

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 12th February, 2020</b>										
<b>Time:</b>	<b>10.00 am, 2.00 pm &amp; 4.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brazil</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Brown</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Pannell</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Reeve*</td> <td>Cllr Rowe</td> </tr> </table> <p style="text-align: center;">*Substituting for Cllr Taylor</p>	Cllr Abbott	Cllr Brown	Cllr Hodgson	Cllr Holway	Cllr Kemp	Cllr Long	Cllr Pannell	Cllr Pringle	Cllr Reeve*	Cllr Rowe
Cllr Abbott	Cllr Brown										
Cllr Hodgson	Cllr Holway										
Cllr Kemp	Cllr Long										
Cllr Pannell	Cllr Pringle										
Cllr Reeve*	Cllr Rowe										
<b>Interests – Declaration and Restriction on Participation:</b>	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.										
<b>Committee administrator:</b>	Janice Young Specialist- Democratic Services 01803 861105										

**1. Minutes**

**1 - 6**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 15 January 2020;

**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) 3703/18/OPA**

**7 - 36**

"Land At SX 651 560", Filham, Ivybridge  
READVERTISEMENT (Revised Plans Received) Hybrid application for the erection of up to 200 dwellings, comprising the following:  
Phase 1 - detailed application for the erection of 94 dwellings (C3), formation of access with Exeter Road (B2131), new spine road, internal roads and footpaths, surface water infiltration ponds, landscaping, ground and utilities works and associated infrastructure; and Phase 2 - outline application for up to 106 dwellings (C3) with all matters reserved except for access; strategic landscaping, surface water drainage works, highway works and diversions and associated infrastructure

- (b) 2499/18/FUL** **37 - 52**

"Land Adj. To The Old Mill", Woodland Road, Harbertonford  
READVERTISEMENT (revised plans received) Demolition of  
existing barn structure and erection of 4 new residential dwellings  
with associated landscaping (Re submission of 2564/17/FUL)

- (c) 2655/19/FUL** **53 - 62**

"Land at New Mills Industrial Estate", Modbury  
READVERTISEMENT (Correct ownership certificate supplied)  
Provision Of Equine Veterinary Facilities

- (d) 3795/19/FUL** **63 - 70**

Higher Yetson Farm, Ashprington, Totnes  
Demolition of agricultural building and construction of new  
residential dwelling following Class Q approval (1021/19/PDM)

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

- (e) 2434/18/ARM** **71 - 98**

"Allocated Site K5", Land at SX 729 440, West Alvington Hill,  
Kingsbridge  
READVERTISEMENT (Revised Plans Received and Amended  
Description) Application for approval of reserved matters  
following outline approval 28/0508/15/O for erection of up to 52  
no. dwellings, 0.5 hectares of employment land, 2no. vehicular  
accesses, open space, play provision and drainage

- (f) 3197/19/OPA** **99 - 124**

Land adjacent to New Park Road, Lee Mill, Ivybridge  
Outline application with some matters reserved for residential  
development of up to 25 residential units including vehicular  
access, estate roads, landscaping, open space, drainage,  
infrastructure and all associated development (resubmission of  
1303/18/OPA)

**\*\*The following applications will not be heard before  
4.00pm\*\***

- (g) 3889/19/FUL** **125 - 138**

"Paddyacre", Bowden Hill, Yealmpton  
Removal and replacement of existing garage and formation of  
two new dwellings (resubmission of 2520/19/FUL)

	<i><b>Page No</b></i>
<b>(h) 3217/19/FUL</b>	<b>139 - 144</b>
"Haydens Farm", Wrangaton Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower	
<b>7. Planning Appeals Update</b>	<b>145 - 146</b>
<b>8. Planning Performance Indicators</b>	<b>147 - 150</b>

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
15 JANUARY 2020**

<b>Members in attendance</b>			
* 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 (Acting Chair)	*	Cllr K Pringle
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

**Other Members also in attendance and participating:**

Cllrs P Smerdon, H Reeve, J Sweett, and J A Pearce

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Specialists; Deputy Monitoring Officer; and Specialists – Democratic Services
	3353/19/TPO	Assets Specialist

**DM.44/19 MINUTES**

The minutes of the meeting of the Committee held on 4 December 2019 were confirmed as a correct record and signed by the Chairman, subject to the following amendment being made:

Para 2101/19/4	Title hotel: Lantern Lodge Hotel
Speakers included:	Supporter – Mr Simon Bird: Parish Council representative – Cllr Jo Hocking: Ward Members – Cllrs Long and Pearce

**DM.45/19 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 **3354/197FUL**: Proposed installation of a Peaking Gas Generation Plant with associated development to include vehicular access and security fencing, by virtue of knowing the land owner on a social level. He remained in the meeting and took part in the vote thereon;

Cllr G Pannell declared a personal interest in application **3498/19/FUL** that is sited within the Dartmoor National Park Authority (DNPA) by virtue of being married to a Member of the DNPA who had submitted a letter of representation. He remained in the meeting and took part in the debate and vote thereon:

Cllrs R Rowe and B Taylor each declared a personal interest in application **3498/19/FUL** as it is 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:

**DM.46/19 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.47/19 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) 3354/19/FUL Land at Ermington Road, Ivybridge  
Town: Ivybridge East**

Proposed installation of a Peaking Gas Generation Plant with associated development to include vehicular access and security fencing

Case Officer Update: Case officer clarified location of siting of substation which had been incorrectly identified at the site visit. There were now 2,042 signatures on the petition against the plant. The DNPA had not been consulted previously and now registered their objection to the plant.

Speakers included: Objector – Ms Sophie Phillips: Supporter – Chris Shears: Parish Council representative – Cllr Anthony Rea: Ward Member – Cllrs Pringle and Abbott

**Recommendation:** Refusal

**Committee Decision:** Refusal

**b) 3021/19/HHO                      11 The Coppice, Ivybridge**

**Town: Ivybridge East**

Householder application for single storey extension to the dwelling

Case Officer Update:            None

Speakers included:              Supporter – Ms Kate Child: Ward Members – Cllrs Pringle and Abbott

**Recommendation:**            Refusal

**Committee Decision:**        Refusal

**c) 3498/19/FUL                      Newpark Stables, North Huish**

**Parish: North Huish**

Proposed provision of manège area to be used in conjunction with existing stables development

Case Officer Update:            None

Speakers included:              Objector – Mr Richard Howell: Supporter – Mr Ian Hodgson: North Huish Parish Council – Cllr Robert Steer: Ward Members – Cllrs Smerdon and Pannell

**Recommendation:**            Conditional Approval

**Committee Decision:**        Conditional Approval

**Conditions:**

1. Standard time
2. Standard Plans
3. Not for commercial use
4. Additional landscaping
5. Land returned if no longer in use
6. Drainage details
7. No outside lighting

**d) 0332/19/FUL                      Garages 7, 9, and 11, Christina Park, Totnes**

**Town C: Totnes**

READVERTISEMENT (Revised Plans Received) for construction of a new three storey private residence on a brownfield site currently occupied by three garages.

- Case Officer Update: None
- Speakers included: Supporter – Mr Stuart Daniel: Town Council representative – Cllr Georgina Allen: Ward Member – Cllr Sweett
- Recommendation:** Conditional Approval
- Committee Decision:** Conditional Approval
- Conditions:**
1. Time limit
  2. Accordance with plan
  3. Surface water drainage in accordance with submitted details
  4. No external lighting
  5. Materials
  6. CMP 9dust, parking, hours of working)
  7. Details of internal and external lighting
  8. Accord with ecology report
  9. Unexpected contamination
  10. No part of the development, including any garden area, may extend below a level of 11.6 metres Above Ordnance Datum
  11. The finished floor level of the lower ground floor shall be set no lower than 13 metres Above Ordnance Datum
  12. Details of tree planting along norther boundary of the site

**e) 3391/19/HHO                      Cheesewring, Sandhills Road, Salcombe**

**Town: Salcombe**

Householder application for rebuilding of boundary wall following partial collapse (Retrospective)

- Case Officer Update: None
- Speakers included: Supporter – Mr Dominic Warren (statement read); Town Council representative – Cllr Mike Fice; Ward Members – Cllrs Judy Pearce (statement read) & Mark Long
- Recommendation:** Conditional Approval

Members had a detailed discussion on this item, and, with the Ward Members having attended a site inspection, were concerned that the wall was significantly higher than the previous wall. There was also concern regarding the loss of a



significant view within the AONB on a frequently used footpath.

**Committee Decision:** Refusal

Reasons for Refusal:

The increased height of the wall results in the harmful loss of a public amenity view from Public Footpath (Salcombe Footpath 24) within South Devon Area of Outstanding Natural Beauty, contrary to the provisions of DEV1 (1), DEV20 (1), DEV20 (2), DEV23 (1, 2, 7), DEV25 (2, 3, 4, 7, 8), SALC ENV1 (a, b) and guidance within the National Planning Policy Framework, including but not limited to paragraphs, 170 and 172.

Members authorised enforcement action.

**f) 3353/19/TPO**                      **Tree, land adjacent to 7 Whimbrels Edge, Thurleston**

**Parish: Thurleston**

Elm – crown lift on north side to 3m from ground level, deadwood removal (exempt) and remove basal epicormics growth. To allow pedestrian access without damaging trees.

Case Officer Update:              None

Speakers included:                None

**Recommendation:**              Approval

**Committee Decision:**            Approval

DM.48/19      **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

The Head of Development Management provided further details on specific recent appeal decisions.

(Meeting commenced at 11.00am and concluded at 4:08pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 15 January 2020

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
3354/19/FUL	Peaking Gas Generation Plant, land at Ermington Road, Ivybridge	Refusal	Cllrs Foss, Abbott, Pannell, Kemp, Long, Pringle, Hodgson, Rowe, Taylor, and Brown (10)	Cllr Holway (1)	(0)	Cllr Brazil (1)
3021/19/HHO	11 The Coppice, Ivybridge	Refusal	Cllrs Foss, Abbott, Pannell, Long, Hodgson, Taylor, and Holway (7)	Cllrs Kemp, Brown, Rowe, and Pringle (4)	(0)	Cllr Brazil (1)
3498/19/FUL	Newpark Stables, North Huish	Conditional Approval	Cllrs Foss, Abbott, Hodgson, Kemp, Brown, and Holway (6)	Cllrs Pannell, Long, Pringle, Rowe, and Taylor (5)	(0)	Cllr Brazil (1)
3382/19/FUL	Garages 7, 9. And 11, Christina Park, Totnes	Conditional Approval	Cllrs Foss, Abbott, Pannell, Rowe, Holway, and Taylor (6)	Cllrs Hodgson, Kemp, Long, Brown, and Pringle (5)	(0)	Cllr Brazil (1)
3391/19/HHO	“Cheesewring”, Sandhills Road, Salcombe	Conditional Approval	Cllrs Brown, Holway, and Rowe (3)	Cllrs Foss, Abbott, Pannell, Long, Pringle, Hodgson, Taylor, and Kemp (8)	(0)	Cllr Brazil (1)
3391/19/HHO	“Cheesewring”, Sandhills Road, Salcombe	Refusal	Cllrs Foss, Abbott, Pannell, Long, Pringle, Hodgson, Taylor, and Kemp (8)	Cllrs Brown, Holway, and Rowe (3)	(0)	Cllr Brazil (1)
3353/19/TPO	Elm – crown lift on North side to 3m, Land adjacent to 7 Whimbrels Edge, Thurlestone	Approval	Cllrs Foss, Abbott, Pannell, Kemp, Long, Pringle, Hodgson, Holway, Taylor and Brown (10)	(0)	(0)	Cllrs Brazil, Rowe (2)

