment of the proposal in relation to surrounding properties and concludes that the scale, external appearance and relationship between buildings is acceptable. While the development will result in the loss of some green space within the village, it is not publically accessible and it is not to the detriment of the settlement pattern and dense, slope-hugging character of Kingswear which is characterised by a mix of building designs reflecting architectural changes throughout the years. While the southern part of the site is located in the

Conservation Area, that part of the site will not accommodate the new dwelling, and the design has retained the characteristic render external finish with some smaller elements finished in complimentary materials.

The building is large, but in the context of others around the site and in the locality it is not unusually large, and there remains sufficient room for parking, bin storage and garden areas despite the site characteristics.

Policy SPT2: Sustainable linked neighbourhoods and sustainable rural communities seeks to guide development to deliver neighbourhoods and communities which are vibrant, have an appropriate density, have access to transport, services and amenities, and a good balance of housing types and tenures. The assessment in the earlier sections of this report addresses each of these points and demonstrates the new dwelling in this location would meet those policy objectives and delivers a new home which makes a small contribution to the delivery figures set out in SPT3: Provision for New Homes.

While the local objections are noted, the issues raised are either resolved, dealt with by planning conditions, or an alternative position explained within this report.

Taking all these matters into account, the development has been demonstrated to conform with relevant JLP policies and is therefore recommended for approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010
The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers:

502 01 Rev D 'Planting Plan' dated 10/5/19

502 02 Rev C 'Planting Plan' dated 15/11/19

3489 03 Rev O Proposed Site Plan dated 9/5/19

3489 04 Rev J Proposed Site Plan dated 30/08/18

3489 05 Rev K Proposed Elevations dated 9/5/19

3489 20 Rev D Site Location/Boundary Plan dated 30 August 2018

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to their installation details / samples of facing materials including stone, render, mortar, roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity, to ensure appropriate materials and finish for the location of the building adjacent to the Conservation Area. In accordance with Joint Local Plan policies DEV10, DEV20 and DEV21.

4. Prior to their installation details of the rain water goods, doors, window reveals and eaves detailing to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity and to ensure appropriate materials and finish for the location of the building adjacent to the Conservation Area. In accordance with Joint Local Plan policies DEV10, DEV20 and DEV21.

5. The material to be used above the doors to the covered terrace on the western gable shall not be glass or any other reflective or transparent material.

Reason: In the interests of visual amenity and to conserve local character and avoid unnecessary light spill to neighbouring properties and thereby also conserving the nightscape. In accordance with Joint Local Plan policies DEV20, DEV21, DEV23 and DEV25.

6. The 1.8m high screen on the western edge of the first floor terrace, shown on drawing 3489/03 Rev K 'Proposed Elevations/Sections' shall be solid or sufficiently opaque so as to prevent views to the west.

Reason: To protect amenity and privacy for the occupants of the properties to the west of the site and for users of the terrace on the subject site and in accordance with Joint Local Plan policies DEV1 and DEV20.

7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking

place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(o) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information.

This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

8. The dwellings/buildings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to it and shown on the approved drawings, have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and maneuvering of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles attracted to the site and in the interests of road safety and amenity.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

10. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
2. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
3. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
4. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the attenuation features, within the private ownership, will be required.
5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

11. The recommendations, mitigation and enhancement measures of Section 7 of the Butler Ecology report for this site dated May 2016 shall be fully implemented as follows:

- * 2 x Schwegler 1WI Summer and winter Bat Boxes should be built into the west and east elevations as indicated in the annotated plans below within the Butler Ecology report.
- * Clearance of any potential nesting habitat shall be carried out outside the nesting season – i.e. between September and February inclusive. Potentially disturbing works shall not be carried out during the bird nesting season (March to August inclusive), unless a nesting bird survey has been carried out confirming that there are no nesting

birds present, that report having been submitted to the Local Planning Authority for review and agreement to the works immediately preceding them being undertaken.

* The protocol set out in Section 7 of the Butler Ecology Report shall be followed if it is deemed necessary for work within or close to the bird nesting season.

Reason: To safeguard the interests of protected species

12. The garden area above the proposed garage shall be retained for the use of Ashleigh House and guests only and retained as such thereafter.

Reason: to ensure the occupants of Ashleigh House retain a private garden area for residential amenity and to retain the appeal of the property to future occupants and owners and therefore encourage its continued maintenance and value as a heritage asset.

13. Prior to occupation of the dwelling hereby approved, the design features, equipment and construction measures described in the email from Adam Benns of BBH Architects dated 4th June 2019, including low energy lighting, heating via an air source heat pump (shown on the approved plans), thermal performance above Building Regulations requirements and a whole house ventilation system with heat exchanger, shall be installed and fully functioning. These measures shall be retained and maintained and operational while the dwelling is occupied. No alternative heating system shall be installed without prior written agreement from the Local Planning Authority.

Reason: To ensure the low carbon and sustainable features of the building are retained to help deliver a low carbon future for the Plan Area and support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 in accordance with Joint Local Plan policy DEV32.

14. Prior to installation of any air source heat pump the applicant shall submit to the Local Planning Authority for approval in writing, details of the proposed system which demonstrate it accords with the MCS (Microgeneration Certification Standards) Planning Standards. Details shall include any attenuation that is required to meet the MCS Planning Standards. Once approved the system shall be installed and maintained in accordance with the approved details.

Reason: In the interests of neighbour amenity.

15. Notwithstanding the information provided in the Ruddlestone Phase 1 Preliminary Geotechnical and Contamination Assessment Report dated 22 March 2018 and the Ballentine Arnold letter dated April 2016, if areas of softer ground are found and require piling as a construction method, the applicant shall write to the occupants of neighbouring properties, at least a week before piling works are commenced, to advise them of the dates and hours within which that work will be undertaken.

Reason: To control the amenity impacts of this construction method and in accordance with Joint Local Plan policy DEV1: Protecting health and amenity.

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Malborough **Ward:** Salcombe and Thurlestone

Application No: 1744/19/NMM

Agent/Applicant:

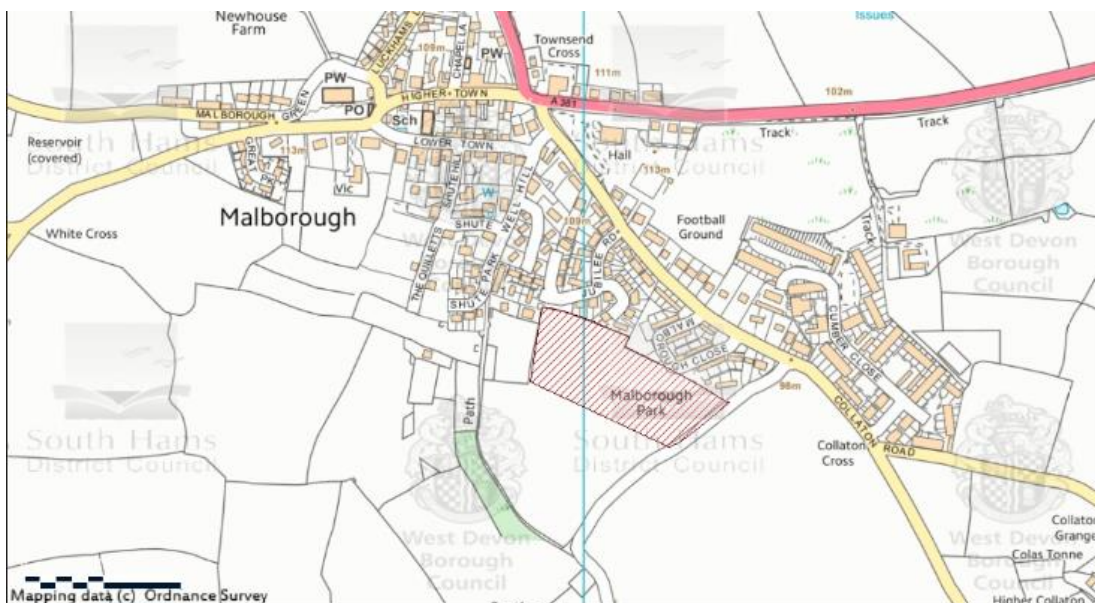
Mr Tom Biddle - Baker Estates Ltd
Green Tree House
Silverhills Road
Decoy Industrial Estate
Newton Abbot
TQ12 5LZ

Applicant:

Mr Tom Biddle - Baker Estates Ltd
Green Tree House
Silverhills Road
Decoy Industrial Estate
Newton Abbot
TQ12 5LZ

Site Address: Land at SX711 394, Adjacent to Malborough Park, Malborough

Development: Application for a non-material amendment following grant of planning permission 1780/18/ARM (additional bedrooms within roof space on plots 30, 38, 44 & 45 and provision of conservatories on plots 35, 36, 39 & 42)



Reason item is being put before Committee: At the request of the Ward Members, in agreement with the HoP Lead, for the following reasons:

- This should not be a non-material minor amendment because the public should have been consulted on the proposals, not just the Parish Council.
- This is likely to lead to an increase in second home ownership in the village

Recommendation: Conditional Approval

Conditions

1. Accords with plans

Key issues for consideration:

The impact of the additional bedrooms on the housing mix within the development
The impact of the proposed conservatories on the layout, design and appearance of the development.

Whether or not the proposed changes are non-material.

Financial Implications (Potential New Homes Bonus for major applications):

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The site of 2.17 hectares was part of a larger agricultural field located on the southern edge of the village of Marlborough and is currently being developed for the provision of 53 dwellings. The remainder of the adjoining field will remain in agricultural use. The development site has planning permission for 53 dwellings.

The northern site boundary adjoins residential properties. To the south east the site adjoins a rural road running from Collaton Road to Portlemore Barton. Access into the site has been created from this road

There is an existing public right of way access to the south and west which follows the perimeter of the larger field area to the south. This PRow connects the existing lane to Shute Park and from there links into the village.

The site is on a south facing slope rising towards the settlement to the north. It is exposed in the landscape and offers wide views of the surrounding countryside

The adjoining residential development to the north is relatively modern, it is mainly two story terraced or semi-detached houses of styles typical of the late 1960's/1970's.

The site lies within the South Devon Area of Outstanding Natural Beauty, the Heritage Coast and Undeveloped Coast.

The Proposal:

Outline planning permission was granted in December 2017 for the erection of circa 50 no. dwellings. Reserved matters approval has since been granted for 46 houses in one application, followed by a further reserved matters application for 7 houses.

The housing mix approved in the first reserved matters application for 46 houses was as follows:

Affordable:

- 1 bed x 4 (all social rent)
- 2 bed x 9 (5 social rent and 4 discount market)
- 3 bed x 3 (1 social rent and 2 discount market)

Overall (affordable and market)

- 1 bed x 4
- 2 bed x 12
- 3 bed x 15
- 4 bed x 15

This equated to the provision of 36% 1 and 2 bed houses, 33% 3 bed and 33% 4+ bed.

Following the second reserved matters application the overall housing mix changed to the following (with no change to the affordable provision):

1 bed x 4
2 bed x 12
3 bed x 21
4 bed x 16

This equates to the provision of 30% 1 and 2 bed houses, 40% 3 bed and 30% 4+ bed and a total of 53 houses over the whole site.

This current application proposes to provide an additional room in the roof space of 4 of the larger 3 bed homes. Externally the only difference would be the insertion of 2 small rooflights.

The housing mix would then be as follows:

1 bed x 4
2 bed x 12
3 bed x 17
4 bed x 20

This would equate to 30% 1 and 2 bed houses, 32% 3 bed and 38% 4 bed.

The proposal also includes the addition of a modest sized flat roofed conservatory onto the rear elevations of 4 dwellings (different plots to the plots where the additional bedrooms are proposed). The conservatories would be optional, the purchaser could choose to have the house built with or without the conservatory.

Consultations:

- County Highways Authority: No comment
- SHDC Strategic Planning: No objection
- Town/Parish Council: Objection:

Further to the recent meeting of Malborough Parish Council, the Councillors voted unanimously to object in the strongest terms to the recent application reference 1744/19/NMM Baker Estates Ltd.

The councillors do not consider that Baker Estates have been transparent with this amendment, the garden rooms/conservatories should be classed as a material amendment and as such be subject to a full planning application.

The Council have already previously agreed an amendment allowing more properties to be built than originally approved. The properties currently in question are all three bedroom properties and should not be developed in the rooftop, nor should additional garden rooms/conservatories be given approval.

The houses that these proposals apply to are affordable to a range of people living in the area, by adding an additional room, be it a bedroom, garden room or conservatory, the developer, Baker Estates Ltd can significantly uplift the sales price of the properties outside the realms of affordability for those people. In turn, this will increase the second home ownership ratio and will have a direct affect on the local community as we see second home percentages rise further - and we already have unacceptable levels of second homes! This goes against the whole ethos of the estate and the basis on which it was originally agreed.