## PLANNING APPLICATION REPORT

**Case Officer:** Kate Cantwell

**Parish:** Ugborough **Ward:** Ivybridge East

**Application No:** 3703/18/OPA

**Agent:**

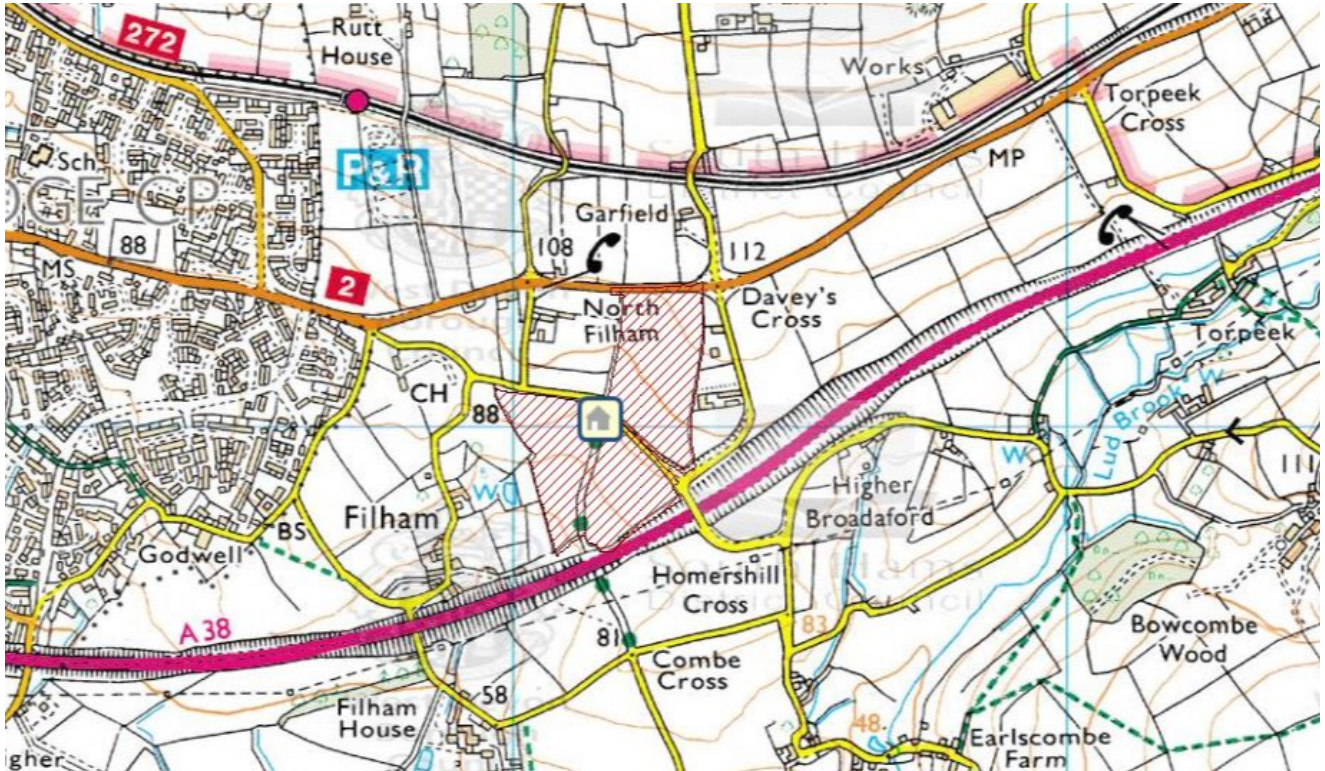
Mr Robin Upton  
WYG  
Hawkridge House  
Chelston Business Park  
Wellington,  
Somerset  
TA21 8YA

**Applicant:**

Bloor Homes  
C/O Agent

**Site Address:** Land At SX 651 560, Filham, Ivybridge

**Development:** READVERTISEMENT (Revised Plans Received) Hybrid application for the erection of up to 200 dwellings, comprising the following: Phase 1 - detailed application for the erection of 94 dwellings (C3), formation of access with Exeter Road (B2131), new spine road, internal roads and footpaths, surface water infiltration ponds, landscaping, ground and utilities works and associated infrastructure; and Phase 2 - outline application for up to 106 dwellings (C3) with all matters reserved except for access; strategic landscaping, surface water drainage works, highway works and diversions and associated infrastructure.



**Reason item is being put before Committee**

On the advice of the HoP Lead Development Management.

**Recommendation:** Conditional approval

**Conditions – pre-commencement conditions to be agreed at time of writing. Full wording of conditions to follow.**

### **Full Planning Permission**

1. Standard commencement timeframes
2. Development in accordance with the plans
3. PRIOR TO COMMENCEMENT submission of a phasing plan
4. PRIOR TO COMMENCEMENT detailed design of the proposed permanent surface water drainage management system.
5. Groundwater monitoring in south-western and south-eastern parcels during the construction of the northern parcel and submission of results
6. PRIOR TO COMMENCEMENT full details of the adoption and maintenance arrangements for the permanent surface water drainage management system
7. PRIOR TO COMMENCEMENT detailed design of the proposed surface water drainage management system to serve site during construction.
8. Prior to their construction, details of the facing materials of all retaining walls (except where they form part of a garden boundary wall)
9. Within 3 months of the date of this consent or prior to commencement above slab level submission of an amended Landscape Concept Plan
10. Prior to development above slab level, full soft landscape proposals (the Landscape Scheme) in accordance with the approved Landscape Concept Plan to be submitted.
11. PRIOR TO COMMENCEMENT Construction Environment Management Plan.
12. PRIOR TO COMMENCEMENT Scheme to deliver electric vehicle charging points.
13. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.
14. PRIOR TO COMMENCEMENT Landscape and Ecological Management Plan for Phase 1 of the development
15. PRIOR TO COMMENCEMENT specification and locations of inbuilt bird and bat boxes of the development
16. Adherence to impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018).
17. No removal of Dormouse habitat unless the LPA has the licence issued by Natural England or a statement from the licensed bat ecologist to the effect that one is not needed.
18. Adherence to impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018).
19. No removal of Dormouse habitat unless the LPA has the licence issued by Natural England or a statement from the licensed bat ecologist to the effect that one is not needed.
20. PRIOR TO COMMENCEMENT submission of a Construction Management Plan
21. Prior to construction submission of details of all infrastructure details including roads, cycleways, footways, and verges
22. No mud, stones or debris on the highway
23. PRIOR TO COMMENCEMENT submission of a Written Scheme of Investigation
24. Prior to occupation submission of a revised noise mitigation scheme to demonstrate compliance of the development with BS8233:2014 and relevant World Health Organisation noise levels for the prevention of community annoyance.

### **Outline planning permission**

1. Standard commencement timeframe
2. Reserved matters shall include: access, appearance, landscaping, layout and scale
3. Reserved matters to be accompanied by a phasing plan
4. Details of the play provision, including details of equipment and preferably unfenced play area
5. Plan to show the location of benches and bins in the public open space
6. Plan to show additional link pathways to the northwest of plot 94 and to the east of plots 37 and 58
7. Reserved matters for layout to be accompanied by a scheme for electric car charging points
8. Reserved matters for layout to be accompanied by an updated noise assessment.
9. Highways England shall be consulted on the proposed design, construction and future maintenance requirements of any acoustic mitigation measures adjacent to its land.
10. Noise assessment specific to the foul water pumping station to include in combination effects with surface water pumping station.
11. With each subsequent Reserved Matters application, full landscape details
12. PRIOR TO COMMENCEMENT of Phase 2, submission of revised Tree Protection Plan, amendment to road layout to avoid T961, updated Arboricultural Impact Assessment and inclusion of planting of a succession oak.
13. Reserved matters for Phase 2 shall include details of housing mix
14. Reserved Matters shall be accompanied by details to address requirements of DEV32
15. PRIOR TO COMMENCEMENT submission of an Employment and Skills Plans (DEV19)
16. Adherence to impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018).
17. No removal of Dormouse habitat unless the LPA has the licence issued by Natural England or a statement from the licensed bat ecologist to the effect that one is not needed.
18. PRIOR TO COMMENCEMENT submission of Construction Environment Management Plan to include ecological impact avoidance and mitigation measures
19. Accompanying reserved matters application for layout, the design of the proposed permanent surface water drainage management system to LPA in consultation with DCC.
20. PRIOR TO COMMENCEMENT full results of a groundwater monitoring programme, undertaken over a period of 12 months required
21. PRIOR TO COMMENCEMENT full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management required.
22. PRIOR TO COMMENCEMENT details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system required.
23. PRIOR TO COMMENCEMENT detailed design of the proposed surface water drainage management system during construction required.
24. Prior to construction submission of details of all infrastructure details including roads, cycleways, footways, and verges
25. PRIOR TO COMMENCEMENT submission of a Construction Management Plan
26. No mud, stones or debris on highway
27. PRIOR TO COMMENCEMENT a phasing/timing plan and details of closure of David's Lane.
28. PRIOR TO COMMENCEMENT submission of a Written Scheme of Investigation

**S106 to include:**

### Highways

1. £173,000 towards a traffic and air quality mitigation scheme in Ivybridge
2. £127,000 towards footway improvements between the site access junction/B3213 and the Rutt Lane/B3213 junction.
3. £5000.00 towards Traffic Regulation Order - Closure of Davids Lane.
4. £5000.00 towards a Traffic Regulation Order 30mph speed limit extension on the B3213.
5. £300.00 per dwelling towards travel vouchers
6. The works set out on drawing 173396\_G\_10 shall be complete prior to occupation of any of dwellings unless otherwise agreed by the County Council.

### Biodiversity

7. Securing Plymouth Sound and Estuaries EMS sums in accordance with figures at <http://www.plymouth-mpa.uk/home/managing-the-mpa/documents/>
8. Securing sum of £25,729.25 towards off-site biodiversity net gain measures ensuring the overall development delivers 10% Biodiversity Net Gain.
9. Ongoing management and maintenance in perpetuity in accordance with the LEMP.
10. Appropriate clauses with respect to setup of Management Company for public open space and boundaries.

### Education

The primary contribution of £252,562

The secondary contribution sought would be £381,425

### Affordable Housing

11. All of the rented units need to be prioritised to applicants in Bands A - D on Devon Home Choice with a local connection to the parish of Ugborough in the first instance.
12. The secondary cascade is to applicants in Bands A - D with a local connection to Ivybridge.
13. The third cascade is South Hams district wide Bands A – E.
14. All of the above can be achieved in one letting cycle on Devon Home Choice.

### Open Space/Play

15. Provision of a LAP (or equivalent play value) in Phase 1 – details to be provided by condition.
  16. Provision of a LEAP in Phase 2 with an activity zone of c.400m<sup>2</sup>, at least 5 pieces of equipment, and a minimum 20m buffer between the activity zone and the habitable room façade of dwellings and 10m buffer between the activity zone and adjacent dwelling boundaries.
  17. Public access and on-going management and maintenance of the on-site public open spaces, including play areas, in perpetuity.
  18. An off-site play contribution of £25,971.50 in respect of Phase 1 in the event that Phase 2 isn't implemented within an agreed timeframe. Contribution to be used towards improvements to play facilities in Ivybridge Town Centre.
  19. A sports and recreation contribution as follows
    - a. Phase 1 = £96,981.21 (£69,583.50 capital and £27,397.71 maintenance)
    - b. Phase 2 = A x £329 capital. Maintenance = A x B x C, where:
      - A = number of occupants (based on number of dwellings x 2.25).
      - B = 12.7 (m<sup>2</sup>/person requirement for playing pitches)
      - C = £10.20 (20 year cost/m<sup>2</sup> for maintenance of playing pitches)
- Contribution to be used towards:

- Improvement to sports facilities at Erme Valley Playing Fields; and/or
- Improvements to and extension of changing facilities for Ivybridge Rugby Club; and/or
- Upgrade of All Weather Pitch with Community Use Agreement at Ivybridge College; and/or
- Investment in ground works at old cricket ground, Moorhaven to restore pitch for football and rugby; and/or
- Improvements to football ground at Twinaways Hillhead Cross including provision of a shelter for changing purposes, and secure storage for equipment.

Ecology/Biodiversity 1. Prior to commencement specification and locations of inbuilt bird and bat boxes for Phase 1 of the development

2. Adherence to impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018).
3. No removal of suitable Dormouse habitat including hedgerows and scrub shall commence unless the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead, or a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.
4. Impact avoidance and mitigation measures to be appropriately reflected in any Construction Environment Management Plan.
5. Securing Plymouth Sound and Estuaries EMS sums in accordance with figures at <http://www.plymouth-mpa.uk/home/managing-the-mpa/documents/>
6. Securing sum of £25,729.25 towards off-site biodiversity net gain measures ensuring the overall development delivers 10% Biodiversity Net Gain – triggers and clauses to be advised.
7. Ongoing management and maintenance in perpetuity in accordance with the LEMP

**Key issues for consideration:**

Whether the submitted details meet the requirements of JLP Spatial Priority SP2: Spatial priorities for development in Ivybridge and policy TTV7: Land at Filham.

The inclusion of a portion of land which is outside by adjacent to the site allocation and the appropriate policy position on that matter.

Landscape and character impact given the location in the countryside and separated from Ivybridge and nearest villages by open countryside.

The design quality, visual and general amenity including site arrangement, parking provision, and open/play space and sports provision.