We understand that the addition of the extra bedroom would breach DEV8.1.

Councillors are very concerned that fundamental changes such as those proposed can be seemingly approved in advance by planning. They are also extremely concerned that had Cllr Long not noted that the email notice of the application had been sent to Salcombe, this application could have been finalised with no feedback from the local parish.

We trust that our opinions and this objection are not being taken in vain!

Representations:

Being a non-material minor amendment application this application has not been advertised. The Parish Council however was consulted.

Relevant Planning History

0549/17/OPA - Outline application with some matters reserved for erection of circa 50no. dwellings and means of access (all other matters reserved) - Conditional approval

1780/18/ARM: Application for approval of reserved matters for the scale, appearance, landscaping and layout of 46 no. dwellings and associated garages, infrastructure and landscaping, following outline approval 0549/17/OPA (phase 1 of reserved matters) and discharge of conditions. – Conditional approval

4077/18/ARM - Application for approval of reserved matters following outline approval 0549/17/OPA for scale, appearance, landscaping and layout of 7no. dwellings, associated garages, infrastructure and landscaping - Conditional approval

ANALYSIS

Principle of Development/Sustainability:

When the outline planning permission was granted for circa 50 dwellings in 2017 an informative on housing mix was included in the planning decision notice which stated the following:

Any reserved matter(s) application should provide a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive community. The Council would normally seek a mix on the following basis:

35% 1 and 2 bedroom properties

35% 3 bedroom properties

30% 4 bedroom properties;

unless it can be demonstrated that the local need is for a different mix.

This advice was based on a Council Statement published in 2016 reflecting what was understood to be the district wide housing need at the time. Since then the JLP has been prepared and adopted based on a detailed evidence base. Part of this evidence base has looked in more detail at housing need and using for example, ONS data, it is now possible to look at housing need at a Parish level rather than the broader district wide level reflected in the advice above.

Policy DEV8 of the JLP requires housing development to respond to locally identified need and this is also reflected in Malborough Neighbourhood Plan Policy 2, Community Balance

In this case the proposal is to add a fourth bedroom into four high value, spacious 3 bedroom homes (changing from approx. 155 sq m to 174 sq m). The dwellings are sited on the south west site boundary, benefiting from scenic views of the AONB and set within large plots with 4+ on plot parking

spaces and large double garages. Other 3 bed dwellings within the development are set in plots up to one third of the size, estimated to be up to half the price of these larger dwellings having a floor area of 86 – 88 sq m. Officers consider that adding a fourth bedroom to these already high value homes will not make a significant difference to the number of households that could afford to purchase such a home and as such will not make a significant difference to the way in which these dwellings meet local need.

The proposal has been considered by the JLP Team who have considered the policy implications of this proposal and they raise no objection, commenting as follows:

The changes to 4-bed numbers will not result in a conflict with DEV8 based on the ONS data we use by parish.

Notwithstanding that the wider aims of DEV8 include delivering more smaller units across the TTV policy area, Malborough is something of an anomaly in that there is already a significant proportion of 2-bed homes within the parish – 40% compared to the SH average of 26%. Combine that with the current figure for 4+ beds in the parish, which is 21% compared to the 29% for SH, and I do not think that the proposed amendments will result in a policy conflict.

I appreciate that the discussion regarding wider affordability levels requires much more than an understanding of how many bedrooms houses have got, but when using ONS data alone I cannot find any grounds for objecting to the proposed amendments.

Based on the above it can be concluded that there is no objection to the principal of the insertion of one additional bedroom into four, already large, dwellings; it is also considered to have no material impact on the overall nature of the development and is acceptable as a non-material minor amendment.

Design/Landscape:

The addition of 2 small roof lights into the roofs of the 4 no. dwellings will have no material impact on the external appearance of the development.

The proposed conservatories to be offered as options for purchasers of units 35, 36, 39 and 42 are modest in size and with flat roofs. They are proposed for houses set well within the scheme so will have no potential for any wider landscape impact. Other properties are already consented with conservatories within the scheme. Being single storey and within private gardens they will be largely screened from view in most cases.

The design and landscape impact of the conservatories will have no material impact and is acceptable.

Neighbour Amenity:

The proposed amendments will have no material impact on existing or future neighbours

Highways/Access:

There is no change to highways or access.

Planning Balance

For the reasons set out in this report the proposed amendments will have no material impact on the nature and impacts of this housing development and as such are considered to be in accordance with planning policy, acceptable and non-material.

It is recommended that this application be granted conditional consent.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes

Malborough Neighbourhood Plan

Policy 1 – Planning For Growth
Policy 2 – Community Balance
Policy 5 – High Quality Design

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions in full

1. The development hereby approved shall in all respects accord strictly with drawing numbers

170102 HT 00 00 House Type Pack
170102 L 02 01 G Proposed Site Layout
General plan - Proposed Site Layout 170102 L 02 01 H
General plan - Plot 39 & 42 Elevations 170102 HT 14 02 E
General plan - Plot 39 & 42 Floor Plans 170102 HT 14 01 F
General plan - Plot 38 Elevations 170102 HT 13 31 E
General plan - Plot 38 Floor Plan 170102 HT 13 32 C
General plan - Plot 45 Elevations 170102 HT 13 29 D
General plan - Plot 45 Floor Plans 170102 HT 13 30 C
General plan - Plot 44 Elevations 170102 HT 13 27 C
General plan - Plot 44 Floor Plans 170102 HT 13 28 C
General plan - Plot 30 Elevations 170102 HT 13 09 D
General plan - Plot 30 Floor Plans 170102 HT 13 10 C
General plan - Plot 35 & 36 Floor Plans 170102 HT 12 01 E
General plan - Plans and Elevations 170102 CON 01 01

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

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PLANNING APPLICATION REPORT

Case Officer: Kate Cantwell
Strete

Parish: Frogmore & Sherford **Ward:** Allington and

Application No: 0356/18/FUL

Agent/Applicant:
Mrs Amanda Burden
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:
Mr J Flew
c/o Agent

Site Address: Land at SX768460, West of Netherton Barns, Netherton, Kingsbridge, TQ9 7RQ

Development: Change of use of land to accommodate two omni pods for self-catering holidays

Recommendation: Refusal



Reason for taking to committee: At the request of the HOP Development Management

Reasons for refusal

1. The proposal would result in development in the countryside in a remote location that does not relate well to existing buildings or settlements. In the absence of a compelling case for an exception to the policy requirements for development in the countryside, the proposal would result in unessential, unsustainable development in the countryside, inaccessible from local services, and to the detriment of local landscape character and therefore is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15 and DEV23 of the Plymouth and South West Devon Joint Local Plan.
2. The proposed development, together with upgrading of the vehicle access, proposed paths, parking, bin storage and use of the surrounding ground for outdoor recreation areas, by reason of the design, siting and separation from the nearby existing buildings, would fail to conserve or enhance the sensitive landscape character of the area contrary to policies SPT1, TTV1, TTV26, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan.
3. The proposed development fails to provide for the disposal of foul waste contrary to policies DEV2 and DEV35 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration: Principle of the development and whether this is a sustainable location, design, landscape, foul drainage and amenity.

Site Description:

- Not in South Devon AONB
- Flood Zone 1 (although Flood Zone 2/3 is further downslope in the fields owned by the applicant to the south).
- No listed buildings nearby
- SSSI Impact Risk Zone – but the proposed development does not meet the description which requires a consultation with Natural England

The site is located in the countryside and near to some existing residential properties, the closest being 50m to the north east of the site. The applicant considers Netherton to be a 'hamlet', but consisting of a few dwellings with no local services, it seems that a 'settlement' is a more accurate description.

The site is currently an agricultural field bordered by post and rail fence to the east and west, a hedgebank and stone wall along the north, and the southern boundary is marked by a watercourse and woodland. The site is steeply sloping from north east to south west and an unclassified lane runs along the northern boundary.

The Proposal: A "Unique luxury glamping experience that is a suitable holiday destination for visitors who are physically impaired." Rental from Easter to October half term. Each pod to accommodate 2 adults with no more than 4 visitors on site at any one time. The pods are

located within a steeply sloping field and so would not be accessible by car. A parking area is indicated on the submitted drawing near the field entrance and upslope from the pods.

Pods measure 8m x 4m x 3m and timber clad with a grey composite roof. Each unit includes a wet room. Includes a built in covered deck. A fire pit and BBQ are to be provided for each unit.

Units to be delivered for the season by a crane.

No surface water drainage is proposed as the small units are intended to drain naturally to the surrounding ground. Units to be connected to mains water and electricity.

Consultations:

- County Highways Authority Standing Advice applies
- SHDC Environmental Health Specialist No comments received
- Parish Council No comments received
- Landscape Specialist Objection
- Strategic Planning Objection
- Drainage Specialist

As an internal consultee we advise the LPA on foul and surface water drainage matters to ensure the development complies with the relevant legislation and guidance, including but not limited to, the NPPF and Flood and Water Management Act 2010.

We are no longer providing formal responses for the following applications that meet the Low and Medium risk criteria.

- House Holder
- Replacement dwelling & Change of use.
- Small scale minor (1-2 units)

Please look at the relevant guidance document on the website and assess accordingly. The guidance is arranged by application type, and identifies the requirements for each risk group.

If the application meets the minimum requirements then please include a suitable informative or conditions. If the application doesn't meet the requirements, or issues of flooding come to light during the consultation process then please re-consult and we will be happy to advise.

Representations:

No letter of representation were received as a result of the public consultation

Relevant Planning History

N/A

ANALYSIS

Principle of Development/Sustainability:

Emerging Joint Local Plan Policy TTV1: Prioritising growth through a hierarchy of sustainable settlements, aims to focus development in the main towns and villages and only to permit development in the countryside where it can be demonstrated to support the principles of sustainable development and sustainable communities with reference to policies SPT1 and 2 and as provided for by TTV26.

JLP policy SPT1: Delivering sustainable development seeks to support growth and change that delivers a more sustainable future and follows principles of sustainable development where “opportunities for business growth are both encouraged and supported ... [and] environmentally conscious business development takes place”. This proposal is not growth of an existing business but would be the development of a new one, however the key qualifier in this strategic policy is the second part. The section on landscape later in the report explains how the proposal fails to be environmentally conscious through adverse impacts on landscape character, and so conflicts with this policy.

SPT1 also seeks to reduce the need for greenfield development, protect natural assets, deliver overall gains in biodiversity and respecting and maintaining local distinctiveness and sense of place. By introducing an unusual built form, with no functional or visual connection to the adjacent buildings, this development in a remote agricultural field does not accord with the environmental requirements of SPT1.

The first part of JLP Policy TTV26: Development in the countryside, sets out criteria development should meet if it is isolated. The location is considered to be isolated in the sense of being remote from a settlement and having no functional or visual link to the nearest dwellings and buildings. The nearest buildings are principally agricultural buildings, or associated traditional buildings and cottages which are residential. This is not a settlement and even so, the additional of new structures as proposed, some 50m away is still to all intents and purposes isolated. The development would not protect the special characteristics and role of the countryside as it fails to meet any of the qualifying criteria of that policy, principally because it would not re-use traditional buildings (criteria ii), it would not be complementary to and may prejudice a viable agricultural operations on a farm (even grazing) and other viable agricultural uses (criteria iii), and it does not enhance the immediate setting of the site (criteria vi). With the only connection to local services and facilities being by public footpaths, accessibility other than by car would be poor which demonstrates the isolation of the site.

The site is not in a sustainable location. It is in the countryside and is not adjacent to or well related to any settlement identified in the JLP. It lies approximately 3km south of East Allington (a Sustainable Settlement), approximately 5m north east of Kingsbridge (a Main Town), and approximately 2.5 km north of Sherford (a settlement not identified in the JLP settlement hierarchy). The links between these settlements are generally restricted to the public highway which is a network of narrow country lanes with few passing places. East Allington Footpath 6 does extend most of the way between the site and East Allington village, and is likely to be used for a leisure walk to the village and local pub, but this is not sufficient to offset the otherwise remote nature of the site and its distance from the main road transport routes in the area which renders the location unsustainable.

The Council's JLP Team have been consulted to comment from a strategic planning perspective. Comments are provided here in full:

“With regard to the above application, I find that the location should be considered entirely unsuitable for development of this nature, based in its location well beyond the settlement pattern of the South Hams and reliance upon a narrow, rural transport network. This view is endorsed by recent appeal decision APP/K1128/W/18/3217159 at Lower Leigh Farm [in which the Inspector comments:].

“These matters are further built upon by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that the delivery of sustainable rural tourism will be supported if it would benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements.

8. Tourism development is referred to in Policy DEV15, which sets out measures through which the rural economy will be supported. In particular it explains that chalet or similar facilities that respond to an identified local need will be supported, provided they are compatible with the rural road network and have no adverse environmental impact. This policy also indicates that development proposals should demonstrate a safe access to the existing highway network, and avoid a significant increase in the number of trips requiring the private car.