Traffic impacts and sustainable transport considerations given the separation from Ivybridge and nearby villages and impacts on the A38/trunk road network.

Drainage, in particular in relation to adjacent Highways England land and the two options provided to address the challenges of the sloping land.

Air quality impacts and highway improvements to serve the site and improve traffic flow and emissions at Western Way.

Noise impacts and mitigation measures in the design and layout of the site.

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

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and 20-21 is the last year's allocation. The 2020-21 NHB allocation for the Council will be based on dwellings built out by October 2019. A statement about a replacement scheme was expected in the New Year.

This application will be built after the October 2019 cut off for the New Homes Bonus funding, so no NHB funding will be received.



However, the Council does not know whether a replacement scheme is likely or not to pay the Council similar funding levels.

For information, under the New Homes Bonus scheme an amount of £1,337 was payable to the Council for an individual property, with an extra £280 if the property was for affordable housing.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

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### **Site Description:**

The site is located to the east of Ivybridge and is bordered by the B3213 to the north and the A38 to the south. Vehicular access to the A38 Devon Expressway is provided via an all-movement grade separated interchange at Woodland Terrace located to the south of Ivybridge and approximately 2.5 kilometres west of the site, and via east-facing slip roads at Bittaford approximately 4km to the east of the site.

An unnamed sunken lane runs east-west across the centre of the site, linking Ivybridge Rugby and Football Club to the west and Davids Lane to the east. A further unnamed sunken lane leads from Exeter Road to the north and runs north-south where it ends, south of the application site, having been severed by the A38.

The application site comprises three fields presently used for agricultural grazing. The fields are of an irregular shape with the north eastern field being broadly rectangular and the two south fields broadly triangular. Each field is bordered by hedgerows and trees, and the fields are laid to grass.

The immediate surrounding land is also fields with some scattered farmsteads and residential properties at Filham and North Filham.

The site is south of Dartmoor National Park. It is not located in the South Devon AONB. The site is located in a critical drainage area.

### **The Proposal:**

This is a part outline, part fully detailed planning application referred to as a 'hybrid' application for 200 houses on the site allocated by policy TTV7 in the Joint Local Plan.

**Phase 1** - detailed application for the erection 107 dwellings (C3), formation of access with Exeter Road (B2313), new spine road, internal roads and footpaths, surface water infiltration ponds, landscaping, ground and utilities works and associated infrastructure; and

**Phase 2** - outline application for up to 113 dwellings (C3) with all matters reserved except for access, strategic landscaping, surface water drainage works, highway works and diversions and associated infrastructure.

The tenure mix proposed is 50% shared ownership and 50% Affordable rent.

30% Affordable Housing Provision = 60 units based on a 200 unit scheme

**Affordable Rent (50%) 30 Units**

12 x 1 Bed 2 Person Apartment

9 x 2 Bed 4 Person House

9 x 3 Bed 5 Person House

**Shared Ownership (50%) 30 Units**

15 x 2 Bed 4 Person House

15 x 3 Bed 5 Person House

**Consultations:**

- **Ivybridge Town Council:** 21 December 2018  
OBJECTION - Ivybridge Town Council objects to the proposed development 3703/18/OPA Bloor Homes Application - Land at SX 651 560 Filham, Ivybridge, due to the site being unsustainable, which is contrary to the key principles of the NPPF. Despite it having an address of Land at Filham, Ivybridge, the whole site is situated in the countryside under Ugborough parish. Future occupants of the development are likely to assume they reside in Ivybridge, as is the case for the Barratts site to the east of Ivybridge providing 222 homes. This proposed application is yet another example of an excessive major development of over 220 [later amended to 200] dwellings to the east of the town being situated in another parish, but creating a cumulative damaging impact to the town of Ivybridge, with no infrastructure or employment provision.

The site is included in the emerging Plymouth and South West Local Plan. TTV9 – Land at Filham requires a quality form of development which integrates with the existing housing. The Town Council contests that the development complies with this requirement. It is not sustainable due to its remoteness, neither connected to Ivybridge nor Ugborough and therefore not possible to integrate with existing developments. The development is situated equidistant between the nearest shop in Ivybridge approximately 2 miles away, and Ugborough village 2 miles in the other direction.

TTV9 stipulates safe and attractive pedestrian and cycle connections for residents to access local facilities and services, including the station and local schools, however the proposed development will encourage a car dependent community due to creating a linear expansion of Ivybridge, and not considered quality planning when the town could expand south of the A38 and would be a more sustainable solution. Owing to the steep topography of the site, sustainable transport options such as walking and cycling to enable access to buses, trains, facilities and services will be challenging for some, particularly from properties near to the A38 which includes affordable family homes.

Ivybridge has in the past been served by a number of bus operators simultaneously, but this has gradually dwindled down to one provider which is not subsidised. Therefore, as only one commercial bus operator would be serving the route on Exeter Road to the north of the site, this cannot be a reliable assumption that it will continue in the current volatile economy. As there is only one service at peak times, the bus travelling to Plymouth is full to standing, and this would impact on the commuters in the town if residents of the proposed development were to access this service.

The train station is a mile uphill from the site, plus the train times would not satisfy commuters relying on early morning trains, particularly for Exeter. It is therefore not realistic to assume that families will rely on sustainable transport to travel into Ivybridge

and beyond. They will use vehicles to travel to schools, access work (mainly Plymouth and other areas for employment), health services, leisure etc thereby adding to the problems of traffic congestion in the town.

The Phase 1 parking strategy allocates 208 parking spaces and 55 garage spaces [figures changed when phase 1 dwelling numbers reduced], thereby acknowledging that occupants of the development will require vehicles to access the site for day to day living, and thus generating additional traffic which continue to add more pressure to the AQMA in Western Road and the roundabout junction at the A38. The County Highway's proposal to paint yellow lines to restrict parking on Western Road will not offer a solution to alleviate the congestion. The safety of traffic access and egress from the site onto the B3213, which is a 60 mph speed limit with traffic often speeding, is a concern.

There are also issues with flood water flowing off Dartmoor, and parts of the B3213 can become very waterlogged at times. The water run off onto the steep site will cause drainage issues, and into David's Lane.

In the JLP TTV31 [changed to TTV29 in adopted JLP) - Development in the Countryside states that housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution. There has already been considerable development approved in Ivybridge, and Ugborough's Neighbourhood Plan states that there is not a requirement for this development. Building in the open countryside is damaging to the environment, with loss of tranquillity and harm to open space adjacent to the town. The development does not take into account the rural character of the site and it will also have a harmful visual impact from Dartmoor.

The development does not accord with the principles of Sustainable Development in the Ugborough Neighbourhood Plan, nor does it conform with their Thematic Approach to Housing Policy which states delivery of new homes over the period of the Plan in line with historic growth trend (currently an average of 3 new homes per year).

The development conflicts with the NPPF paras 7 and 14, and the Emerging Plymouth and South West Devon Local Plan SO6, SPT1, SPT2, TTV9, TTV30 and TTV31, DEV31 and the Ugborough Neighbourhood Plan.

- **Ugborough Parish Council:** Object.
  - Land should be reserved for access onto the A38.
  - Contravention of Policy UG4 in the Ugborough Neighbourhood Development Plan.
  - Unacceptable traffic generation through Bittaford, Wrangaton & Ivybridge.
  - Excessive residential development without adequate infrastructure or employment provision.

If SHDC are minded to approve the application, provision should be made for:

- Earmarking land for a new access from Exeter Road onto the A38
- Retention of existing trees and hedgerows
- S106 contribution towards a new pedestrian crossing in Wrangaton
- Extension of the 30mph speed limit in Bittaford
- Traffic calming in Bittaford & Wrangaton
- Contribution towards a new preschool premises for Ugborough

- **County Highways Authority:** No objection subject to conditions and s106.
- **Lead Local Flood Authority:** Our initial objection is withdrawn and we have no in-principle objections at this stage, assuming that the recommending pre-commencement planning conditions are imposed on any approved permission.
- **DCC Historic Environment Service:** no objection subject to condition.
- **SHDC Environmental Health Specialist:** Raised some concerns relating to noise, suggested Air Quality mitigation approach and suggested conditions if application is approved.
- **SHDC Strategic Planning / Joint Local Plan Team Specialist:** No objection
- **SHDC Landscape Specialist:** Subject to the inclusion of suggested conditions, overall the proposed development would meet the requirements of Policies DEV23 and the allocation at Filham, Ivybridge. The extension of the development into the adjoining land allows for the provision of the allocated number of dwellings in a manner that is, overall, more satisfactory on landscape grounds than restricting the built form to the allocated parcels alone. No objection on landscape grounds.
- **SHDC Tree Specialist:** No objection subject to conditions.
- **SHDC Open Space Sports and recreation Specialist:** Concerns are still present over the provision of public open space in Phase 1 of the development. Although policy compliant, it is regrettable that the provision will not be a central focal point of the development.
- **SHDC Affordable Housing Specialist:** The Affordable Housing team support this application as it is providing 30% affordable housing. This is policy compliant and equates to 60 affordable units. The tenure mix proposed is 50% shared ownership and 50% Affordable rent.
- **SHDC Waste Specialist:** Waste storage and collection arrangement, for the most part, align with Council advice. Our only reservation is related to the location of the bin storage for flats (10-13), in its current location there is risk that bins may come in to contact with parked cars and it is unclear whether there is a drop curb to aid bins being wheeled to collection vehicle.
- **Public Health Devon:** There is no health impact assessment available from which to base our commentary, and this may be something the local planning authority may wish to consider in future.

The covering letter indicates that the developer is contributing towards the improvement and provision of active travel infrastructure which we support.

The play area in the lower section of the development doesn't appear to be overlooked particularly well by many properties and hidden by the trees.

We are pleased to see that consideration has been given to the impact of the development in respect to the climate and environmental emergency within the energy statement.

- **Highways England:** Highways England has no objection in principle to the proposed development subject to planning conditions being attached to any consent the planning authority is minded to grant, to the effect that:
- **South West Water:** No comment.
- **Police Designing out Crime:** no objection
- **Dartmoor National Park Authority:** No comments received.

## **Representations:**

14 letters of representation were received in response to the public consultations. Of these 1 was 'undecided' and the remainder were objections. As a result of the re-consultations some people made further submissions. Each person's submission is counted just once.

- Now that Filham Park has a recognised bridleway there has been a significant rise in horse traffic from Ivybridge Equestrian and other stables, down Davids Lane and then along the lane through Middle Filham down to Filham Park. If this development is built the lane will be closed and there will be no access for horses from Davids Lane unless they go via the main B3213 road. This situation is likely to cause a hazard and accident risk, is it not?
- I object to this development because although, in isolation, the impact of additional traffic may be below the threshold, the other large developments in Ivybridge must be taken into account. We have already seen a significant rise in traffic over the last 18 months as these developments have been progressed and it is clear that the road infrastructure is already inadequate. There are still proposals in the Local Development Plan for hundreds more houses in eastern Ivybridge so clearly this scheme, which is not part of the Ivybridge Plan, will produce additional traffic which was never expected and which the current infrastructure is totally unsuitable.
- I would like to confirm that I object to the proposed development by Bloor Homes for the same reasons given in my previous correspondence - especially the comments by Devon Highways. They suggest that a row of six or seven parallel parking spaces are formed in sheltered parking bays outside the boundary of 4 and 5 North Filham Cottages and extend about 35m west from this point (they are actually called Filham Cottages, North Filham). They go on to say that a 3m shared use cycleway should then be formed between the rear of the parking spaces and the cottages.
- I object to the planning application for all the same reasons which are also covered by the objections by both Ivybridge town and Ugborough parish council.
- We do not require another 220 houses in addition to the 500 houses already proposed. All of which are either on, or proposed to be on, green field sites.
- Traffic and pollution (air & noise) are at significantly high levels and this will only add to these problems. Western road has already been identified as having unacceptable values. Try crossing the road at North Filham during peak times with either a child, dog or horse and it is a very difficult and dangerous experience.
- The infrastructure of Ivybridge is already at breaking point. Schools are full, as are doctors and dental surgeries. Sewage facilities are at capacity.
- South Hams Forward Planning identified Palace lane as being the finishing point for development to the east of Ivybridge. This proposal falls well outside of that line.
- The proposed layout and appearance is not in keeping with existing housing.
- This development would take away land that had been earmarked for an access road on to the Expressway from the east end of Ivybridge.
- The traffic along Western Avenue and through Bitaford is already too high, and this is before the hundreds of houses which already have planning approval have been built. In my view there has to be another access to the A38 giving fairly direct access to both the new housing at the railway station. Unless this provision is made I object to the application.
- I am concerned about impact on wildlife,
- Poor cycle and pedestrian provision.
- Concern regarding renewable energy
- I query the basis on which you have forecast an increase of pupil numbers for the proposed dwellings.