9. Lower Leigh Farm plainly does not accord with the locational and accessibility requirements detailed above, and because of this I share the Council’s view that the appeal site has to be regarded as lying in an unsustainable location, only really accessible by private car...”

The design and access statement for the Netherton proposal describes the proposal site as being two miles from East Allington, 3 miles to Kingsbridge. The proposal at Lower Leigh Farm described in the above appeal was within 2-3 kilometres of Loddiswell, Kingsbridge and Churchstow, so closer than the Netherton proposal. As such I see no reason to suggest that Netherton is any more sustainable a location than one already described as being unsustainable. This would be contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV23.

Subsequent approvals, not least 1855/19/FUL at Buckland Park Farm, Bantham have taken into account other material consideration, including relevant planning history, before applying the planning balance that weighed benefits versus impacts and coming to a decision. As such these decisions cannot be used to infer a particular policy approach or interpretation that could be applied to other proposals, as the circumstances of each application are different and distinct.

I also consider that the proposal at Netherton contains nothing more than anecdotal justification of ‘need’, and that the proposal does not accord with the requirements of DEV15.”

This advice concurs with the case officer assessment already provided above and, overall therefore, the proposed development is not acceptable in principle.

Economic considerations

This application suggests the development will diversify the use of the land but does not specify from what existing use. The application does not claim that any jobs will be created by the development, but suggests that the land will have dual use as grass/silage production and the proposed holiday accommodation. The slope of the land however is steep and the land levels drop from approximately 73m AOD at the entrance to approximately 50m AOD at the foot of the slope. This would make vehicular access for grass/silage collection difficult and weather dependant to ensure safe ground conditions. It is also noted that the current site arrangement does not allow for such vehicular access and it is more likely that the land is used for grazing which is not compatible with the residential holiday accommodation use, and therefore could not be defined as agricultural diversification.

This casts some doubt on whether the development would truly deliver agricultural or other business diversification/growth opportunities which JLP policy SPT1 and TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area) might otherwise support. TTV2 supports the “*growth and expansion of rural businesses and enterprise*” but the application describes no existing business connected with the development. The policy also seeks to support “*sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.*” The location has already been determined as not sustainable, and the adverse impacts on local character is discussed in detail in the later sections of this report. Therefore, the development conflicts with the qualifying criteria for rural businesses to secure support through this policy.

The applicant argues that there is a demand for glamping sites in the local area, but provides no evidence to substantiate this. It should be noted that ‘demand’ is also distinct from ‘need’, and as the development is not associated with the viability of an existing rural business no argument has been made in that respect either.

The development is proposed to be in situ for the Easter to October only and so would not extend the tourist season. It is also noted that the necessary associated infrastructure (paths and levelling to accommodate the buildings) would remain outside the holiday period with the associated adverse visual impact therefore being year-round.

JLP policy DEV15: Supporting the rural economy, offers support for “*proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.*” It has already been established that this is not a suitable location as it is not a sustainable location. However the provisions which the policy also applies are not all met. Criteria 2. Offers support for:

*“Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas [which] will generally be supported, subject to an assessment that demonstrates **no residual adverse impacts on neighbouring uses and the environment.**”*

The qualifying part of this policy highlighted in bold is discussed in more detail in later sections of this report, but in summary the development does not meet this test. There is no re-use of existing buildings which the policy prioritises in criteria 4. The accommodation would be located in the middle of a field, not against any boundary, with no functional or visual link to the adjacent dwellings and buildings and some 50m distant being accessed directly from the road. They are oriented to face into the valley to the south west

and away from existing nearest development and no alternative is possible due to the slope of the land.

Part 8 of policy DEV15 says development proposals should:

“ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.”

The location would rely on private car use, not only due to the remote location (discussed earlier), but especially for the intended customers as the units are designed to accommodate people with disabilities. The development would not have a positive relationship with existing buildings being 50m away and down slope with a separate access. Their design is similar to a Nissen hut with peaked ridge and having an oblong footprint. This design and their position in the landscape would be highly incongruous and unusual in this location and so on these counts conflicts with the policy also.

Overall, the support that the JLP gives for economic development cannot be applied to this proposal.

Design/Landscape:

The Landscape Specialist comments are included here in full as they provide a detailed assessment of this matter with which the case officer concurs:

Landscape Specialist Comments

The proposed development is located close to the small hamlet of Netherton, a rural settlement comprising of a cluster of traditional farmsteads and properties. The 2 holiday units (pods) would be positioned within an agricultural field to the south-west of Netherton, about a small tributary stream which feeds into Bowcombe Creek on the Kingsbridge estuary.

It is situated right on the boundary of two Devon Character Areas; this often makes for a more complex landscape where differing key characteristics are seen in close proximity, increasing sensitivity to change as they merge. Whilst principally within the Salcombe and Kingsbridge Estuaries CA, its location on the upper slopes of a small valley side away from the easily recognised tidal waterways, it is more strongly influenced and characteristic of the adjacent Mid Avon and West Dart Valleys and Ridges CA; whilst the surrounding farmland sits on rounded ridges, the landscape reflects a dissected plateau landform with an inland character, enclosed by adjacent woodland (protected by a TPO) and principally pastoral fields. There is no definite grain or pattern to these valleys, creating a sense of disorientation, further contributed

to by the lightly settled nature of this scenic landscape, enclosed by winding lanes flanked with high Devon hedgebanks (emphasising the convex slopes).

Whilst not within a nationally protected landscape, it is highly valued for its scenic quality, with associated valleys within the adjacent South Devon AONB (approximately 2km to the south-west). Similarly, away from settlements and roads, levels of tranquillity are amongst the highest in South Devon. The associated guidelines for the DCAs seek to protect and manage:

- Protect the landscape's **high levels of tranquillity** through the control and management of development
- Protect the **sparse settlement pattern** of farmsteads and nucleated villages or hamlets nestled in valleys and landform dips on plateau; ensure that any new development respects local vernacular building styles and settlement forms, whilst incorporating sustainable design
- Manage and re-link fragmented patches of unimproved **species-rich grassland**; support farmers in extensively grazing these areas as integral parts of their farming systems.

Similarly the Landscape Character type also identify a number of valued attributes which are strongly reflected locally. This includes:

- Secluded, rural tranquil valley landscape
- Intact historic settlement pattern of small nucleated villages and dispersed farmhouses, with distinct Devon vernacular
- The intimate winding narrow roads and sunken lanes enclosed by Devon hedges which contribute to
- the hidden, secluded and historic character

It is summarised as an intact landscape character, with an overriding sense of tranquillity and remoteness, with increasing pressure from forms of development which adversely affect the rural character, and also increased recreational pressure resulting in elevated traffic levels on narrow winding lanes, again affecting tranquillity, and 'new leisure development eroding the rural character.'

With the identified baseline position, as summarised above, the proposed development would clearly conflict with a number of the valued attributes and important characteristics of this highly scenic and particularly tranquil rural landscape. The nature of the proposal, although considered '...tasteful, innovative and thoughtful' would have an adverse impact on the character and, locally, the visual amenity.

The introduction of two pods into this steeply sloping agricultural field, where they are prominently located on the upper slope to allow access for all, would change the strongly rural character, failing to conserve or enhance the landscape character and visual amenity. Whilst consideration has been given to a degree to limiting the wider impacts in terms of the built form and associated activities, although the pods themselves are 8m long, it is the officer view that to accommodate the requirements and needs of the identified users, with level, accessible areas, and fully serviced, then the surrounding landform and associated structures will need to be engineered to such

a degree that the overall development will appear incongruous with its highly rural setting. This could not be successfully mitigated and fails to conserve the identified character, and as such, is contrary to JLP landscape policy DEV23 and NPPF para170.

The application states that the site is level and screened by surrounding woodland, which is not accurate. There are hedgebanks and a section of low stone wall along the northern (upslope) boundary, the southern boundary is marked by the watercourse and woodland and the western and eastern boundaries are marked by a post and rail fence. Importantly, however, because the site has a steep change in levels from the north eastern access point to the south/south western boundary it is exposed to views from surrounding land and in particular gate gaps to the south west.

The application states that the access to be resurfaced with rolled stone. This would be possible without planning permission for an agricultural use, but the parking of 4 domestic vehicles in the elevated position visible from the adjacent country lane would be unusual in this location. It is common for an agricultural vehicle or single car to be parked inside a field access for the maintenance of the land, but the proposed parking area would be unusual and would not conserve or enhance the landscape character. The plans also show the parking area to be used for bin storage which would further domesticate and conflict with this remote agricultural and rural setting.

In addition to JLP policy DEV23: Landscape character, DEV20: Place shaping and the quality of the built environment also requires development proposals to meet good standards of design and contribute positively to landscape. The style in terms of the shape and fenestration of the proposed units does not reflect or appear to be guided by local distinctiveness and the surrounding agricultural uses with traditional buildings, and the location in terms of siting, orientation and visual impact has already been analysed and found to be inappropriate in this setting. This fails to conserve or enhance the sense of place which is ostensibly agricultural and not residential.

Neighbour Amenity:

The separation between the site and closest dwelling is approximately 50m. The distance and intervening hedges and change in land levels avoid potential noise and privacy issues for both existing and proposed occupants. It is unlikely that there will be significant noise disturbance for the occupants of the nearest dwellings as the proposed buildings would be positioned facing away (south west) from the existing dwellings. However, the adverse impact on tranquillity would diminish and there would be an adverse impact on amenity in terms of the ability for people to enjoy the tranquillity of this area as a natural landscape resource. More detailed consideration of tranquillity can be found in the section above.

Assuming waste would be frequently collected and disposed of appropriately there should be no adverse amenity effects from the bins storage area.

Ecology:

The submitted wildlife trigger list indicated no Preliminary Ecological Assessment was necessary. The development would result in a small area of improved grassland being lost to the development to the extent of the footprint of the two pods and the pedestrian access paths. There are no statutory biodiversity designations which relate to the site. While the biodiversity/ecological impacts of the development are negligible, the application does not include any proposals to enhance biodiversity which is required by JLP policy DEV26 which

states *“delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area ... [and] Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.”*

Biodiversity net gains in this case should not be difficult to secure on land surrounding the buildings which is also in the ownership of the applicant. However no proposals are put forward by the applicant in this case and so as it stands the development conflicts with DEV26.

Highways/Access:

No changes were originally proposed to the site access other than the existing field access being surfaced with rolled stone. However the case officer site visit identified that the visibility from the access toward the west was poor due to the stone wall and road alignment. The access is gained from the north eastern corner of the site, right onto a T junction on a narrow lane with poor visibility and no passing place. While the agricultural use of the field could continue unregulated, earlier sections of this report explain that the slope of the site suggest it is unlikely that large agricultural equipment and vehicles would need to access the site which lends itself to grazing. Were the development to be approved, a revised site access might be necessary with advice from DCC Highways and with minimal intervention to retain the agricultural character and avoid loss of the traditional stone wall west of the access. Vehicles would need to enter the site from the east only if no changes were made to the existing access in order to provide a suitable angle for turning into the site and to avoid blocking the road with a vehicle manoeuvre.

Access around the site is proposed by ‘topping’ of a small pedestrian path to each unit – no details were provided. Pedestrian paths of any sort cutting through the field would be detrimental to the landscape character. While these may not be seen from the adjacent lane to the north, they may be seen in longer views from the gate gaps to the south west. In addition, the landscape has an intrinsic character which is valuable regardless of specific views into the site and surfaces footpaths, in combination with the parking area, bin storage and the units themselves would be inappropriate in this setting.

Notwithstanding the visual impacts of the accesses and paths, the requirements of policies DEV15.8.i. and JLP policy DEV29 are satisfied because there is an existing serviceable access and the road network is capable of accommodating the small level of additional traffic.

Drainage and services:

A water treatment plant with associated drainage field is proposed to be installed but details are not provided other than on the submitted form FDA1. The application suggests a package treatment plant which would require a separate planning consent to install. Without any details for disposal of foul waste, the development fails to accord with JLP policies DEV2: Air, water, soil, noise, land and light, and DEV35: Managing flood risk and water quality impacts.

The application also states each unit will be connected to mains water and electricity but no details of this are provided. Engineering works for this would require separate planning consent. It is noted that a more rudimentary cable and overland pipe could be intended which is unlikely to require consent, although the visual impact of this option could be detrimental to the character of the location. Visible infrastructure to support the units is not desirable in this sensitive and remote rural location.

Environmental Health:

No comments were received from the Environmental Health Specialist following consultation. However from the information provided by the applicant on the submitted forms, the risk of contamination appears to be low and so if this application were being recommended for approval, an 'Unsuspected Contamination' planning condition would be appropriate and accord with policies DEV1: Protecting health and Amenity and DEV2: Air, water, soil, noise, land and light.

Other Matters:

The Design and Access Statement says that the pods will be equipped for disabled access, however the location of them on a steeply sloping site appears to prevent or at least hinder access to the units by people with mobility impairments.

The application states that the land will continue to be farmed when the pods are in use and in place with mowing for hay/silage in the spring. An appropriate for the proposed pedestrian paths may not prevent this, but no detail is provided and the land required is not included in the plans. The relatively small footprint of each pod would result in a marginal loss of ground to productive agricultural use, but the associated infrastructure for electricity and drainage connections may hinder the agricultural use and details of how this would be avoided have not been provided.

The submitted plan should have included additional land within the red line areas because the change of use would apply to land surrounding the pods for amenity use which is described in the written submission and for the access paths. However, the amendment of these plans would not have changed the LPAs position on the principle of the development.

No submission has been made to address the requirements of DEV32: Low carbon development.

Conclusion:

The site is not considered a sustainable location as it is over 3km from services and facilities in the closest settlements which would rely on use of private car increasing traffic along extremely narrow remote roads. Future holiday makers would be reliant on motor vehicle to meet their daily needs in surrounding settlements. Additional trips on these roads as well as the introduction of a new development and associated infrastructure would erode the tranquillity of the location and result in adverse landscape and local character impacts. There is no provision for foul waste to be disposed of and land around the buildings the use of which would also be changed has been excluded from the submitted plans. The proposal does not meet the criteria of JLP policies supporting economic growth and the applicant makes no argument in terms of the need or justification based on the growth or diversification of an existing rural business. Overall therefore, the proposed development is contrary to the strategic policies of the JLP which establishes a clear settlement hierarchy for the location of new development and is contrary to detailed policies relating to landscape character, the rural economy, biodiversity and environmental protections. The application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 83, 84 and 170 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Hams Landscape Character Assessment.

Neighbourhood Plan

The Frogmore and Sherford area has applied for designation only (Reg 5, 5a, 6 and 7) so there is no draft plan to take into account.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Dartington **Ward:** Dartington and Staverton

Application No: 1295/19/ARM

Agent/Applicant:

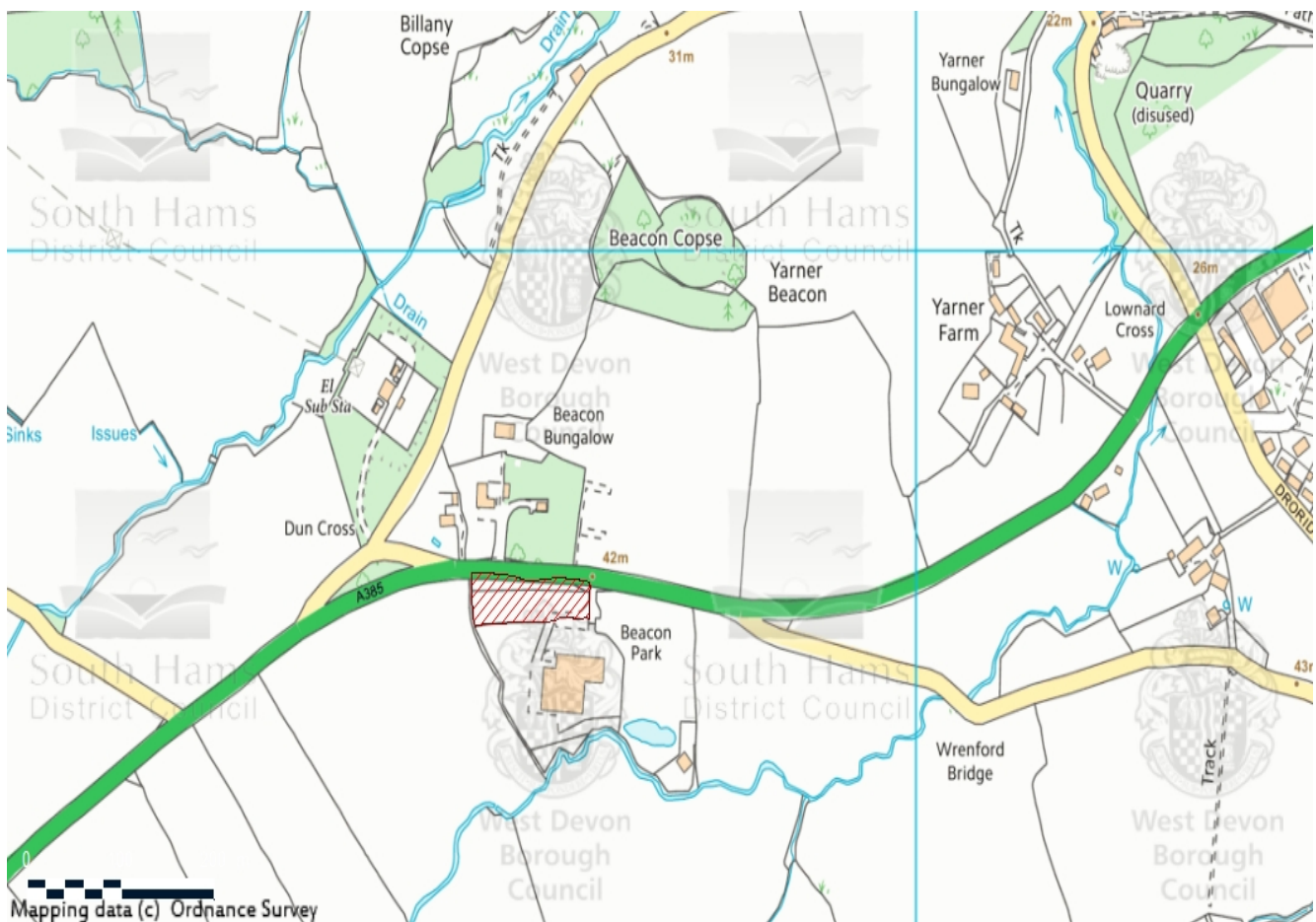
Hopwood Swallow LLP
Hopwood And Swallow, Pleases
Passage
High Street
Totnes
Devon
TQ9 5QN

Applicant:

Devon & Cornwall Farmers Ltd
Lower Woodland Farm
Woodland
Ashburton
TQ13 7LN

Site Address: Beacon Park, Dartington, TQ9 6DX

Development: Application for approval of reserved matters following outline approval 3631/17/OPA for erection of a mix of B1, B2 & B8 employment buildings



Reason item is being put before Committee – At the request of Cllr Hodgson

- I am very concerned about this application as it does not conform to the basic constraints of the original planning permission and in doing so this proposed first phase to redevelop the site would lead to the overdevelopment of this part of the site and adverse impacts.*

One application sets an appropriate standard of design and operation for development of this major employment site close to Dartington village.

Density and location – This Phase One proposal for 921 sq m of employment space, part of a site with Outline Consent for 6,591 sq m Gross Internal Area, constitutes over development. The proposed density, if applied to the whole site, would substantially exceed the Outline Consent granted, creating a form of development that is inappropriate for this rural location and with additional adverse consequences for landscaping, drainage and traffic generation. The Council notes that the site for which OPP was granted differs from the allocation under the adopted JLP and that Phase One is on land which is not allocated.

Cycle parking – there is no provision shown.

Materials and Waste – the design adopts a colour pallet more suited to an urban location than to a rural business park.

There is no provision shown for the safe storage or collection of waste.

Drainage – drainage is impacted by the density of development proposed and is not consistent with the buildings layout in the Drainage Plan submitted with this ARM application.

Landscaping & Ecology – the consequence of the high density of development in Phase One results in very limited scope for landscaping. Retention of the large tree and improved boundary screening must be prioritised. However, there is no proposed internal landscaping with the result that the three units/two buildings will be viewed against a sea of car parking. The Site Constraint Plan by the applicant in September 2017 identifies the site as containing ‘features that should be considered for retention as identified in Phase 01 Habitat Survey and area of Greater Horseshoe Bat Activity as identified in Devon Wildlife Consultants’ Bat Survey.’ Based on the information provided by the applicant this site should be left undeveloped and if developed, in a much more sensitive manner.

Lighting, vibration and noise– for ecological and environmental reasons, lighting, vibration and noise must be minimised during the hours of darkness and at weekends. The Council notes that no lighting plan has been submitted.

Hours of operation – should be limited to 6am to 10pm so as not to impact upon nearby residents or wildlife. At present heavy goods vehicles regularly drive through the village throughout the night, disturbing local residents. Comments (continued further): Traffic - The development will generate considerable additional traffic movements particularly at peak times on the A385 and in the back lanes of Dartington village. Traffic surveys, conducted by the community, show that between 40% and 60% of peak time traffic in the back lanes is through traffic. This results in fewer people walking or cycling. This is counter to the NPPF and JLP aims of promoting pedestrian movement and healthy living. Construction and operational traffic for the site should be banned from using the back lanes and Green Travel Plans should be put in place for employee travel.

The Decision Notice for the Outline Consent 3631/17/OPA is not on the SHDC website it has proved difficult to frame our objection to this Application 1295/19/ARM. We request that the Decision Notice is posted as soon as possible and that the period for comment on the Application is extended.

- Environment Agency no objection
- Ecologist (SHDC) no objection
- Local Lead Flood Authority (DCC) no objection

Representations:

The Council has received one letter of representation which raises objection to the application. The comments made can be summarised as follows: -

- The decision notice for the outline application is not available on the Council's website and should be uploaded ASAP.
- Intensive development proposed within the site which goes beyond what was indicated on the indicative plans at outline stage.
- Information provided with the outline application suggests the site is constrained by virtue of 'containing features that should be considered for retention as identified in phase 01 habitat survey and an area of Greater Horseshoe Bat activity as identified in the bat survey.
- Real opportunity to create a high quality 21st century rural business park rather than copy 1980's industrial estates typically found on the edge of urban areas, which the proposal suggests.
- Proposed plot ratio exceeds the ratio shown in the material submitted at outline and thus represents an overdevelopment of the site.
- Proposed density of development is not appropriate within rural location.
- Proposed materials considered out of keeping with rural context.
- Retention of the hedgerow boundary with the A385 is welcomed but number of parking spaces required for the scale of floor space reduces the opportunities for the softening of internal spaces
- Proposal does not go far enough to address sustainable travel with for example no provision for cycle parking.
- Proposal does not make provision for the storage and collection of trade waste
- Density of development will result in significant added runoff requiring additional sustainable drainage solutions.
- Proposal does not address policy DEV32 which requires low carbon development.
- Potential disturbance to residents and wildlife from traffic movements, noise and lighting.

Relevant Planning History

3631/17/OPA, Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with extended time to commence development, Beacon Park, Dartington, Totnes, Devon, TQ9 6DX – conditional approval

ANALYSIS

Principle of Development/Sustainability:

The principle of employment development on the site has already been accepted by the Local Planning Authority with the extant outline permission. Since the outline application was determined the Plymouth and South west Devon Joint Local Plan (2014-2034) has been adopted. The JLP allocates 11,300 square metres of employment floor space at Beacon Park within the extent of land which was granted at outline stage.

Design/Landscape:

Officers do not have any concerns with the overall scale and design approach put forward for the proposed employment units. The Council's landscape specialist has been consulted and is satisfied that there are no principle landscape issues with the proposed units. The following comments were received.

'In respect of the character and appearance of the units, the proposed external facing elevations are simple, modest and agricultural in appearance, and are appropriate to their rural context. The scale of the two blocks of built form are also appropriate to their context. Whilst the internal facing elevations contain more glazing and are more contemporary and industrial in appearance, this would not harm the character of the local and would provide for a high quality internal site appearance. Subject to there being no ecological concerns in respect of the higher level glazing, I would raise no concerns over the character and appearance of the proposals under policies DEV20 and DEV24.'

When the application was originally submitted, the arboricultural information was not up to date. The Council's Landscape Specialist subsequently raised a holding objection on this basis. The information was subsequently provided and the objection withdrawn. An appropriate condition is recommended to secure the measures outlined within the reports are implemented. The landscape officer has also raised some concerns about the level of landscaping information provided, but recognises that this information will be required to comply with the landscape condition imposed at the outline stage.

Concerns have been raised from third parties about the scale of development the application proposes and whether it results in an overdevelopment of the site. It is also considered that its approval would set an undesirable precedent regarding the scale of development across the wider site.

The JLP estimates around that the allocation at Beacon Park would provide around 11,300 square metres of employment space. The current application would provide around 900 square metres of employment floor space, around 8% of the total envisaged for the whole allocation.

Compared with the indicative masterplan which was submitted at outline stage for the whole site, the current proposal represents an increase in proposed employment floorspace within the northwestern corner of the wider site by around 50%. This was an indicative plan which showed how the site might be developed. As discussed, officers are comfortable with the proposal that has been put forward for development within the north western corner of the site and do not consider it results in an overdevelopment. Officers do not consider that its approval would set an undesirable precedent and it is important that each application is considered on its own merits

Neighbour Amenity:

In the context of the outline consent which allows for employment development within the site, Officers do not have any concerns with regards to neighbour amenity and are satisfied that the conditions imposed at outline would address concerns such as noise.