## **Relevant Planning History**

There is no site history associated with the application site.

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The application site includes the site allocation TTV7, and an area of land which is outside but adjacent to that allocation. The Council's Strategic Planning/Joint Local Plan Specialist has addressed these in his response which is copied out below, not requiring further commentary on this point:

*"The applicant has been asked to justify why unallocated land is being used to deliver the allocated site. The applicant has provided a Planning Statement Addendum to address this matter.*

*The unallocated land was not available at the time that the JLP was being drafted, and as such was not considered as part of the allocated site.*

*The addendum identifies that following site surveys that more land is required to adequately deal with surface water, and this has led to a reduction in the developable area of the allocated site.*

*As the original allocation omitted the middle parcel of land, connectivity between the two parcels was considered difficult to achieve. Utilising the middle parcel of land to create better connectivity between the two parcels of land would be to the general benefit of the overall development. The additional use of the middle parcel to help mitigate the impacts of surface water management are also considered an acceptable use of the land when considered as part of the overall development.*

*The addendum also states that there are no reasons in the JLP why the middle parcel of land should not be developed upon. It should be made clear that the middle parcel of land is only considered as an acceptable location for development because of its relationship with the allocated site, and its ability to contribute to delivering a more coherent development that meets the aims of policy TTV7."*

With reference to the part of the site which is allocated, this status established the principle of development as acceptable. It aligns with the settlement hierarchy set out in TTV1 which establishes the Main Towns, which includes Ivybridge, as the preferred location for growth "to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area."

While Ivybridge is separated from the site by an area of open countryside, the eastern edge of the town (where Godwell Lane meets the B3213 at the Rugby Club junction) is just 480m (approximately) from the west of the north-eastern corner of the site which offers a short cycle route as a sustainable travel option. The central eastern edge of the site is closer at approximately 260m east of the Godwell Lane junction. This is the distance pedestrians would need to travel along the improved route that the applicant will provide, including lighting, from the central part of the site. The town centre is approximately 1.5km west of the site placing a number of the town's community facilities within a practical cycle or walking distance. This means the site has "reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and ... dual uses of facilities in community hubs." As required in policy SPT2. Other criteria for sustainable linked neighbourhoods set out in SPT2 are considered in other relevant sections of this report.

Policy TTV2: Delivering sustainable development in the Thriving Towns and Villages Policy Area, establishes that the LPA will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and

deliver a “*prosperous and sustainable pattern of development*”. This report sets out the ways in which the development is, on balance, sustainable through the detail of the application. The development addresses the first two criteria of this policy by providing housing in close proximity to the Main Town of Ivybridge, and secures financial contributions through planning obligations to “*enhance or maintain the vitality of rural communities*” (criteria 1). The applicant is also delivering a policy compliant amount of affordable housing, with 30% of homes on the site being offered as a type of affordable product. In Phase 1 alone, 28 of the 94 homes proposed are affordable, comprising 14 affordable rented and 14 shared ownership.

The JLP explains at paragraph 5.24 that:

*“The level of growth proposed for Ivybridge represents an expansion to what can be considered the extent of its natural boundaries, which are constrained by Dartmoor to the north and the A38 to the south. The proposed developments will contribute to the delivery of an alternative road access to the A38 from the east of Ivybridge and improved connectivity to the town and Filham Park by cycling and walking. These measures are important given the existence of an Air Quality Management Area (AQMA) at Western Road. The location of development to the east also seeks to maximise the potential to support enhanced rail services given its close proximity to the railway station.”*

The applicant has committed to pay £173,000 toward the Devon County Council project to improve part of Western Way in order to address congestion and resulting air quality issues in that location. The proposed pedestrian and cycle link from the central part of the site provides the improved connectivity for Filham Park.

Spatial Priority SP2 states establishes that the plan seeks to enhance the vibrancy and sustainability of Ivybridge and that this will include:

- “1. Providing for mixed use development to help meet local housing need and increase employment opportunities to support the long term resilience of the town.*
- 2. Delivering investment which enhances the identity and economy of the town alongside building stronger economic and social connections with Plymouth.*
- 3. Improvements to the existing road connections and junctions to the south of Ivybridge, working with relevant authorities to look for appropriate solutions to manage traffic flow in and around the town, including new and improved access to the A38 from the east of the town.*
- 4. Improving the existing retail offer, protecting the integrity of the town centre and enhancing its character.*
- 5. Maximising the potential of the A38, and identifying opportunities to invest in rail connections to Plymouth and Exeter.*
- 6. Building on the opportunities presented by proximity to Dartmoor National Park and ensuring development recognises this sensitive location.*
- 7. Ensuring that all development, singularly or cumulatively, will not negatively impact on the ability of the relevant authorities to improve air quality within the Western Road AQMA.*
- 8. Ensuring appropriate infrastructure is delivered alongside new development, including community facilities identified in Policy INP5 of the Ivybridge Neighbourhood Plan.”*

These specific criteria are addressed in the topic-specific sections of this report and it is demonstrated that the proposed development, on balance, meets these priorities.

### **Housing mix:**

SHDC Strategic Planning / Joint Local Plan Specialist commented:

*“The hybrid application provides information for detailed consideration for the northern section of the site. As presented, it is considered that the open market housing mix is just about policy compliant with the appropriate evidence base documents (2017 SHMNA) and relevant ONS housing stock data for Ivybridge and Ugborough. The current open market mix offers too few 2-beds and too many 4-beds than required in the SHMNA, but when considered against the current housing stock in Ivybridge and Ugborough, the proposals are considered ok. There is no over-supply of 4-bed dwellings in Ivybridge, and nor is there a relative over-supply of detached dwellings in either the town or Parish of Ugborough. However, these circumstances are unlikely to be replicable for the future phases of the development, not least because there is also an over-provision of 4-beds within Ugborough parish, and policy DEV8 requires housing development to avoid perpetuating imbalances whilst improving the affordability and accessibility of housing for specific housing needs groups. This would necessitate an uplift in smaller dwellings that are able to meet a wider range of needs for smaller households. Larger dwellings cater for those who have the luxury of economic choice, and can choose to under-occupy a dwelling if they so wish. Policy DEV8 seeks to deliver a wide choice of homes, and that means ensuring that the open market offer not only caters for those who are economically privileged, but also for those who have limited financial means within the open market, and who cannot afford to under-occupy their home.*

*The LPA will place a condition on the outline permission for the remainder of the site that requires open market housing mix to be agreed with the LPA as part of a reserved matters application at a later date, to ensure that the development continues to meet the stated policy requirement of ensuring a sufficient diversity of housing sizes and types within the open market offer, in accordance with the figures in the 2017 SHMNA.*

*Any information submitted as part of a reserved matters application to deal with open market housing mix needs to be in the prescribed format by the council, with a full breakdown of housing sizes, types and tenures across the site. Whilst housing density is a relevant consideration of RM, and will inform the level of acceptance of the design and layout of the scheme, agreeing a housing density should be not seen as a substitute for establishing a policy compliant housing mix.”*

Given the analysis of the Strategic Planning Specialist with which I concur, and by including the recommended planning condition to apply to the outline consent, requiring specific details of housing mix to be provided to accompany the reserved matters application, this aspect of the development is acceptable and accords with policy requirements.

With respect to affordable housing, the Council’s Specialist has confirmed the proposal is policy compliant and suggested s106 clauses which relate to the timing of delivery of the affordable housing, and application of local connection criteria. This addresses policies UG7 and UG8 of the Neighbourhood Plan is policy compliant in that respect.



## **Design/Landscape:**

The original application was for 220 dwellings across the site which was later adjusted down to 200 across Phase 1 and Phase 2 in response to feedback from the Planning Specialist and Landscape Specialist who comments:

*“... the reduction in unit number and reduction in house types with detached garages has noticeably loosened the built form, allowing more in the way of street trees and rear garden trees to form breaks in the development. This will be most valuable when viewed from elevation on Dartmoor. Internally the configuration also allows for structural landscaping to be located centrally within the site, and in strategic locations on its boundaries. The trees lists, including large growing, robust tree species to the open space areas are welcomed.*

*The Landscape Masterplan sets out reasonable principles for the boundary landscaping of the outline areas of the site, but does not provide indicative or strategy detail of landscaping and tree planting within the built parcels or open spaces. Without this detail (which is not necessary at this stage) the Landscape Masterplan doesn't provide a comprehensive strategy for the landscaping of the site, and I would suggest that this is not made an approved plan (it would achieve very little in its current form, and may be counterproductive in limiting the landscaping that can be secured within the built parcels and open spaces).*

*In terms of detailed comments made previously, these have largely been addressed with subsequent amendments to the scheme. I can't see details of retaining wall/underbuild materials (where these don't form part of a garden boundary wall), and this should be conditioned, as these will form conspicuous site features and should be appropriately detailed.*

*There are inconsistencies between the Landscape Concept Plan and the remaining site layouts, and some details (such as where the planting detail is obscured by tree illustrations) are not clear. Rather than approving this drawing or attaching a 'notwithstanding' condition to secure amendments via the detailed planting plans, I would suggest that we seek amendment/clarification to the Landscape Concept Plan by condition so that the principles it establishes remain fixed, and then secure the full planting plan details by a separate condition (see suggested wording below).*

*Finally, to ensure that appropriate detail is submitted (and is not restricted by the Landscape Masterplan) I would recommend that we secure full details of the landscaping of subsequent phases to come forward with each subsequent Reserved Matters application.*

These comments demonstrate general policy compliance with the JLP policies SPT1, STP12.4, DEV23, DEV25, UG2 and UG11. The suggested conditions are included in the recommendation of this report.

It should be noted that Highways England also made specific comments regarding landscape matters:

*“In our previous planning response we set out the requirements for any proposed landscaping adjacent to the Highways England boundary, which relates to Phase 2 of the development for which outline consent is being sought. The applicant's consultants have confirmed the intention to finalise the landscaping proposals adjacent to our*

*boundary at reserved matters stage, and therefore we are recommending that a landscaping plan and planting schedule be submitted for our approval in advance of the commencement of development. Owing to the southern section of the development being immediately adjacent to our boundary, the applicant will also be required to demonstrate there will be no adverse impact to Highways England assets arising from construction of the development, and to ensure appropriate visual screening is provided from the A38 trunk road. We are therefore also recommending that a detailed boundary treatment plan be submitted for our approval ahead of commencement ...”*

The Council's Tree Specialist also reviewed the plans and advised that there are no significant arboricultural constraining features present on or off site other than:

- *No succession planting has been proposed for T961. There will be a detrimental impact on tree health and residual risk to road users due to likely crown decline following loss of circa 30% of its RPA. Easement of the road layout to the West would reduce the ingress into the RPA, which when allied with soil improvement and cessation of livestock trampling will allow T961 to continue healthy growth and its associated amenity benefit contributions.*
- *Planting of a succession tree may be addressed in the Landscape Plan.*
- *It is noted the AIA is now outside of its liability period therefore a revised and/ or updated version is required for review.*
- *Whilst it is noted the Application is presently at Outline stage it is considered that the constraint posed by the impact on T961 when considered against the proposed adjacent usage is such that the following level of information is required to ensure no significant long term or non-mitigated adverse harm may arise as a consequence.*
  - a. Revised road layout.*
  - b. TPP that addresses whole site tree protection methodologies.*

These requirements have been included in the suggested scheme of conditions and therefore the proposed development accords with the requirements of policies SPT1 and DEV28.

Where areas of banked parking are proposed, tree planting and ornamental hedging is proposed to provide some green element to the streetscene and screen cars. Hedging to the front of half the property boundaries will also provide some screening of cars from the streetscene. The amount of parking provided is acceptable with a mixture of on plot and banked on street parking. There are a number of tandem parking spaces utilised in this design, some with long drives which are unusual in a suburban streetscene, but overall with some amendments secured through negotiation and some spaces for on street parking, the level of parking is adequate. Revised details to avoid use of grass verges which the Council observes are often parked on causing accessibility and amenity issues will be secured through the highways details already required by planning condition.