Highways/Access:

The proposal includes 38 new car parking spaces including 5 disabled spaces, accommodated within 3 parking zones/courtyards adjacent to the proposed employment buildings. Two vehicle charging points for electric vehicles will also be provided together with standard charging point and cabling to comply with condition 19 of the outline consent.

Concern was raised about the absence of cycle parking on the original plans. Although this could be agreed as part of a green travel plan which is required to satisfy condition 20 of the original consent, the plans have subsequently been amended to include cycle parking provision.

The Highway Authority has not raised any objections to the proposals.

Drainage:

The Environment Agency has confirmed they have no objections to the application. This is on the basis that the details are in line with the principles agreed at the Outline stage and the development will be located outside flood zones 2 and 3. They have advised that any non-mains foul drainage system associated with the development will require an Environmental Permit from the EA, unless it satisfies the General Binding Rules for small sewage discharges. An appropriate informative will be attached to any notice of approval.

The Local Lead Flood Authority initially objected to the proposal on the grounds of insufficient information. Further information was provided and in response this objection was removed. Based on the comments received Officers are satisfied the site can be adequately drained. To comply with conditions imposed on the outline consent, full drainage details will need to be provided before the development can commence.

Ecology:

The Council's Ecologist has reviewed the submission and is satisfied that no further information is required at this stage. The outline consent includes pre-commencement conditions which apply to this phase and necessary licences/approaches to vegetation clearance.

It is noted that the conditions require the submission of a lighting plan at reserved matters stage to demonstrate that the proposal will not exceed light levels of 0.5 lux within 20m of the southern habitat corridor. The reason for this is to avoid illumination on the southern boundary habitat corridor. The site area covered by the current application falls outside of the identified 20m zone. It would be sited within the north western part of the site which is separated from the habitat corridor by existing and proposed development.

The Ecologist has also confirmed he has reviewed the HRA and Appropriate Assessment undertaken at Outline stage and is satisfied it remains relevant and does not need updating in the context of the current submission.

Other Matters:

It is noted within the comments received that the decision notice relating to the outline consent is not available to view on the planning pages of the Council's website. This was an unfortunate error which was rectified as soon as Officers became aware of the issue.

The Parish Council have requested conditions to restrict the hours of operation and limit lighting, vibration and noise.

The outline permission includes conditions which require a construction management plan to be submitted and requires details of the daily hours of construction to be provided. There are also conditions which prevent lorries being delivered to or dispatched from the site and refrigeration units on lorries operating between the hours of 23.00 and 07.00. In determining the outline application it was not considered necessary to impose further conditions restricting the hours of operation recognising that flexibility is required.

Conclusions

The principle of employment development on the site has already accepted by the Local Planning Authority. The site forms part of a wider site at Beacon Park which the JLP allocates for the provision of around 11,300 square metres of employment floor space. Outline planning consent has previously been granted for the development of the site in accordance with the allocation. This application seeks the approval of reserved matters for provision of employment units within the north western corner of the site, and notwithstanding the concerns which have been raised by the Parish Council and a third party, Officers consider the development is acceptable. There are no outstanding technical objections. The application is recommended for approval subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The Dartington NP has not yet reached an advanced stage where its policies can be taken into consideration.

Policy 2 – safeguarding dark skies

Policy 3 – conserve, protect and enhance the natural environment

Policy 4 – design

Policy 6 – new business space

Policy 7 – climate change

Policy 8 – renewable energy

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions

1. The development hereby approved shall in all respects accord strictly with drawing number(s) 100 162018 (site location plan), 101 162018 (application site plan), 201 162019 (proposed site landscaping plan), 210 162018 (employment building 01 Floor Plans), 211 162018 (employment building 01 roof plan), 220 162018 (employment building 01 elevations), 230 162018 (employment building 01 sections), 310 162018 (employment building 02/03 floor plans), 320 162018 (employment building 02/03 elevations and sections) and 420 162018 (proposed elevation materials) received by the Local Planning Authority on 23.04.19 and 200 162018 Rev A (proposed site plan and access road section) received by the Local Planning Authority on 19.08.19.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The recommendations and mitigation measures set out within the Arboricultural Survey (Aspect Tree Consultancy, Tree Survey, June 2019, drawing number 04191 Phase 1 TPP 5.7.19 (arb impact assessment) and 04191 Phase 1 TPP 5.7.19 (tree protection plan) shall be fully implemented, and the following should be adhered to: -

(a) No development or other operations shall take place except in complete accordance with the approved scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be erection in accordance with the details set out and retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

3. Prior to development above slab/dpc level details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

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PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Sparkwell **Ward:** Newton and Yealmpton

Application No: 0062/19/FUL

Agent/Applicant:

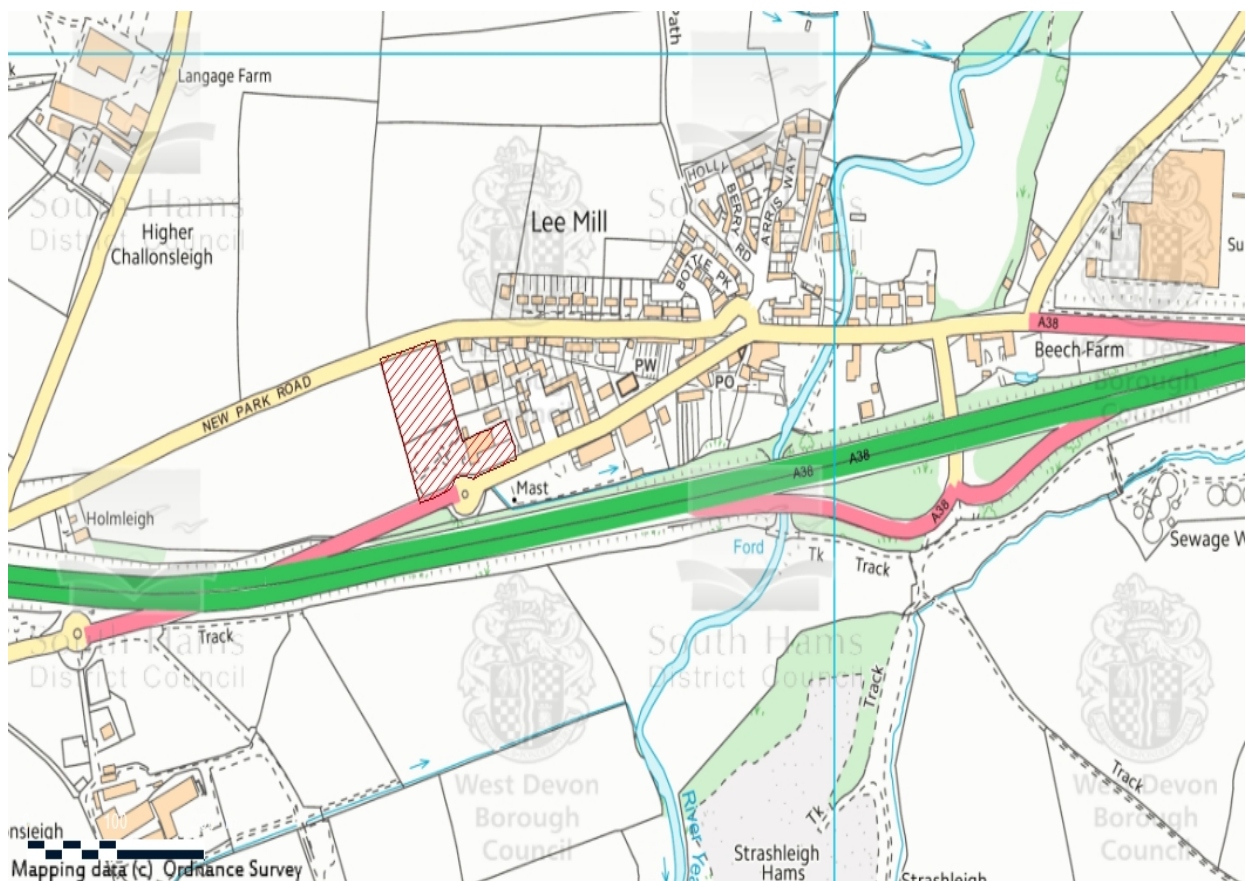
Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

Mr Brand - Marquis Motorhomes &
Caravans
Marquis Devon,
Lee Mill
Ivybridge
PL21 9EG

Site Address: Marquis Devon, Lee Mill, Ivybridge, PL21 9EE

Development: Demolition of existing workshop/office building. Erection of office and workshop buildings, extension to vehicle display area and alteration to existing access.



Reason item is being put before Committee

The Local Ward Member has requested that the application is determined by the planning committee to consider whether the S106 request is reasonable.

Recommendation: Refusal

Reasons for refusal

The applicant has failed to complete a S106 agreement to contribute towards the improvement of the Lee Mill Slip road and will therefore fail to mitigate against the environmental impacts of the development or contribute towards meeting the wider strategic transport infrastructure needs generated by the cumulative impact of the development in the area. As a result the proposal is contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issues to consider is the principle of development as well as the impact on the character and appearance of the area, the impact on amenity and the local highway.

Site Description:

The application site is an L shaped piece of land located on the northern side of Plymouth Road, located on the western side of Lee Mill.

The existing use is motor home service and retail use.

The areas is characterised by mixed use development including large employment/retail located on the southern side of the Plymouth Road and residential properties located behind and to the east of the site. The A38 is also a key feature of this area.

The site is not located within an AONB or a Conservation Area.

The Proposal:

This application is for planning permission for the demolition of existing buildings on the site and replace them with two new buildings on the site to provide an office and a separate workshop.

The existing buildings provide a total of 526 sq.m, split between 286 sq.m office and 240 sq.m workshop.

The new buildings will provide a total of 943 sq.m, which will provide 265 sq.m of office and 684 sq.m of workshop. The will provide a significantly larger workshop and a slightly smaller office. Overall the development will result in 423 sq.m of additional floor space.

The proposed office will be located on the southern frontage of the site that fronts onto Plymouth Road and the workshop will be located on the western side of the site.

The buildings will be constructed from modern materials and clad in steel with aluminium windows.

Although the application has detailed that there is a mix of B1 and B2 land uses, this type of use is a Sui Generis use, as it does not fall within a specific land use.

Consultations:

- County Highways Authority - Therefore the Highway Authority would recommend a financial contribution of £28,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement.
- Environmental Health Section - Request unsuspected contamination condition.
- Town/Parish Council – Although the Parish Council is surprised that this site has not come forward as proposed in the Joint Local Plan, it will support the application subject to the provision of safe access and the opportunity to enhance the national cycle route.
- Drainage – No objection subject to conditions.

Representations:

2 letters of representation are reported, 1 neutral and 1 objecting on the following material planning considerations:

Contrary to the Joint Local Plan allocated site;
Impact on infrastructure – cycling.

Relevant Planning History

49/0699/02/F - Extension to sales building including provision of customer wc facilities and extension of vehicle display area – Approved.

ANALYSIS

Principle of Development/Sustainability:

The site is not allocated for any form of development within the Joint Local Plan, neither is there an emerging Neighbourhood Plan for Lee Mill. The site is currently used as a motor home show room with workshop and office buildings located on the site.

Although as previously identified the land use is a Sui Generis use, as such does not fall within a specific use class the use does have the characteristics of employment land uses. This is because the development provides employment to 21 people (15 servicing and 6 marketing). The development will provide for additional employment for 24 new jobs (12 in servicing and 12 in marketing).

Policy SPT4 Provision of employment floor space identifies that a total of 375k sq.m of new employment floor space will be provided for in the plan area during the plan period which is

2014-2034. The distribution identifies that within the Thriving Towns and Villages Policy Area, which includes Lee Mill, in the region of 84k sq.m of B1a, B1/B2 and B8 floor space will be required.

Lee Mill is identified within Policy TTV1 – Prioritising growth through a hierarchy of sustainable settlements as being a Sustainable Village- where development to meet locally identified needs and to sustainable limited services and amenities will be supported.

Policy TTV2 – Delivering sustainable development in the Thriving Towns and Villages Policy Area identifies, amongst other objectives, that the growth and expansion of rural businesses and enterprise will be supported.

Policy DEV14 – Maintaining a flexible mix of employment sites identifies that a flexible supply of employment land and premises will be maintained to support investment and expansion of existing business.

This development is located on an existing site and the site area will not be expanded through this development. Instead the existing buildings will be demolished and replaced with new larger buildings. As already detailed in the proposal section of this report this will result in a net increase in floor space of 423 sq.m. This will provide two new buildings, a slightly smaller office and a larger servicing building increasing in size from 240 sq.m to 684 sq.m, which is a net additional 444sq.m of floor space.

As a result it is considered that providing additional floor space on an existing site will be supported in principle through policy SPT4, TTV2, DEV14 of the Joint Local Plan, subject to the materials planning considerations being acceptable, which will be assessed in the following sections of this report.

Design/Landscape:

The proposed buildings have been sited to provide an attractive street frontage with the main show room and administrative functions of the use being sited along the road frontage. This will provide an attractive modern building which will be sympathetic with the existing character and appearance of the area.

The larger workshop has been positioned on the western side of the site which helps to enclose the boundary of the site and define the parameters of the site. There is extensive planting positioned on the western boundary which will soften the appearance of the building, although if approved a landscaping and tree condition would be necessary to secure the landscaping and deliver effective screening.

The area is characterised by mixed use development, with employment/retail buildings located opposite the site at the 'Famous Lee Mill' as well as smaller scale residential dwellings. In terms of scale although the buildings are larger than the existing building they are of a scale that is appropriate for the site and will be compatible with the character and appearance of the area.

The buildings will be constructed from steel cladding buildings with aluminium doors and windows. This is considered acceptable for this part of Lee Mill.

Overall it is concluded that the development will meet a good standard of design given the context of the area and as such would comply with Policy DEV20 of the JLP.

Neighbour Amenity:

There are residential properties located to the north east of the site. The site is currently used by the existing business so it forms part of the established character of the area. The existing building on the site is located closer to the northern boundary than the proposed siting of the new buildings.

The first building which will provide the show room will be repositioned away from the boundary. The development will result in an acceptable layout that will not give rise to significant loss of residential amenity.

The new workshop building has been positioned away from the residential boundary and will be positioned on the western boundary. Given the existing use of the site together with the servicing capacity already on the site it is not considered that the workshop will give rise to a significant loss of amenity. It is also noted that the Council's Environmental Health Officer has raised no objection.

Given the proximity of the site to residential uses it is considered necessary to control the hours of operation through planning condition, if the application is approved.

Notwithstanding the above it is noted that the justification for highway improvements, as detailed in the next section of this report, includes noise, air quality and safety.

Highways/Access:

The advice from the Highway Authority has been:

Lee Mill is a village located in the South Hams, immediately to the north of the A38 and approximately 6 miles east of Plymouth. The dwellings are located in the west of the village, with a large industrial estate located in the east.

The main junction connecting Lee Mill to the A38 is missing a formal slip road. It is unclear why the fourth slip road was not constructed. However, Lee Mill has evolved since the A38 was built and it is likely that initially the slip road could not be justified.

In recent years, Lee Mill has evolved as a bigger and more sustainable Devon village and the large industrial estate has gradually increased in size. The estate has approximately 400,000 sqm gross of B2 employment including a Tesco Extra with approximately 700 parking spaces. This is served predominantly by a slip road that is not fit for purpose.

The current situation at Lee Mill is most unsatisfactory, where a key junction connection to the Strategic Road Network (A38) only has three fit for purpose slip road connections. To accommodate the fourth, the Highways Agency made use of a historic street, Plymouth Road. Plymouth Road has private frontage access on both sides with a mixture of private and commercial premises. It has urban features such as double yellow lines, traffic calming, narrow pavements, a narrow carriageway (at points, less than 6m wide), driveways and on-street parking. This is a wholly inappropriate environment to be accommodating slip road traffic and leads to concerns about noise, air quality and safety.

These effects are exacerbated by the fact the missing slip road is the west facing off-slip from Plymouth. Plymouth is the main traffic generator for Lee Mill, providing employment opportunities for the residents and important business connections for the businesses located in the village and industrial estate.

Devon County Council have undertaken a number of traffic counts in Lee Mill to understand the travel patterns in the area. These have demonstrated that Plymouth Road currently carries approximately 5,400 vehicles per day. Of the 500 vehicles using Plymouth Road in the AM peak hour, only 5% are accessing the village itself. In the PM, this rises to 16% as commuters return at the end of the working day. Of the vehicle trips in the eastern, industrial area of Lee Mill, approximately 50% are destined for Plymouth. A further 13% are travelling west of Lee Mill and therefore nearly two thirds of all trips associated with the industrial estate traffic utilise the Plymouth Road slip road. In addition, 25% of the daily vehicles along Plymouth Road are Goods vehicles. This is significantly higher than would be expected along what would otherwise be a minor urban road in both character and function.

This data demonstrates the significant volume of traffic demand travelling along the Plymouth Road off-slip which are not directly associated with the development in the west of Lee Mill. The road itself is designed to operate a different function to that of a slip road connecting to the Strategic Road Network.

The situation as it stands has emerged over a period of time. Devon County Council, as highway authority, have been aware of the substandard nature of the environment in Plymouth Road and as a result installed traffic calming features.

In the meantime, a number of planning application for the area have continued to take place further exacerbating the existing situation. These include a variety of developments such as waste sites in the local vicinity, residential development in Lee Mill village and employment development in the village and industrial estate. All these developments will generate additional vehicular demand accessing and egressing the A38 towards Plymouth, and therefore increasing current demand on the sub-standard off-slip via Plymouth Road. Without a meaningful scheme to alleviate the situation, these applications have progressed unabated.

The adopted Plymouth and South West Devon Joint Local Plan identifies Lee Mill as a village able to accommodate around 20 dwellings during the plan period up to 2034 under the TTV30 'Sustainable Villages' policy. This specifies that the development should respond to local needs and ensure that it maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It does not specify any level of employment development. In order to ensure Lee Mill continues to be an attractive location to live or work with future-proofed infrastructure appropriate to the level of demand, it is important that suitable connections to the A38 are provided which improve on the existing substandard situation.

The need for improvement of the Lee Mill slip roads is identified in the Devon County Council 'Transport Infrastructure Plan: Delivering Growth to 2030' (March 2017), which can be accessed at <https://democracy.devon.gov.uk/documents/s6699/PTE1716Appendix2.pdf>.

Subsequent to the approval of the Transport Infrastructure Plan, Devon County Council received approval from the Portfolio Holder for Infrastructure and Waste, Councillor Andrea Davis, to progress the Lee Mill slip road scheme design. The record of the decision can be found at

<https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf>

An opportunity arose for the County Council to be proactive and purchase land that could potentially be used to provide the missing slip road. This is a substantial change in position. As a result, a decision was made by Devon County Council to progress the design of the missing slip road. Once the design is finalised, the scheme will be ready to bid for funding.

An initial 2D design has been developed for the slip road improvements utilising the land under Devon County Council's control. Further design work is required to develop a detailed 3D design that could proceed to construction. The cost of the design is significant, potentially £0.5m (10% of scheme cost), and to allow the scheme to progress there is a need for funds to accelerate the delivery of the slip road. As a result, now an option exists for alleviating the traffic generation caused by further development in Lee Mill proportionate contributions will be sought from developers.

With reference to the National Planning Policy Framework (NPPF), para 56:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development”*

The current conditions at Lee Mill of the eastbound off-slip utilising Plymouth Road are unacceptable and an improvement is necessary to make it acceptable. Proposed developments add more traffic to an already unacceptable situation and therefore these developments are related to the improvement which provides mitigation against the impact of increased traffic flows along Plymouth Road. The request for developer contributions is fair and reasonable in terms of scale towards the scheme development costs.

The Highway Authority is currently developing and has an approved indicative road improvement scheme/s to mitigate the need for increased traffic needing to travel through the heart of Lee Mill to reach Lee Mill Industrial Estate and other suburban areas of the village. This scheme will be designed to aid road safety issues, air quality and capacity through the village for the future. Other developments have agreed to contribute towards highway improvements to mitigate the issues in Lee Mill at a rate of around £1000 per trip. This development would generate around 6.2 trips per 100m² of expansion, meaning a total expected net trip increase of 28 per day noting the proposed expansion is 444m² extra B2 use class and -21m² of B1(a). Therefore the Highway Authority would recommend a financial contribution of £28,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement.

The applicants have been advised of the request from the County Council for a S106 contribution and advised that they will not agree to the costs for the following reasons:

1. This request has come a complete surprise and never been mentioned before.
2. The said road and roundabout is some distance from our premise.

3. Our investment budget is derived from after tax income. One can see our Group contribution to the Treasury and the community as a whole at <http://www.auto-sleepers.com/corporate/>
4. This development would increase our business rates and therefore community contribution moving forward.
5. This investment is marginal at best. In addition we have the looming uncertainty of Brexit, significant increases in vehicle taxation for our industry all contributing to uncertainty moving forward.
6. We have numerous other projects within the Group all completing for investment funds.

Policy DEV29 – Specific provisions relating to transport – identifies that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system. Amongst other requirements the policy identifies that:

- development should mitigate the environmental impacts of transport, including air quality, noise pollution, landscape character and the quality and distinctiveness of urban and rural environments;
- Contribute towards meeting the wider strategic transport infrastructure needs generated by the cumulative impact of the development in the area.

To conclude the Highway Authority object to this proposal as without the improvements to the infrastructure the development results on an unacceptable and harmful impact on the highway network.

Drainage:

Subject to conditions an acceptable drainage design has been proposed.

Conclusion:

Although the principle of the development can be supported and the design and impact on immediate and local amenity is acceptable the development, without mitigation, will result on an unacceptable impact on the local highway network and the application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV36 Coastal Change Management Areas
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 14 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

None identified.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Ugborough

Parish: Ermington **Ward:** Ermington and

Application No: 3398/18/FUL

Agent/Applicant:

Mr Daniel Wallis - 3SIXTY Real Estate
16 Whiteladies Road
Clifton
Bristol
BS8 2LG

Applicant:

Mr Clive Smith - Delphic Holdings Ltd
The Display Works, East Way
Lee Mill Industrial Estate
Lee Mill
PL21 9GE

Site Address: The Display Works, East Way, Lee Mill, PL21 9GE

Development: Construction of side and rear extension to existing warehouse



Reason item is being put before Committee

Brought by the Ward Member on the grounds the level of S106 contribution requested will stifle the increase in employment that we desperately need.

Recommendation: Refusal

Reasons for refusal

1. In the absence of a signed Section 106 agreement to secure the required mitigation, the proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework (notably but not limited to paragraph 109); and Policies DEV29 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, design, drainage, trees, highways.

Site Description:

The site is located within the Lee Mill Industrial Estate, on the south side of East Way to the east of the junction with Abbots Close. The site comprises an existing industrial unit (Use Class B1(c)) with associated parking/turning areas. Vehicle access points exist from both East Way and Abbots Close.

The Proposal:

Permission is sought for two extensions to the existing building – to the south (c.307 square metres) and to the east (c. 127 square metres). The proposed extensions would be no higher than the existing building, with external finishes to match the existing building. It is also proposed to alter the existing entrance on Abbots Close to improve access.

Consultations:

- County Highways Authority –

“Observations:

It is noted the proposed extension appears to be situated partly on the articulated lorry turning area of the site. This may lead to manoeuvring/reversing on the highway and a vehicle tracking exercise would confirm either way. However, the Highway Authority notes the service site entrance is located at the turning head of Abbots Close where traffic will be travelling slowly. If reversing and manoeuvring on the highway is required as a result of the extension, it is recommended the applicant to employ a qualified banksman to lead delivery drivers out onto the highway and ensure the vehicles have a reversing alarm.

The Highway Authority is currently developing and has an approved indicative road improvement scheme/s to mitigate the need for increased traffic needing to travel through the heart of Lee Mill to reach Lee Mill Industrial Estate and other suburban areas of the village. This scheme will be designed to aid road safety issues, air quality and capacity through the village for the future. Other developments have agreed to contribute towards

highway improvements to mitigate the issues in Lee Mill at a rate of around £1000 per trip. This development would generate around 8.1 trips per 100m² of expansion, meaning a total expected trip increase of 35 per day noting the proposed expansion is 434m². Therefore the Highway Authority would recommend a financial contribution of £35,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement.

Other developments have agreed to contribute at a rate of £1000.00 per vehicle trip (i.e. a single house generates six two way daily vehicle trips on average and the agreed rate is £6000.00 per dwelling or £1000.00 per trip). The assumed 8.1 trips per 100m² of proposed use class comes from TRICS, which is the recognised computer software for evidencing likely vehicle trips from any proposed planning application use classes.

It is acknowledged the application is only an extension of the existing business, however personal circumstances should not be a factor in determining whether extra vehicle traffic will be generated from a building expansion, since the site could be developed and ultimately sold on to another business in the future, which could generate the suggested levels of traffic as evidenced using TRICS.

In particular the contribution needs to be secured for scheme detailed design purposes. If unspent within 10 years the Highway Authority would be able to repay the contribution.

Unfortunately as the applicant has refused the financial request in writing, the Highway Authority has no choice but to recommend refusal of the application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework.”