The Police Designing out Crime consultation response noted that care should be taken with regard to the sections of footpath to the sides of some plots so that they are not concealed from view. The proposed layout does offer some natural surveillance of the footpaths to the east and west side of Phase 1 from the properties bordering those green walkway areas. All dwelling frontages are afforded some neighbourly overlooking to deter unscrupulous cold callers, criminal activity and reduce the fear of crime when answering the door to callers,

especially during the dark hours. These design aspects respond to design quality principles in the NPPF and JLP policy DEV10.

### **Open Space:**

#### Phase 1 Open Space

The plans show the public space to comprise a pocket park, including a LAP (see section on play below), landscaped pedestrian links along the east and west boundaries of the site and an area in the south, which is dominated by drainage basins to the west and tree planting/landscaped buffer to the east.

Figures were provided showing that 2.8 acres (1.13ha / 11,331m<sup>2</sup>) public open space is provided in Phase 1 (this excludes the area of the drainage basin). Although that exceeds the policy requirement, it is noted that the calculation includes areas with significant planting, particularly the south-east corner which is proposed as a landscape/tree buffer and amounts to at least 2,000m<sup>2</sup>, as well as the edges of the detention basins (where detailed design is yet to be provided), and the inside of the northern hedgebank which is a narrow strip bordering the B3123. These areas are not practical, usable open spaces and so the provision on Phase 1 relies on the pocket park and the green walkways along the eastern and western edges of the site. The Open Space Specialist expressed concern that these factors reduce the amount of useable public open space and that aside from the pocket park (circa .900m<sup>2</sup>), the public open space provision is largely linear and around the peripheries of the site.

It is noted that the masterplan indicates larger areas of open space in Phase 2, though this would not be available for occupants of dwellings in Phase 1 for a number of years, even if there are no delays in progressing the reserved matters for Phase 2. Overall therefore the provision of open space in Phase 1 is technically policy compliant, but it is regrettable that a larger area(s) of open space have not been provided in a central location.

The Specialists suggestions for planning conditions have been included in the recommendation of this report.

#### Phase 2 Open Space

Although the application for Phase 2 is in outline form, the Landscape Masterplan (Drawing A106760 LA100[B]) shows the public open space for this phase to comprise an area in the north of the site either side of the sunken lane, including a LEAP and drainage basin, and areas at the southern end of both the south-west and south-east parcels providing a buffer between the dwellings and the A38.

It is noted that pumping stations are proposed in the south-west parcel which, although likely to utilize belowground equipment, will remove an area of open space from public use, may present emit noise (yet to be established through the conditioned Phase 2 noise assessment) and will require careful design and siting to avoid dominating or detracting from the quality of the open space in these southern areas.

The amounts of public open space in Phase 2 are as follows:

Phase 2 south-west area – 1.18 acres (excluding foul and surface water pumping stations) = 0.48 ha or 4,775m<sup>2</sup>

Phase 2 south-east area – 2.25 acres = 0.91 ha or 9,105m<sup>2</sup>

Total Phase 2 = 1.39ha or 13,880m<sup>2</sup>

Rough measurements taken from the concept masterplan shown the northern public open space to be c.4,370m<sup>2</sup> in size c.1,780m<sup>2</sup> to the east of the lane (excluding a 400m<sup>2</sup> play area) and c.2,590m<sup>2</sup> to the west (excluding a 380 m<sup>2</sup> attenuation feature). This largely meets the policy requirement of 4,555m<sup>2</sup> for this phase. The Open Space Specialist considers that this area has the ability to be designed as a useable space with surveillance from adjacent properties and it is appropriate that further details will be required at the reserved matters stage.

The areas of public open space at the south of the site are primarily provided as a buffer between the dwellings and the A38. Noise levels will limit the use of these areas but they are considered to have some value for dog walking/recreation. Again, further details will be required at reserved matters stage, including details of the positioning, design and access of the proposed pumping stations in relation to the public open space

## **Play**

### Phase 1

The Specialist suggested conditions regarding the specification and layout including boundaries of the pocket park. Features could include stepping stones, boulders, balance beams, sensory planting and similar.

There is potential for there to be a shortfall in play provision if Phase 2 does not proceed and the Specialist therefore recommends that the s106 secures an off-site contribution for play of £25,971.50 (reduced from £50,971.50 to allow for on-site provision) in the event that Phase 2 (with its associated LEAP) is not implemented within an agreed timeframe. This contribution would be used to improve play facilities in Ivybridge Town Centre, close to the leisure centre, which would be likely to be used by children when travelling into the town with parents or for school etc.

### Phase 2

Specific recommendations are made which should be addressed in the reserved matters applications.

### Sports and Recreation

The s106 includes the suggested financial contribution to mitigate for increased use of local facilities in Ivybridge by occupants of the new housing.

Taking these matters into account, while there are some concerns over the impacts of the phasing of the development and the amount of truly usable open space in Phase 1 and it is regrettable that there are some missed opportunities to improve on site provision and as such amenity for residents, this is not sufficient to justify a reason for refusal.

### **Amenity:**

The residential use of generally compatible with the existing residential uses adjacent to the site.

With respect to noise, the Council's Environmental Health Specialist advises:

*"The submitted noise report highlights that the site is in an area which is identified as being medium/high impact from noise. The noise assessment states that they have followed the Professional Planning Guidance note produced by the Institute of Acoustics. This states the following:*

*High noise levels indicate that there is an increased risk that development may be refused on noise grounds. This risk may be reduced by following a good acoustic design process that is demonstrated in a detailed ADS. Applicants are strongly advised to seek expert advice.*

*As noise levels increase, the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.*

*The assessment then goes on to state how they have met good acoustic design by specifying upgraded noise insulation of the building and the fact secondary ventilation will be required for the majority of properties, the IOA guidance states;*

*.21 Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements.*

*2.22 Using fixed un-openable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.*

*It is difficult to see how the design has been amended to incorporate the noise impact assessment to limit the number of properties exposed to high levels of background noise. It seems that the assessment solely considers the use of sound insulation. The site however is an allocated site, therefore there should be a design which is acceptable but I cannot see a layout currently which shows good acoustic design and delivers 222 [later adjusted to 200] houses at this time.*

*If however the authority is minded to approve the application contrary to these concerns then I would suggest that we require an amended noise mitigation scheme, therefore I propose the following condition:*

*Prior to occupation of any part of the development, the applicant shall submit a revised noise mitigation scheme to demonstrate compliance of the development with BS8233:2014 and relevant World Health Organisation noise levels for the prevention of community annoyance. The applicant shall also provide evidence that the proposed mitigation scheme has been installed.”*

This recommendation is included in the proposed scheme of conditions.

With respect to noise, HE advise that its soft estate should not be relied upon in respect of contributing any perceived benefits of acoustic mitigation because it is required to maintain its soft estate which may result in the removal or amendment at any time. The applicant is therefore required to ensure that appropriate and sufficient acoustic mitigation is provided as part of the development, and in addition to any Highways England soft estate that may be present. The WYG note 'A105371 Land at Filham' Ivybridge dated 16 October 2019 proposes that as Phase 2 at the southern area of the site is outline in nature, assessment of any required acoustic assessment for the whole development will be undertaken once details of the site layout are finalised. The applicant is willing to accept a planning condition requiring the submission of relevant acoustic assessments prior to commencement of the development. We are therefore recommending a planning condition to this effect.

We wish to make clear that should it be determined that any acoustic or visual measures are necessary to mitigate the impact of traffic on the A38, any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development". To ensure compliance with the above, we would request that we are consulted on the proposed design, construction and future maintenance requirements of any such measures.

Waste storage and collection arrangement, for the most part, align with Council advice. Our only reservation is related to the location of the bin storage for flats (10-13), in its current location there is risk that bins may come in to contact with parked cars and it is unclear whether there is a drop curb to aid bins being wheeled to collection vehicle.

#### **Highways/Access:**

Highways England previously issued a Planning Response in respect of the application on 17 December 2019. The response recommended an opening year capacity assessment of A38 Woodland Terrace junction to demonstrate development impacts. Since this date the applicant's highways consultant submitted additional supporting information, and Highways England were able to remove their holding objection instead making some recommendations for inclusion in planning conditions.

Highways England provided specific comment on the Woodland Terrace junction as follows:

*"It is accepted that the impact of development trips at the A38 Woodland Terrace junction would be minimal, and the development in isolation is not considered to have a severe impact on the SRN [strategic road network /A38]. However, Highways England continue to have concerns over the future operation of the A38 Woodland Terrace junction over the lifetime of the adopted plan. Nevertheless, it is appropriate that such cumulative impacts are considered by the relevant highway authorities in the context of Highways England's own study work for the A38.*

*It is noted that as part of the Section 106 package for the application proposals, the developer will commit to funding measures to address air quality issues in the town. Vectos indicate that traffic travelling eastbound along Western Road from the A38 Woodland Terrace roundabout is currently delayed due to on-street parking. The development will make a contribution of £173,000 towards air quality improvements, which include the removal of on-street parking on Western Road. Vectos indicate that this measure is likely to have a positive effect on the operation of the SRN, by safeguarding against blocking back towards the A38 Woodland Terrace roundabout.*

*Based on the above, Highways England accepts that the traffic impact of the development is unlikely to result in a severe impact on the safe and efficient operation of the Strategic Road Network.”*

With respect to impacts on the local road network, the Highways Authority (Devon County Council) advised:

*“It is noted the site is included in the Joint Local Plan (JLP) as a site, which is allocated for housing. There have already been a number of concerns with the JLP and that this development would prevent the Western Road roundabout operating within capacity. The Western Road Corridor Saturn Modelling Assessment findings (which include committed development and future JLP sites indicate this is not the case – the roundabout should still have enough spare capacity to accommodate the development movements. There is some delay around the roundabout in general and some arms perform worse than others, but the Highway Authority would anticipate queuing to be limited to the peak hours and not be severe. It is noted and not disputed from in the Transport Assessment this site will add 1.4% and 2.13% extra traffic to Western Road in the am and pm peak hours respectively. The Highway Authority must consider whether this impact is severe as the National Planning Policy Framework states that planning applications should not be refused unless the cumulative impact of the development is severe on the road network. In this case there is predicted to be less than a 3% increase on the overall extra traffic flow impacting on the roundabout at peak times, so the conclusion from the Highway Authority is that the impact cannot be considered severe.*

*No other highway capacity issues are predicted from the development.”*

Ugborough Parish Council objected to the development for these reasons:

- Land should be reserved for access onto the A38.
- Contravention of Policy UG4 in the Ugborough Neighbourhood Development Plan.
- Unacceptable traffic generation through Bittaford, Wrangaton & Ivybridge.
- Excessive residential development without adequate infrastructure or employment provision.

Highways England which has responsibility for the trunk road network (e.g. A38), has not required any improvements to the A38 or new access on to it. The Highways Authority have not identified that any additional routes to reach the A38 are required, and so there is no evidence that the first request is necessary. Notwithstanding that, the site has been allocated for housing development and the Applicant is only responsible for the land within its control and not any adjoining land.

The application included assessment of traffic flows and connections with local road network which meets the requirements of UG3 and UG4. The Highways Authority has not identified any unacceptable traffic flow through the villages identified above, and financial contributions have been committed by the Applicant towards measures to reduce speed limit on the B3213, congestion and air quality relief at Western Way, and pedestrian and cycle improvements. These objections are therefore all addressed by the details of the application.

The Parish also requested that if the Council is minded to approve the application, provision should be made for:

- Earmarking land for a new access from Exeter Road onto the A38
- Retention of existing trees and hedgerows
- S106 contribution towards a new pedestrian crossing in Wrangaton
- Extension of the 30mph speed limit in Bittaford
- Traffic calming in Bittaford & Wrangaton
- Contribution towards a new preschool premises for Ugborough

It is not within the gift of the LPA to earmark land for a new access onto the A38 as it is not the landowner. Any strategic transport measures that might be required to support development in the town will be considered as part of the Local Plan Review. The Tree Specialist is content with the limited tree works required to accommodate the development and has specifically suggested the road alignment into Phase 2 is amended to avoid loss of a particular tree, and compensatory planting for an oak where loss is unavoidable. The 30mph speed limit on the B3213 is being amended and paid for through the s106. Traffic calming in Bittaford and Wrangaton is not considered necessary by the Highways Authority and so it not reasonable to require. Similarly the Education Authority does not identify any need for pre-school funding as a result of this application, and has explained that while the north east portion of the site is in Ugborough Parish, it is closer to and will function as part of Ivybridge and falls within the Ivybridge catchment area so need has been assessed in that area. The requests from Ugborough Parish are therefore either not necessary, reasonable or have already been included in the detail of this planning application.