- Tree Specialist – “No objection on arboricultural merit subject to submission of the following information prior to/ after any commencement on site including any demolition or earthworks
 1. Landscape plan detailing a medium final sized native tree including watering, staking and all other management prescriptions in accordance with BS8545.”
- Drainage – No Objection – “Based on the information provided we would support the current proposal. Full details of the surface water and foul drainage have been submitted. An evidence to demonstrate why offsite discharge has been considered and written permission from SWW to discharge surface water to their sewer, have been provided. Therefore if permission is granted please include the following condition.

Suggested conditions

1. The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No: 15294-201 Rev P2), maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.”

- Ermington Parish Council – Support

Representations:

None received.

Relevant Planning History

- 21/1567/88/3: New industrial unit. Plot off East Way Lee Mill Industrial Estate Ermington. Conditional approval: 17 Aug 88

ANALYSIS

Principle of Development/Sustainability:

Policy SPT4 seeks to provide for a minimum of 21,700 sqm of additional B1/B2 industrial floorspace within the Thriving Towns and Villages Policy Area within the plan period. Policy DEV14 seeks to support a flexible supply of employment land and premises. Existing employment sites with potential to support future expansion are specifically protected. Policy DEV15 supports the following across the TTV area: *“Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.”*

The site located within the established Lee Mill Industrial Estate and the proposal relates to the expansion of an industrial unit. The principle of the development is considered acceptable in accordance with the above policy framework.

Design/Landscape:

The proposed development would be read as relatively modest additions to the existing industrial unit, with the design in keeping with the existing character of the site and its surroundings. In wider landscape views the development would be seen in the context of the wider industrial estate, and given its scale and form landscape character would be conserved.

The proposal is considered acceptable in terms of design and landscape impact.

Neighbour Amenity:

There are no residential properties in the immediate vicinity of the site, however the Highway Authority have raised concerns about the impact of additional traffic on the amenity of residents living on the Plymouth Road.

Highways/Access:

DCC Highways have commented on the need for a banksman for reversing vehicles, but more fundamentally have requested a financial contribution to be secured via a Section 106 Agreement towards a road improvement scheme. As the Applicant has not expressed a

willingness to pay the contribution being sought (£35,000) the Highway Authority have raised an objection.

The road improvement scheme to which the Highway Authority is seeking a contribution is a relatively new issue. Following discussions between Officers at SHDC and the Highway Authority about the reasonableness of the contribution being sought, DCC provided an additional briefing note to support their case. This includes the following:

“Need for Scheme

The current situation at Lee Mill is most unsatisfactory, where a key junction connection to the Strategic Road Network (A38) only has three fit for purpose slip road connections. To accommodate the fourth, the Highways Agency made use of a historic street, Plymouth Road. Plymouth Road has private frontage access on both sides with a mixture of private and commercial premises. It has urban features such as double yellow lines, traffic calming, narrow pavements, a narrow carriageway (at points, less than 6m wide), driveways and on-street parking. This is a wholly inappropriate environment to be accommodating slip road traffic and leads to concerns about noise, air quality and safety....

Devon County Council have undertaken a number of traffic counts in Lee Mill to understand the travel patterns in the area. These have demonstrated that Plymouth Road currently carries approximately 5,400 vehicles per day. Of the 500 vehicles using Plymouth Road in the AM peak hour, only 5% are accessing the village itself. In the PM, this rises to 16% as commuters return at the end of the working day. Of the vehicle trips in the eastern, industrial area of Lee Mill, approximately 50% are destined for Plymouth. A further 13% are travelling west of Lee Mill and therefore nearly two thirds of all trips associated with the industrial estate traffic utilise the Plymouth Road slip road. In addition, 25% of the daily vehicles along Plymouth Road are Goods vehicles. This is significantly higher than would be expected along what would otherwise be a minor urban road in both character and function....

The need for improvement of the Lee Mill slip roads is identified in the Devon County Council ‘Transport Infrastructure Plan: Delivering Growth to 2030’ (March 2017), which can be accessed at <https://democracy.devon.gov.uk/documents/s6699/PTE1716Appendix2.pdf> .

Subsequent to the approval of the Transport Infrastructure Plan, Devon County Council received approval from the Portfolio Holder for Infrastructure and Waste, Councillor Andrea Davis, to progress the Lee Mill slip road scheme design. The record of the decision can be found at <https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf> ...

With reference to the National Planning Policy Framework (NPPF), para 56:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development”*

The current conditions at Lee Mill of the eastbound off-slip utilising Plymouth Road are unacceptable and an improvement is necessary to make it acceptable. Proposed developments add more traffic to an already unacceptable situation and therefore these

developments are related to the improvement which provides mitigation against the impact of increased traffic flows along Plymouth Road. The request for developer contributions is fair and reasonable in terms of scale towards the scheme development costs.”

On the basis of the information provided DCC Highways in support of their case, Officers are recommending refusal in the absence of a signed Section 106 Agreement to secure the full contribution sought.

Other Matters:

The application has been accompanied by an Ecological Assessment, which finds the existing building has ‘negligible suitability for roosting bats’ given the modern construction type and current use of the building and no further survey work is considered necessary. The site falls within an ‘impact risk zone’ for statutory sites but does not fall within one of the identified risk categories requiring consultation with Natural England.

Conditions would be required in respect of drainage and tree protection in the event of any approval.

The Planning Balance:

In the absence of a signed Section 106 Agreement to secure the financial contribution sought by the Highway Authority the proposal is considered unacceptable. For the avoidance of doubt the proposal is considered acceptable in all other planning respects and the highways objection is the only recommended reason for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

N/A

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 2519/19/DCC

Agent/Applicant:

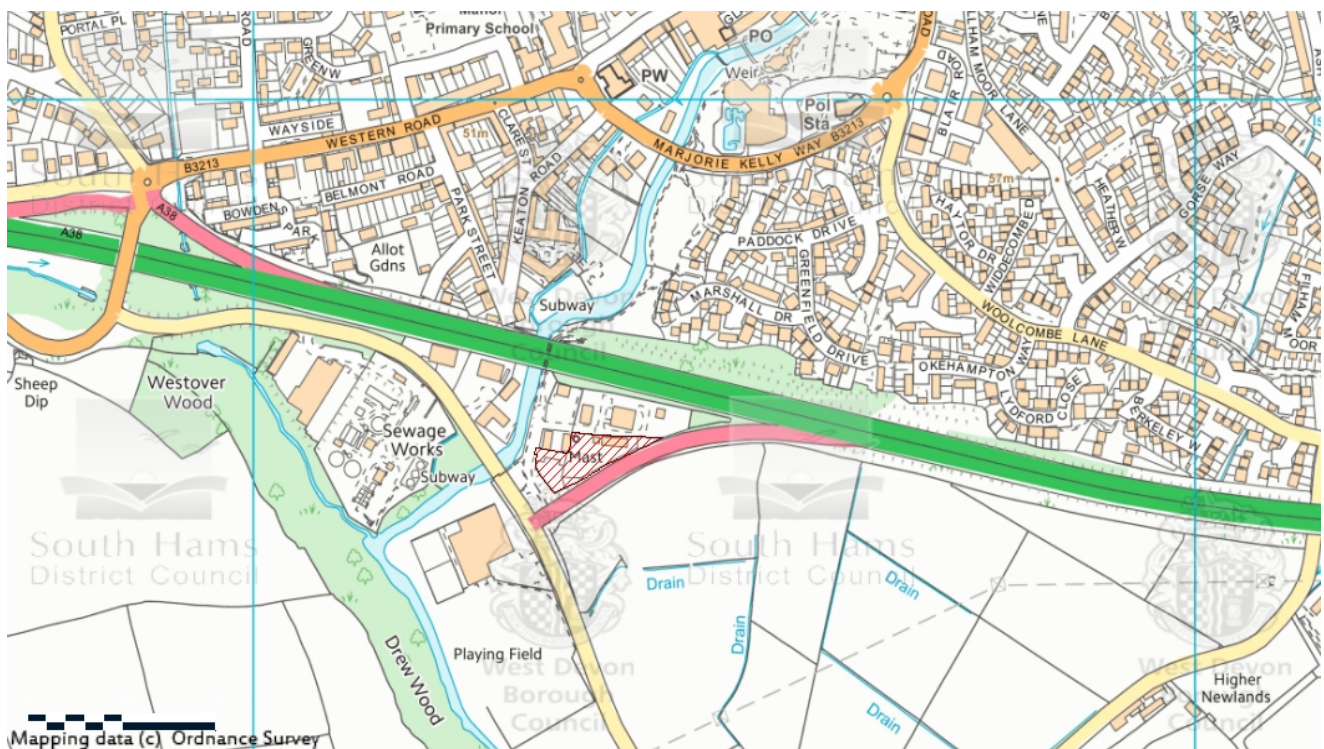
MJCA
Badesley Colliery Offices
Main Road
Baxterley
Atherstone
CV9 2LE

Applicant:

FCC Recycling (UK) Limited
3 Sidings Court
White Rose Way
Doncaster
DN4 5NU

Site Address: Ivybridge Council Depot, Ermington Road, Ivybridge, Devon, PL21 9ES

Development: County Matters application for change of use from vehicle depot (B8) to waste transfer station (Sui Generis). Including land previously used as householder waste recycling centre. Building works to include demolition of existing storage building and construction of waste transfer station building and associated litter netting



Reason item is being put before Committee

SHDC is the landowner.

Recommendation: SHDC declares its interest in the site as the landowner and that it has a contractual agreement with Applicant (FCC) for the delivery of waste services and that this application is directly related to the Council's own waste strategy.

In its role as statutory consultee to this application process the Council raises no objection subject to Devon County Council as Waste Planning Authority ensuring adequate measures are put in place to manage and mitigate highway and environmental impacts.

Key issues for consideration:

The Committee is advised that SHDC is not the determining authority for this proposal. The views of the Committee will be forwarded to Devon County Council for due consideration during its determination of the application as the Minerals and Waste Planning Authority.

Site Description:

The site is located on the southern edge of Ivybridge on the south side of the A38. The westbound slip-road from the A38 (to exit for Ivybridge) runs along the southern boundary of the site. The site itself comprises an existing vehicle depot which is accessed from the public highway to the west. The western edge of the site including part of the access lies within Flood Zone 2. There is mature vegetation screening the site from the public highway to the west and south. Existing built form is utilitarian in appearance, with the site being previously used as a Household Waste Recycling Centre. It is currently used as a vehicle depot for the storage and maintenance of vehicles.

The Proposal:

Change of use from vehicle depot (B8) to waste transfer station (Sui Generis). Works to include demolition of existing storage building and construction of a purpose built Waste Transfer Station (WTS) for the storage of kerb side collected household waste prior to onward transfer. The WTS would provide a facility to bulk up paper, card, glass, plastic, cans and food waste and would be delivered to the site pre-sorted. The WTS building would be sited close to the northern site boundary with vehicle parking to the south. The proposed building would measure approximately 22.5m x 15m x 7m to the rear with a mono-pitch roof rising to 8.57m on the front (south) elevation. The building would be clad in plastic coated steel cladding (Blue RAL 5010) with four roller shutter doors on the south elevation. The existing grounds maintenance containers would be relocated to the eastern area of the site. The existing office building would be retained and used by staff associated with the WTS operations.

Approximately twelve waste collection vehicles would deliver waste to the site with a further thirteen vehicles continuing to use the site as a depot only. Articulated lorries would collect bulked up waste approximately four times per day (once per day for the card, food waste and plastic, and every other day for the glass and paper).

The application has been submitted to DCC by FCC Recycling (UK) Limited, who currently manage a waste collection contract for SHDC and WDBC. The building is on an existing waste transfer site and is being built by the Council's existing waste contractor to facilitate the move to the Devon aligned service. The Devon aligned service means that the Council will be collecting more items for recycling, more frequently, and enables the Council to stop using single use plastic sacks for collections which cannot currently be recycled. It is an intrinsic part of the Devon Waste Strategy of which the Council is a partner authority and is designed to maximise recycling whilst minimising residual (grey bin) waste. The changeover date for the new service to commence has been agreed by Council as 28th September 2020.

Consultations/Representations:

The following responses have been submitted directly to DCC:

- County Highways Authority – No objection – *“The Highway Authority notes the level of traffic proposed as set out in the submitted Transport Statement and has no objections. The plans indicate the vehicle crossing at the access will be resurfaced in tarmac construction. This will require a S184 licence following any planning approval.”*
- Ivybridge Town Council – *“Ivybridge Town Council objects to the provision of a Waste Transfer Station in the proposed location, the reasons are set out below:*

Highway Safety

The separated waste will be stored on site, bulked up and removed separately using articulated lorries. Traffic volumes will impact on the traffic network by the significant increase, resulting in approximately 12 waste collection vehicles per day delivering waste to the site, with articulated lorries collecting bulked up waste from the site a further 4 times per day.