Taking all these highways matters into account, policies SPT9, SPT10, DEV29, DEL1 UG3 and UG4 are properly addressed and the application accords with those policies.

#### **Health:**

Devon County Council Public Health team was consulted in relation to this application and responded noting that the developer is contributing towards the improvement and provision of active travel infrastructure. It also suggested that the play area in the lower section of the development does not appear to be well overlooked. However the southern portions of the site are being submitted for outline consent only so the detail has yet to be determined. The Councils Open Space and Play Specialist has agreed the principle of the location of the open and play space in Phase 2, and the matter over surveillance from properties will be considered when reserved matters are submitted for that part of the site.

In this respect the application accords with policies DEV1 in respect of amenity and DEV20 which relates to place making.

Health impacts relating to air quality are considered below.

#### **Air quality**

Joint Local Plan policy SPT9.9 seeks to *“deliver transport projects which provide a safe and effective transport system, as well as supporting place shaping and healthy community objectives, as guided by the hierarchy.”* More specifically, the Spatial Priorities for Ivybridge set out in SP2.7 require that *“all development, singularly or cumulatively, will not negatively impact on the ability of the relevant authorities to improve air quality within the Western Road AQMA.”*



The Applicant has committed £173,000 toward improvements on Western Way which aim to reduce congestion and therefore also air quality. The Council's Environmental Health Specialist is supportive of this in order to address potential air quality impacts from the development and in accordance with the Council's Air Quality Management Plan. The application therefore accords with policies SPT9, Dev1, DEV2 and Spatial Priorities for Ivybridge.

**Climate Change and sustainability:**

The Council's Strategic Planning / Joint Local Plan Specialist provided comment on this element as follows:

*"It is noted that the energy statement proposes a 20% equivalent carbon reduction from building regs requirement through a mix of solar PV, Mechanical Heat Recovery and improved energy efficiency through a fabric first approach. The policy requires a 20% onsite renewable energy deployment, using the most appropriate technology. The report identifies that there are a number of south, south-west and south-east facing roofs that can be utilised by solar PV. However, the proposal only selectively utilised some of these roofs, and only on detached properties. In order to be policy compliant the applicant should be utilising all available roof space if the technology is considered to be appropriate. It is not clear why only detached properties have been selected for this technology."*

It would be more equitable for a mix of house types/sizes to benefit from the solar PV technology, or ideally for additional homes to be included in the carbon reduction plans. However DEV32 does not specifically require that all suitable homes are fitted with solar PV and as the applications appears to meet the requirement for the development to incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L, an uplift is not being required in the recommendation of this report.

The Specialist goes on to say:

*"The heat recovery technology also proposed does provide a level of carbon reduction, although the primary energy used to create this saving is from gas. If more solar PV were deployed on the available roofs, this would generate more energy for space heating that would render the use of heat recover systems superfluous. However, as the PV will have no direct benefit on hot water heating, and since the homes will have gas boilers anyway, it seems logical to recover the heat where possible to make the hot water system more efficient."*

It appears that unless alternative water heating systems that do not require gas are of a quality and reliability to properly serve users, the mix of solar PV for electricity and heat recovery for heating water is acceptable.

Furthermore the Specialist notes:

*"The fabric first uplifts are to be welcomed, although the proposed reductions in u-values of material used reflect that current building regs do not drive energy efficiency levels far enough to make an appropriate contribution to carbon reduction through the construction process. This is expected to change during 2020 and onwards to 2025 as part of the Future Homes Standard review."*

As such no additional requirement is made on this application with regards to fabric first.

A planning condition is recommended to secure appropriate details of compliance with DEV32 for Phase 2 of the development to ensure that it also delivers a 20% carbon reduction equivalent to building regulations requirements. It should be noted that the date of Building Regulations used as a baseline is not fixed in policy, but will be the most up-to-date standards adopted. This approach also accords with requirements of policy UG12.

#### **Drainage:**

Due to the steep nature of the site, the application proposes connection to the mains sewer system. South West Water have raised no objection and noted that it had been approached pre planning application stage regarding this development and a suitable point of connection for foul flows confirmed.

With respect to the surface water matters, the Lead Local Flood Authority (LLFA) commented acknowledging receive of additional information since the initial submission, and that the drainage consultant, acting on behalf of the applicant, has confirmed how surface water can be suitably managed during the construction phase to enable groundwater to be monitored.

The suggested conditions include requirement for measures to remove sediment from surface water during construction phases to prevent it from entering permanent drainage systems which can cause blockages and adverse ecological and amenity impacts both on and off site.

The LLFA notes that the hydrogeologist, acting on behalf of the applicant, has confirmed that groundwater shall not re-emerge downslope of the soakaway if it is satisfied from the information provided that is the case.

Highways England were consulted on the recommendation of the LLFA due to the steepness of the site and close proximity to the A38. The LPA had not initially consulted Highways England as the development did not meet the trigger set out in the General Development Procedure Order Schedule 4. However consultation was valuable to inform the assessment of this development, and the LPA is grateful for their response to a late request for advice and comment.

The applicant had proposed a basin within the northern parcel to initially treat surface water before being piped to the soakaway and basin arrangement. The applicant has also proposed swales within the southwestern and southeastern parcels to treat surface water before draining to the soakaway. These areas border Highways England land and so in its initial response dated 17 December 2019, additional information was requested in respect of the development surface water drainage strategy. Following the submission of a revised drainage strategy and the results of additional monitoring, Highways England advised it is satisfied that the proposed development will not adversely impact on the Highways England drainage asset.

Ivybridge Town Council expressed concern about surface water from Dartmoor emerging onto Davids Lane. This is not something that the Applicant has control over. Both the LLFA and HE are content with the details submitted in this application and therefore the application is considered to accord with policies SPT1, DEV2, DEV35 and UG12.

#### **Biodiversity/ecology**

The Council's Biodiversity Specialist has provided detailed comment which addresses the relevant matters for this application:

*"This comment is formalised after a dialogue over some 6 months with the consultant ecologists working on behalf of the applicant.*

*Initial comments were generally supportive (in terms of the ecology reports being thorough and well-reasoned) but raised the need for a further dialogue with respect to:*

*Dark corridors for bats - in the context of light-sensitive species having been recorded on site in previous surveys and the degree to which these had been reflected in site layout.*

*The site now being within the Landscape Connectivity Zone identified within the South Hams SAC HRA Guidance (June 2019) which the LPA adopted during the lifetime of this application, and implications for the proposal.*

*Biodiversity Net Gain, this having evolved significantly during the lifetime of the application nationally, and the degree to which the proposal secured a measurable net gain for biodiversity.*

*The site falling within the Zone of Influence associated with the Plymouth Sound and Estuaries European Marine Site, with the associated charging schedule to mitigate in-combination recreational impacts of new residents as required for the purposes of the Habitats Regulations.*

*Further information has been reviewed and discussed during telephone and face-to-face meetings, such that where there have been concerns, these have been satisfactorily addressed and a final comment can be made.*

*With respect to the points above, the following is noted:*

*The development, through new and retained hedgerows (and tree lines) and buffering, such that their management can be controlled, and as reflected in the lighting assessment, retains the connectivity of dark corridors across the site for more light-sensitive bat species, both in generally N-S and E-W directions.*

*The proposal (in the context of being within the Landscape Connectivity Zone for the South Hams SAC) is not considered alone or in-combination to cause loss or disturbance to potential bat commuting features, and there is unlikely to be a significant effect on the South Hams SAC.*

*Notwithstanding the layout as was originally presented, and the evolution of Biodiversity Net Gain during the lifetime of the application, the consultant ecologists have sought to drive as much onsite net gain as possible, with various revised approaches, amendments to habitat creation, and inclusion of additional planting. The conclusion of these revisions being that upon applying the Defra Biodiversity Metric 2.0 calculator (which takes account of existing habitat, loss as a result of development, improved management of existing habitat, and creation of new habitat), a 1.14% net gain in on-site habitat units could be achieved, and an 11.64% net gain in hedgerow units. Discussions have focused on the acceptability of these figures both in the current national/local policy context, and also in the potential future context (noting that the majority of this site is in Outline).*

*Accordingly, and noting the LPAs aspiration for 10% Biodiversity Net Gain (as reflected in the draft JLP SPD, which itself was consistent with the now withdrawn draft Environment Bill 10% proposed mandatory figure), the consultant ecologists have worked with the LPA (using guidance from elsewhere in the southwest) to seek to arrive at a sum which might be used to subsequently deliver offsite habitat creation/restoration based on the shortfall in onsite delivery of Biodiversity Net Gain (i.e. delivering a further 8.86% offsite Biodiversity Net Gain). Such an approach is typically referred to as biodiversity offsetting and is identified within the draft JLP SPD as a potential option where it is not possible to secure further onsite habitat enhancement/creation, but where offsite delivery might be added on onsite delivery to secure a 10% overall Biodiversity Net Gain in habitat units post development compared to before.*

*A sum of £25,729.25 is proposed, and would be secured via s106, for the LPA to deliver habitat enhancement/creation. It is noted that this approach is relatively new to the LPA, and it is anticipated that the funds will be held by the LPA initially, to deliver projects which accord with JLP Biodiversity Network, 'made' Neighbourhood Plan or Nature Recovery Network priorities. This approach is accepted by the applicant and will be reflected in the s106 clause wording.*

*A HRA and Appropriate Assessment has been undertaken (dated 25th Sept 2019 on the website) with respect the Plymouth Sound and Estuaries EMS – the conclusions are accurate, however the figures within the document are not – these figures are now out of date and must be updated to reflect those within the Recreation Mitigation and Management Scheme (and draft JLP SPD) – available at <http://www.plymouth-mpa.uk/home/managing-the-mpa/documents/>*

*It is also noted that nest tube surveys undertaken at the site in 2017 and 2018 recorded the presence of two confirmed and a number of potential Dormouse nests, within hedgerows throughout the site, and it is considered that hedgerows throughout the site support a small population of Dormouse. While the majority of Dormouse habitat within the site, namely hedgerows/treelines, will be fully retained, to facilitate the construction of the main access road some limited loss of hedgerow/treeline habitats is required, and accordingly a Natural England licence will be required. Mitigation and habitat creation has been detailed, such that the LPA can be confident that the Favourable Conservation Status of the dormice will be retained, and that Natural England would be likely to subsequently grant a licence (it is noted that the site will deliver IROPI by virtue of 30% Affordable Housing, and there is No Satisfactory Alternative that can achieve access to the site without loss of hedgerow)."*

Planning conditions and s106 clauses as recommended by the Biodiversity Specialist are included in the recommendation of this report. Taking those into account, the application accords with policies SPT1, SPT12, SPT14, Dev26 and UG11.

NB: The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

## Archaeology

Devon County Council's Historic Environment Team have commented on this application noting that they have been made aware of the results of a programme of archaeological work to the south of this application area that has demonstrated the presence of Bronze Age settlement in this landscape. In the light of that information, the Historic Environment Team withdrew its previous advice and offer the following comments:

*"The proposed development lies in an area where prehistoric settlement is recorded in the county Historic Environment Record in the surrounding landscape. Given the scale of the proposed development in this landscape groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.*

*The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.*

As a Written Scheme of Investigation was not submitted prior to determination the advice of the Historic Environment Team to include a planning condition requiring one has been applied and is included in this recommendation of this report. This accords with paragraph 199 of the National Planning Policy Framework (2019), policy DEV21 and UG1.

## Conclusion

The proposed development will deliver the number of houses identified in TTV for this site which is allocated in the Joint Local Plan. In doing so it will deliver open market and policy compliant level of affordable housing and associated financial contributions to mitigation impacts of the development. There are no outstanding objections from statutory consultees, and a limited number of objections from local people. The matters raised in those received have been addressed through explanation in this report and through inclusion of planning conditions and the s106.

On balance, the design of the development is considered acceptable and where necessary additional detail for clarification of specification have been required by planning condition.

Overall therefore this application accords with relevant planning policies and is recommended for approval subject to the schemes of conditions which relate to the full and outline consents considered under this hybrid 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  
SPT3 Provision for new homes  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
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  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
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  
DEV19 Provisions for local employment and skills  
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  
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 199 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: National Design Guide 2019.