Whilst the timings of the movements of the HGVs may not be in “normal” peak times the nature of traffic movements around Ivybridge is changing quite significantly. Because of the pressure on Western Road, cars with students from the College use Godwell Lane and Ermington Road to access the A38 and queues form from 3.30pm to 4pm – likely to be the times when the HGVs with bulked up waste are manoeuvring off site. More detailed studies of the traffic movements in the vicinity will be essential to reflect the increase in traffic arising from 1000 new homes under construction, as well as developments to the south at Modbury who similarly use the Ermington Road.

Ermington Road is very busy and congested on Saturday mornings when football matches take place at the Erme Playing Fields opposite the proposed location. There is significant increased activity due to vehicles parked along the road and youths walking to and from the playing fields. Articulated lorries travelling to and from the Waste Transfer Station in addition to this could create a hazardous situation.

Section 3.3 of the Transport Statement highlights that visibility onto Ermington Road is restricted to the right due to the parked vehicles and has reduced carriageway width. If this application is approved steps should be taken to mitigate this by removal of the parked vehicles.

The Erme Plym Trail, a public right of way (PRoW), passes the site entrance. This is not conducive to the safety of pedestrians, nor is it aesthetically pleasing on the entrance to the town for tourists and pedestrians in general.

INP7 Traffic and movement, of the adopted Ivybridge Neighbourhood Plan advises that developments proposals should improve cycling and walking opportunities “especially along the river corridor”. This proposal is the complete opposite of this policy.

Car Parking

The proposal allocates 12 car parking spaces for 61 workers. This is wholly inadequate and does not accord with the DEV 29 3. of the Joint Local Plan – ‘ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network’. Ivybridge already has significant problems with on street parking in that vicinity, creating problems for walkers using the Erme Plym trail and routes to and from the town centre and Erme Playing Fields – this proposal will make that inherently more dangerous. We would wish to see evidence of the numbers of staff who will be car sharing and using the buses, as our experience of those statements is that they are completely unrealistic for a Devon market town.

Environmental Impact

The site is located within an area at risk of flooding and within 20 metres of the River Erme. Processes will involve red diesel refuelling on-site and vehicle washdown drainage which is of concern due to the proximity to the watercourse, and this area of the river is already under pressure with the sewerage plant nearby. With the River Erme being an important environmental area anything which could potentially cause pollution for those downstream, including fisheries, must be closely monitored and the views of the Environment Agency in this sensitive area will be critical.

Noise vibration, odour, dust and light pollution

There are concerns for the impacts of the odour from the food waste which will be stored and contained in food skips, and any other emissions from the processes of stored waste that may affect the general amenity of the neighbouring residents.

One member had been reliably informed by the consultant conducting the noise survey that diesel generators would be running constantly. The start time for operations is stated as being from be start time 0600 to end time 1700 Monday to Saturday, with an annual operation throughput of 15000 tonnes of waste.

Conclusion

The long list of adverse impacts above outweigh the need for the siting of this development at his location. This location is inappropriate to receive the waste from the rest of the South Hams and Sherford, and alternative sites should be investigated thoroughly, for example the derelict site at the South Brent Woodpecker junction on the A38 and the recently purchased employment land owned by the District Council at Sherford.

The committee are supportive of achieving sustainable waste management and keen for the education of younger generations about the benefits of recycling. They do however challenge FCC’s statement that Ivybridge is well located as it is within an existing industrial setting.

The current industrial activity is of a much lesser scale than this proposal, and it must be recognised that the location is on the fringe of the largest town in the South Hams and adjacent to the River Erme. The Waste Transfer Stations FCC operate in Devon are located near Okehampton and Kingsbridge in remote rural locations, not located near to residential properties, national walking trails or areas with significant on street parking issues, and the committee have major concerns about the harmful impact on many aspects, including residential amenity.”

DCC have consulted the Environment Agency, DCC Flood Risk Management and DCC Public Health (amongst others). Responses will be reported verbally at Committee if available.

Internal consultation:

- SHDC Environmental Health – No comments

Relevant Planning History

- 27/0509/15/BT: Prior notification for removal of existing and installation of monopole with 4x antennas, 2x 0.3m dishes, 2x cabinets and associated equipment. Vodafone Mast 4331 Ermington Road Ivybridge PL21 9ES Tel det - details not required: 24 Apr 15
- 27/2003/02/CM: Erection of lighting columns to provide on site lighting COUNTY MATTERS APPLICATION. Civic Amenities & Recycling Centre Ermington Road Ivybridge Conditional approval: 03 Dec 02
- 27/0899/90/3: Civic amenity skips and shielding fencing, Depot Ermington Road Ivybridge. Conditional approval: 22 Nov 90
- 27/1108/98/11: Retention of civic amenity site as permanent facility, COUNTY MATTERS APPLICATION. Ivybridge Civic Amenity Site Ermington Road Ivybridge. Conditional approval: 26 Oct 98
- 27/0612/92/3: Construction of four small industrial units and parking, regulation 4, L.P.A. own development authorised by Economy and Employment Committee EE 36/89 dated 23rd November 1989, Land adjacent to S.H.D.C. Depot Ivybridge. Conditional approval: 02 Jul 92
- 27/0096/92/3: Layout of land as a civic amenity/recycling area - siting of civic amenity skips, recycling bins and erection of shielding fencing, Land adjacent to South Hams District Council Depot Ivybridge. Conditional approval: 23 Jun 92
- 27/1523/91/3: Construction of 4no. small industrial units and car parking regulation 4 L.P.A. own development, Chief Executive delegated authority dated 18th January 1991, Land adjacent to South Hams District Council Depot Ivybridge. Conditional approval : 09 Jan 92
- 27/1407/89/3: Proposed garaging for vehicles, D.C. C. Engineers Depot Ivybridge. Conditional approval: 25 Sep 89
- 27/1628/87/3: Offices, messes and stores for council depot with open yard, washroom and fuel facilities for Council vehicles, Regulation 4 LPA own development, Personnel Committee dated 9th April, 1987 (S60/86), Min.Pol 105 /82, Adjacent to River Erme south of A38 at Ivybridge. Conditional approval: 12 Nov 87

ANALYSIS

In terms of the impact of the development on the South Hams, it is suggested the main considerations are the principle of the location; design/landscape impacts; highways impacts; and drainage/environmental impacts.

Principle of Development/Sustainability:

Policy W3 of the Devon Waste Plan states:

“The provision of new waste management facilities should accord with the following mixed spatial approach, having regard to the other policies of the Plan:

(a) strategic recycling, recovery and disposal facilities shall be located:

- within or close to Exeter, Barnstaple and Newton Abbot; or*
- at other opportunities within Devon for the efficient use of heat and power from energy recovery that are accessible to the settlements identified above;*

(b) non-strategic reuse, recycling and recovery facilities should be located at the settlements identified in (a) or within or close to Devon’s other towns; and

(c) small-scale community-based reuse, recycling and composting facilities should be located within or close to the community they serve and/or at the point of the arising or final use of the waste materials.

For all facilities, regard will be had to the merits of the use of previously-developed land or redundant buildings and/or co-location with other waste management facilities and the potential cumulative effects of doing so.”

Policy W5 of the Devon Waste Plan includes the following: *“planning permission will be granted for additional facilities enabling preparation for reuse, sorting, transfer, materials recovery, composting and/or recycling of waste, unless material considerations indicate otherwise, where they:*

(a) are located at or close to the source of the waste or opportunities for its beneficial use; and/or

(b) achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or

(c) are co-located with a complementary waste management operation; and/or

(d) achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.”

The application site is well-located within the South Hams for a WTS to meet the needs of the District, with close access to the A38 for onward transfer. Whilst concerns raised by Ivybridge Town Council regarding the proposed location are acknowledged, current waste policies actively seek to locate waste management facilities close the communities they serve (rather than in remove rural locations). Officers consider the proposal accords with the strategic objectives of the Devon Waste Plan.

Design/Landscape:

Policy W12 of the Devon Waste Plan includes: *“The scale, design and location of all waste management development should be sympathetic to the qualities, distinctive character and setting of the landscape.”* The design and landscape policies of the JLP (listed at the end of this report) are also of relevance.

The proposed development would be functional in appearance, and Officers consider the scale and form of development proposed is acceptable in this location having regard to the existing site context.

Highways/Access:

Ivybridge Town Council have objected to the application on highways safety grounds, with specific reference to the impact on vehicle movements in this location. They also consider insufficient provision for car parking within the site is proposed. However DCC as the Highway Authority have raised no objection. For information refuse would still be taken and bulked at Torr Quarry and so there should be a decrease in the number of refuse vehicles using Ivybridge as these will be stationed at Torr. The waste vehicles are unlikely to increase the volume of traffic in the area during rush hours as collections start at 7am and are usually finished by 3-4pm.

Drainage/Environmental Impacts:

The Environment Agency, DCC Flood Risk Management and DCC Public Health have been consulted on the application, and DCC as the determining authority will need to have regard to their comments in reaching their decision. SHDC Environmental Health have also been consulted separately.

Other Matters:

There are no neighbouring residential properties within the immediate vicinity of the site raising specific amenity issues.

Conclusions:

Having regard to the fact that the Highway Authority is raising no objection, Officers recommend that this Council should raise no objection to the application. DCC will still need to address any technical objections from other statutory consultees (including the Environment Agency) in reaching their decision on the application.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This

requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Ivybridge Neighbourhood Plan (October 2017)

INP7: Traffic and Movement

Devon Waste Plan 2011-2031 (December 2014)

Policy W1: Presumption in favour of Sustainable Development
Policy W2: Sustainable Waste Management
Policy W3: Spatial Strategy
Policy W5: Reuse, Recycling and Materials Recovery
Policy W10: Protection of Waste Management Capacity
Policy W11: Biodiversity and Geodiversity
Policy W12: Landscape and Visual Impact
Policy W14: Sustainable and Quality Design
Policy W15: Infrastructure and Community Services
Policy W16: Natural Resources
Policy W17: Transportation and Access
Policy W18: Quality of Life
Policy W19: Flooding

Waste Management and Infrastructure Supplementary Planning Document

The National Planning Policy for Waste (2014)

Our Waste, Our Resources: A Strategy for England (2018)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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Agenda Item 7

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 11-Sep-19
Appeals Update from 31-Jul-19 to 1-Sep-19

Ward Blackawton and Stoke Fleming

APPLICATION NUMBER : **3755/18/OPA** APP/K1128/W/19/3227919
APPELLANT NAME: Mrs Joan Blampey
PROPOSAL : Outline planning application for a new detached dwelling
LOCATION : Sycamore Cottage Bugford Cross To Yeomans Hillfield TQ6 0LU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-May-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 07-August-2019

Ward Charterlands

APPLICATION NUMBER : **1400/19/TPO** APP/TPO/K1128/7582
APPELLANT NAME: Mr Duncan Currall
PROPOSAL : T791: Beech - Remove branch touching ash tree in adjacent church yard; T792: Beech - Crown lift over site (North) to remove secondary branches up to 4m, remove lowest western branch originating at 2.5m growing over new garage; T797: Beech - Fell; T804: Beech - Remove epicormics growth at base, remove lowest branch West originating at 9m; T811: Beech - Remove the lowest limb over the road
LOCATION : Cobblestones Church Lane Modbury Devon PL21 0TL
APPEAL STATUS :
APPEAL START DATE: 29-August-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Ivybridge East

APPLICATION NUMBER : **0147/19/FUL** APP/K1128/W/19/3231970
APPELLANT NAME: Pyne Estates Ltd
PROPOSAL : Retrospective application for alteration and conversion of commercial building to 2no. self-contained dwellings
LOCATION : Hawthorn House 1 Exeter Road Ivybridge PL21 0BN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-August-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER : **0454/19/HHO** APP/K1128/D/19/3231320
APPELLANT NAME: Mr & Mrs G Patey
PROPOSAL : Householder application for proposed single storey extension
LOCATION : Higher Centry Belle Hill To Centry Kingsbridge Devon TQ7 2HF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-August-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **1690/18/HHO** APP/K1128/D/19/3229699
APPELLANT NAME: Miss Sarah Linton
PROPOSAL : READVERTISEMENT(Additional Documents) Householder application for conversion and extension to boathouse to form ancillary living accommodation (resubmission of 4205/17/HHO)
LOCATION : The Old Rectory East Portlemouth TQ8 8PA
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 01-July-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 23-August-2019

APPLICATION NUMBER : **3131/18/FUL** APP/K1128/W/19/3233006
APPELLANT NAME: Mr Alan Cookson

PROPOSAL : (Re-advertisement - Revised plans received) Demolition of dwelling and erection of 2 semi detached dwellings with off street parking
LOCATION : Loring View Loring Road Salcombe TQ8 8BL
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 08-August-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Stokenham

APPLICATION NUMBER : **3823/18/HHO** APP/K1128/D/19/3224151
APPELLANT NAME: Mr Matthew Warchus
PROPOSAL : Householder application to enlarge East elevation windows to form new double glazed timber doors
LOCATION : Lower Borough Chivelstone TQ7 2NJ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 05-June-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-August-2019