### **Ugborough Neighbourhood Plan**

UG1, UG2, UG3, UG4, UG7, UG8, UG11, UG12

### **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:** Jacqueline Houslander

**Parish:** Harberton **Ward:** West Dart

**Application No:** 2499/18/FUL

**Agent:**

Jackie Gillespie  
Gillespie Yunnie Architects  
The Lower Tweed Mill  
Shinners Bridge  
Dartington  
TQ9 6JB

**Applicant:**

Mr S Stone Poppy Developments  
C/O Agent

**Site Address:** Land Adj. To The Old Mill, Woodland Road, Harbertonford, TQ9 7RS

**Development:** Demolition of existing barn structure and erection of 4 new residential dwellings with associated landscaping (Re submission of 2564/17/FUL)



**Reason the application is before the Planning Committee:**

The local ward member requested that the application be heard by the Planning Committee for the following reason:

Due to the proposed housing density, the possible problems with parking, concerns about the type and extent of contamination and various other issues.

**Recommendation:** Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

**Conditions/Reasons for refusal** (list not in full)

1. Time limit
2. Accord with plans
3. Removal of PPD rights
4. Fixed glazing on end elevs and opaque glass
5. Details of rolled stone surfacing
6. Contamination land conditions x 4
10. Drainage
11. brick sample to be built on site
12. CMP
13. No mud /stones on the road.
14. Window and door details, cross sections and profiles
15. Sample of all external materials
16. Details of rainwater goods

Section 106 Agreement to secure contributions towards education provision in the area.

**Key issues for consideration:**

Location of development; housing need; impact on listed Mill; design; contamination; parking

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**Site Description:**

The site is a barn/industrial shed located on the edge of Harbertonford village, off Woodland Road. It is situated on land adjacent to the Old Mill, which has been converted in recent years into residential accommodation. The Old Mill is a listed building.

The site lies within the Harbertonford Conservation Area.

**The Proposal:**

The proposal is to demolish the existing barn/industrial building (tin shed) and replace it with 4 three storey residential units together with gardens and parking /garaging.

**Consultations:**

County Highways Authority: The Highway Authority would re-iterate its comments made for the previous application 2564/17/FUL. It also notes half of the proposed parking is in ground floor garages. Whilst this is acceptable in principle the garage spaces must be 6m x 3m internally. The Highway Authority is unable to plot so would ask the Planning Authority checks this point.

Recommendation:

CONDITIONS SHALL BE INCORPORATED relating to Construction Management and no mud or stones to be allowed onto adjacent roadways.

- Environmental Health Section: contaminated land conditions.

- Town/Parish Council: Objected to the original proposal. The proposal was amended and the Parish Council held a site meeting and resolved to submit the following comments:

Draft minutes of the extraordinary general meeting (site) of Harberton Parish Council  
It was resolved to strongly object to the application on the following grounds:

- site is over developed there are too many houses on the site
- vehicle access and parking too tight a space to use garages shown, or park and no turning circle and no visitor parking
- Unneighbourly infringes existing rights for access and to park for existing properties
- Conservation area and unsympathetic to listed mill adjacent, not in keeping with local vernacular

The Parish Council also wish to make the following comments

- The presented plans are vague without information and detail regarding the dimensions which raise serious concerns as to the viability of the garages and parking shown on the site. There are issues outstanding regarding the ownership, rights and site boundaries.
- Flooding and run off of water has already caused damage to neighbouring properties and has yet to be resolved.
- The council believe the footprint is too large and needs to be reduced by 25% on the end next to the existing cottages. This would resolve the parking and access issues and allow for better mitigation for flood run-off and neighbourliness. The site plan is the same as the withdrawn plans that the parish council had commented on previously.
- The Parish Council would respectfully request that this should be brought to development planning committee for review and comment.
- If any permission is granted on the site in future: suitable planning conditions in place to ensure privacy; specialist contractors appointed for the decontamination and asbestos removal; and is professionally supervised at every stage; flood and drainage plans to ensure no run-off or flooding is caused to neighbouring properties and to mitigate existing problems within the area.

The Parish Council would also like it noted that it is an industrial building and not a barn.

- South West Water: No objection
- Drainage: Recommendation – No Objection  
Based on the information provided we would support the current proposal. Suggested condition
- DCC education : Seeking The contribution sought is £13,652.00 (based on the DfE extension rate of £13,652 per pupil). This will relate directly to providing education facilities for those living in the development. We will also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from King Edward VI Community College. The costs required are as follows: -1 Secondary pupil, £3.95 day x 1 pupils x 190 academic days x 5 years = £3,752.00
- Landscape: Initially, the landscape officer had strong objections to the development with concerns about: the design, scale, proportions and detailing of the windows to both the north and south elevations, and the proposed materials (particularly the use of 'timber effect cladding', and the lack of any use of stone or slate). The proposed elevations lacks any reference to the local character; either the agricultural character of the locality, the existing

residential development nearby, or the adjacent mill buildings; which all provide key, high-quality design reference points.

Since the submission of the amended plans Landscape have now lifted their objection and comment as follows:

Further to comments made in 2019, the amendments to the character and appearance of the proposals are noted and welcomed. The changes to the window proportions in particular make a considerable difference to the way in which the proposals will read alongside the adjacent redevelopment. Alongside the step down in height from the adjacent building, the proposals would also now appear more modest and subservient to the main mill buildings, better suited to its set down position.

The materials palette remains non-typical of the area, and this is regrettable, and presents some conflict with policy DEV20 in relation to local context and materials selection. However, with very careful selection of brick, laying pattern and mortar colour, this could create a palette that is tonally sensitive to the adjacent traditional stone/brick construction, and would present a similar robust facade. The omission of timber effect cladding is noted and welcomed.

Whilst there remain some concerns over materials, overall the changes to the design and proportions of the development have overcome my objections to the scheme; the proposals would sit comfortably alongside the existing built form, and offer a noticeable improvement on the existing dilapidated barns. Subject to conditions securing materials samples (I would also suggest sample brick panels are constructed on site to assess brick, laying pattern and mortar colour/thickness) and a landscape scheme (principally hard landscaping), I would raise no objection on landscape or character grounds to the scheme.

### **Representations:**

Comments have been received and are summarised as follows:

#### **In support: (20 letters)**

- appropriate neighbour to the Mill.
- The developers' credentials are good
- A new development would bring new residents to the village and thus contribute to the infrastructure
- It would be good to see the industrial building demolished as it is currently unused and in a state of disrepair
- Happy with the slight increase in height and appreciate the opaque windows and the reduced footprint.
- The existing building is a blot on the surrounding handsome buildings
- We believe that the new buildings will be constructed to the same standard as the adjacent houses.
- The height is lower than the original 7 storey mill and lower than the existing mill building
- Incorporating garages helps with the street parking problem in the village
- The plan will improve the turning of vehicles and random parking that currently exists
- There are a range of property styles in the village and the proposed building is reflective of the style now.
- We need more houses and 4 built on a brown field site is a great way for the village to expand with the economic benefits of 4 new sets of inhabitants.
- The development will further improve the area and will assist the local economy – school, pub, garage and post office
- The proposed building is a good contrast to the mill building but not intrusive in appearance or size.
- It demonstrates how architecture has evolved over the centuries whilst still retaining the " industrial feel"

- The proposed mix of historic and contemporary design is entirely right. The proposed new houses are in contrast to the historic mill building and each should aesthetically highlight the other.
- Currently the area resembles something chaotic with vehicles abandoned, an old shed, wood store, an abundance of wheelie bins and two containers.
- It will improve what is an unsightly area.
- The warehouse has a corrugated tin roof, contains asbestos and is a problem for both safety and environmental issues.
- The proposed design for the town houses and garages will complement the adjacent historic mill building which has been restored sympathetically and to a high standard providing attractive accommodation and car parking space.
- The building is made of asbestos which should be removed for health reasons.
- The area will be improved and orderly assisting in parking and turning on site.
- The current corrugated warehouse / depot building is both unsightly and dilapidated. Next to the newly restored Old Mill, this building looks even more unsound and decayed.

#### Objections: (7 letters)

- Lack of detail to give fair comment
- Exceeds the height of the present building
- Footprint has been moved closer to my house
- Parking has been placed on my deed right of access again – no clarification or discussion has taken place or agreement given. (For information containers have been placed in this area for the last two years with my concerns having been ignored)
- No visitor parking has been provided
- Emergency access is already an issue
- Lack of turning circle
- Windows can look directly into my property bedrooms. Opaque fixed glazing must be secured via condition
- Rolled stone surfacing has been mentioned but no plan view or details have been submitted
- Any potential rise in the surface level could lead to surface water to my and surrounding properties
- No details of bin collection
- How will surface water runoff and contamination into the river be dealt with?
- Trees and vegetation have already been removed without any application.
- Great concerns over contamination particularly during the works Asbestos and other contaminants must be correctly dealt with.
- Access to our property must be made available at all times during construction and afterwards
- The design is unsympathetic to the conservation area and surrounding buildings, reducing it to 3 would be much better.
- No reference has been made to green energy/materials

#### **Relevant Planning History**

23/0540/89/4: COU

Proposal: Restoration and rehabilitation of mill buildings to form 22 apartments and 7 town houses with erection of 7 craft workshops and single storey workshops to west of site to be retained

Site Address :Harbertonford Mills Harbertonford.

Decision :Refusal: 21 Jun 89

Appeal AUN: Upheld (Conditional Approval): 28 Mar 90

23/0422/93/3: FUL

Proposal: Conversion of existing mill buildings to form 20 apartments & 7 town houses the erection of a new building to form 7 no. craft workshops & 2 no. apartments

Site Address: The Old Mill Harbertonford.

Decision: Conditional approval: 18 Aug 93

23/0808/93/7: LBC

Proposal: Listed Building Consent for conversion of existing Mill building to residential accommodation

Site Address: The Mill Harbertonford.

Decision: Conditional approval: 15 Sep 93

2564/17/FUL Demolition of existing barn structure and erection of 4 new residential dwellings with associated garage building and landscaping.

Decision: Withdrawn 4/ 4/2018

## ANALYSIS

Principle of Development/Sustainability:

The principle of the development is based on the overriding strategy of the Plymouth and South West Devon Joint Local Plan (JLP), which is to deliver sustainable development. Policy SPT1 sets out (in line with the NPPF2019) the basis upon which sustainable development should be considered – a sustainable economy; a sustainable society and a sustainable environment. Policy SPT2 sets out in more detail what such sustainable communities would look like – reasonable access to vibrant mixed use centres; access to local facilities; higher density living appropriate to the area; high digital connectivity; good balance of housing types, sizes and tenures; resilience to future change; well served by public transport and safe accessible wildlife rich local environment.

These principles are fed down through the JLP to the more detailed policies. TTV1 provides a hierarchy for growth in the Thriving Towns and Villages Policy Area. The policy identifies the main towns as the focus for growth followed by smaller towns and key villages. The 3<sup>rd</sup> level is sustainable villages. Harbertonford is identified as a sustainable village. The JLP states

*:" In these villages, it is anticipated that housing will be provided for in the following ways:*

- *through neighbourhood plans which come forward throughout the plan period;*
- *through the application of development management policies where there is no neighbourhood plan;*
- *though the possibility of separate planning studies which identify new sites, and which will be an evidence base input to the next review of the JLP.*

Harbertonford is part of the Harberton area, which has been designated for a Neighbourhood Plan, however at the moment there is no Neighbourhood Plan in place. Policy DEV25, relates to development in sustainable villages, and where there is not yet a Neighbourhood Plan in place, it states:

*"Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan."*

Figure 5.8 in the Plan indicates that Harbertonford could accommodate around 30 dwellings over the plan period. As there is currently no Neighbourhood Plan allocating any sites within the village, there is opportunity to consider developments of this nature. That consideration must however be based on any evidence of local housing need.

Policy DEV8 relates to development which can support local housing need and indicates that the type of housing generally in need on the Thriving Towns and Villages Policy Area is:

*"i. Homes that redress an imbalance within the existing housing stock.*

*ii. Housing suitable for households with specific need.*

*iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency."*

As there is no Neighbourhood Plan in place, the data used to review the local housing need is based on the Office of National Statistics data. In reviewing that data, there is an oversupply of 4 bedroom houses in Harberton as a whole, when compared against the South Hams average and also an oversupply of terraced properties. The proposed dwellings are 3 bedrooomed, for which Harberton has a slightly less than the South Hams average, however the proposal is a terraced form of development.

The applicant has submitted some information in relation to local housing need, which states: *“The high costs associated with demolishing the existing building, carrying out the necessary ground remediation works and providing a sustainable drainage system for the new buildings makes the project unviable for less than four houses. The site is not of a sufficient size to accommodate four individual detached or semi-detached houses, hence the proposed four terrace houses. It would also seem inappropriate to propose small scale individual units on an industrial site adjacent to the larger scale listed Old Mill.”*

These homes could provide suitable accommodation for working families. It is considered that the proposal meets the need for 3 bedroom dwellings, albeit that they are in a terraced format which is oversupplied in the Parish. When considering the site context, it is considered that a terraced format would be a more appropriate form of development based on the existing character in this area. The site would not be appropriate for individual detached or semidetached modern homes. It is thus considered that the proposed dwellings will be acceptable from a local housing need perspective.

#### Design/Landscape:

The design of the proposed dwellings has been the subject of amendments over time. The landscape officer previously had strong reservations about the proposal and as such the applicant has amended the scheme to try to overcome those concerns. Policy DEV20 encourages good quality design. It encourages the use of materials and designs that are resilient to their location; have regard to the local and wider context; achieve a good quality sense of place and character; be locally distinctive; appropriate landscaping and make contribution to community safety as well as other criteria associated with larger scale developments.

In this case the use of stone, slate, render or even the continuation of the zinc down part of the elevations was considered. The applicant indicated that stone or slate was prohibitive because of the cost. The use of all render was considered to bear no relationship to the listed Mill building. The applicant therefore proposed the use of brick slip (which is a brick cladding, used so as to reduce the width of the walls to provide maximum internal footprint). Brick is a resilient material and it is considered that the use of real brick may be possible provided the colour and texture works tonally with the stone on the Mill. The revised landscape officer comments have indicated that careful consideration of a brick may be appropriate. It is proposed to place a condition on the consent to ensure that the choice of brick is complimentary to the adjacent buildings.

Brick is used as quoins over windows and door surrounds on the Old Mill and can be found within Harbertonford in a few places, however in general, buildings in the village are painted render or lime washed buildings or natural stonework. Whilst the use of brick is not prolific in the village, provided the choice of brick and its colour is carefully controlled, it is considered to be an acceptable material in this particular location.

The use of zinc on the roof and dormers is a contemporary material which reflects the natural slate on the Old Mill in terms of colour but adds a modern feel to the buildings.

With regard to the context, the Old Mill is a locally distinctive listed building and the amendments to the scheme have tried to pick up on the rhythm of the windows which is a distinctive feature of the Old Mill. The proportions and spacing's between the windows have been replicated in the proposed building, but the windows themselves are of a modern design rather than a pastiche of the traditional Georgian windows in the Old Mill.

The existing buildings to the west are much smaller in scale than the Old Mill and indeed the existing barn. The proposal has attempted to keep the scale appropriate, bearing in mind the two very different scales. The building does not extend to the west as far as the existing building does and in relation to the Old Mill it is set down and back making it subservient to the Old Mill, which gives the deference which should be applied to the historic structure.

In terms of design, it is considered that the proposal provides 4 terraced dwellings which complement the context, but in a modern format.

#### Neighbour Amenity:

There have been many letters in support of the proposal, covering issues such as appropriate replacement for the industrial building and that the proposal relates well to the Old Mill; Expressions of gratitude, in that it will be good to see the industrial building replaced as the place looks chaotic. There are also comments that the contemporary architecture complements the Old Mill and demonstrates the different stages of architectural design. Comments were also received seeking the removal of the building for environmental reasons and because of the asbestos in the building.

There have also been a number of letters of objection to the proposal. The issues in the objections are similar to those raised by the parish Council and are addressed in detail further on in the report.

In light of the fact that the site is quite constrained and in order to protect the residential amenities of the lower scale properties to the west, it is proposed to add a condition to the consent which removes permitted development rights for extensions; alterations to the roof; buildings in the garden area.

#### Highways/Access:

The Highway Authority have no objections to the proposal, recommending a construction management plan and no mud or stones on the road as planning conditions. The proposal provides 8 parking spaces in the form of internal garages x 4 and 4 external spaces. This is a normal amount for a development of this size. Comment has been made about the lack of visitor parking, however it may well be that the external spaces can also be for visitors as the dwellings are likely to be attractive to young working families who will potentially be at work during the day anyway. It is not considered that the proposal could be refused on the basis of no visitor spaces being provided.

#### Other Matters:

Concerns have also been raised both by local people and the Parish Council. Concerns raised are indicated above, some of which relate to the previous application for the Mill and are not relevant to the consideration of this planning application. The other concerns are discussed below along with responses received from the developer.

#### Height

The proposed dwellings are higher than the current building. The proposed building is higher than the existing industrial building by approximately 500mm. however the width and the depth of the proposed building is less than the existing building. In terms of the relationship with three dwellings to the west, the proposed building is approximately 3.15 metres further away than the existing building. Thus whilst the building is ½ a metre higher, on the other dimensions it is reduced and is therefore considered to benefit both the setting of the Old Mill and the 3 smaller properties by replacing an industrial building with a more attractive building further away.

Flooding and run off. The drainage engineer is content with the drainage proposal for the site and requires a condition to ensure that the scheme is constructed in accordance with the details provided.

Contamination: Concerns have been raised about contamination. The Environmental Health specialist has reviewed the contamination report and has accepted the report and has asked the conditions to be attached to any consent to ensure the required testing and verification is carried out and that control is maintained over any unsuspected contamination. The expert in this area is thus satisfied



there is no contamination risk provided the conditions are adhered to. The applicant has also confirmed that the asbestos removal would be done in accordance with the relevant Health and Safety requirements.

Infringements on existing residents parking. This issue has been directed to the applicant who has provided land registry documents and a solicitor's letter indicating that the occupants of Fulling Mill, Fine Pine and River House have a right of way over the roadway and that they have a right to park in a narrow section parallel to the frontage of their properties. The land registry documents also state that the owner of the industrial building and land and roadway can alter that roadway, provided the right of way and access to the 3 properties is maintained. This is clarified further in a solicitor's letter. The legal documents clearly indicate that the owner of the land is the owner of the development site and that rights are passed to the 3 adjacent properties via the legal title documents.

Space in front of garages is too tight to turn into the garages. A site plan is produced which clearly indicates that a car could turn into and out of the garages. The plan shows the car at the furthest point into the driveway turning into the garage, which would be the most difficult location for turning and it can be seen that the turning space is available.

Site is overdeveloped – too many houses. The footprint of the proposed building is less than the existing building. In discussing the reduction of the number to 3 houses, the developer has indicated that the proposal is not viable. The result would therefore be that the site does not get developed and the dilapidated and unsightly industrial building would remain on the site. There are additional costs associated with this build, in terms of contamination; new drainage scheme, education contributions, which will add to the development costs. However officers consider that 4 dwellings on the site can be achieved without detriment to the neighbours or the character of the area and so it is not considered necessary for the applicant to demonstrate the viability for the scheme.

Impact on Conservation Area and listed building. The site does lie within the Conservation Area and the adjacent Mill is a listed building, so clearly there is a need to address these material considerations. Policy DEV21 in the JLP relates to development affecting the historic environment. The aim of the policy is *“Development proposals will 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.”*

The Planning (Listed Buildings and Conservation Areas) Act 1990, provides that in planning considerations *“ special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

In this case there is an existing industrial building which is disused, except for general storage and is quite unsightly. Whilst there are not many public viewpoints of the building, it is visible from the public highway and in of itself does not make a positive contribution to the Conservation Area or indeed the listed Mill which is adjacent to it.

Replacing the unsightly building with a new building which is well designed and respects its neighbours can only be seen to conserve and enhance the Conservation Area.

In detail though the proposed building defers to the listed building by being considerably lower, being set back from the building line of the listed building such that it appears subservient. Particular features of the listed building have been acknowledged in the design of the new building, with window proportions, locations and sizes being produced but in a contemporary manner; a pitched roof, also in a contemporary material. The result is a more contemporary building which pays homage to the listed structure without in any way overpowering it.

It is considered that the proposal will have no adverse impact on the special architectural or historic interest of the listed building and will conserve and enhance the conservation area by producing a contemporary building with similar proportions to the listed Mill but in a 21<sup>st</sup> century design.

Climate change: A climate change statement has been submitted in order to demonstrate compliance with policy DEV32, which requires

*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.*

*2. Major development should take account of projected changes in temperature, rainfall, wind and sea level in its design with the aim of mitigating and remaining resilient to the effects of changing climate.*

*3. Development proposals will be considered in relation to the 'energy hierarchy' set out below:*

*i. Reducing the energy load of the development.*

*ii. Maximising the energy efficiency of fabric.*

*iii. Delivering on-site low carbon or renewable energy systems.*

*iv. Delivering carbon reductions through off-site measures.*

*4. Developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area. For major developments, a solar master plan should show how access to natural light has been optimised in the development, aiming to achieve a minimum daylight standard of 27 per cent Vertical Sky Component and 10 per cent Winter Probable Sunlight Hours.*

*5. All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.*

*6. Developments will be required to connect to existing district energy networks in the locality or, where there is a future network planned, to be designed to be capable of connection to that network. Where appropriate, proportionate contributions will be sought to enable a network to be established or completed.*

In this case the statement indicates that the development will include: installation of high performance internal water saving fittings and rainwater harvesting; the terraced layout improves the energy efficiency of the development, which serves to reduce the external envelope of the building; the garden elevations are south facing and with high thermal mass and larger areas of glazing allow for maximum solar gain; the dwellings will have natural ventilation with heat recovery MVHR on the extract ventilation to the kitchen and bathrooms

The walls and roof are insulated to higher than part L of the Building Regulations. The walls are to be constructed using UK Durisol woodcrete wall units (made from recycled bonded wood fibre). The roof will be insulated using mineral wool roof insulation (manufactured from recycled slag) Airtightness will also exceed Building Regulation standards. The zinc roof has a very long lifespan and is 100% recyclable. 2 kw photovoltaics are also proposed on the south facing roof slopes.

The layout has been designed to be above the most extreme flood events the site areas around the dwellings are 100% impermeable and a Suds drainage strategy is being installed.

The proposal is not classed as a major development. The layout and orientation of the development secures insulating properties and opportunities for solar gain. The dwellings are being constructed using recyclable materials and additional features such as photovoltaics are proposed to help further reduce the carbon footprint of the proposed development. We do not have a plan indicating the

location and design of the photovoltaics, however if members are minded to approve the application, a further plan will be requested during the production of the Section 106 agreement, or alternatively a condition will be added to receive the additional information, prior to development above slab level.

#### Planning Balance and conclusion

The proposal is for 4 new dwellings in a sustainable settlement, where no Neighbourhood Plan currently exists. In terms of local need, there is an oversupply of 4 bedroom properties and as these are for 3 bed properties they can be seen to be meeting a local need. The area also has an oversupply of terraced housing - this proposal does not provide an alternative to terraced housing, however the constraints of the site and the development costs associated with this development mean that a different form of dwelling would not be achievable on the site. A different form of development would also appear incongruous in this former industrial setting and adjacent to the Listed Mill. The Parish Council raised a number of concerns which have been addressed in the report and a number of objections were raised but again they have been addressed in the report. The proposal will regenerate a site within the Conservation area and adjacent to a listed building which has been in a state of semi dereliction for a number of years and bring it back to productive use in a contemporary manner which has paid reverence to the listed building and the Conservation Area. It is therefore recommended for approval.

***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.

The relevant development plan policies are set out below:

#### **Plymouth and South West Devon Joint Local Plan**

#### **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

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  
TTV25 Development in the Sustainable Villages  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
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  
DEV21 Conserving the historic environment  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV37 Managing flood risk and Water Quality Impacts

#### **Neighbourhood Plan**

There is currently no Neighbourhood Plan for Harbertonford.

### **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 planning conditions:**

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.

The development hereby approved shall in all respects accord strictly with drawing number(s) 3392/.SK001 Proposed Plans and Elevations, received the local Planning Authority on 30/10/2019 3392 SK-005 Site Plan, received by the Local Planning Authority on 28/11/2019.; 3392 10 Rev A site location plan, received by the Local Planning Authority on 16/08/2018.

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. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of residential amenity.

The window(s) on the east and west elevations shall be obscure glazed, non- opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

Prior to the construction of the roadway and parking areas, details of the finish to be applied shall be submitted to and approved by the Local Planning Authority. The work shall then be carried out in accordance with that agreed finish.

Reason: To ensure the finish respects the finish used for the Old Mill.

Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The submitted contamination assessment has identified a potential risk from Arsenic and ground gas that needs further investigation. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

Note: Depending on the situation, long-term monitoring may best be required by means of a S106 agreement, rather than a planning condition.

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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

Note: Depending on the situation, long-term monitoring may best be required by means of a S106 agreement, rather than a planning condition.

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.

Note – this condition can be used in addition to the universal condition, or on sites where no contamination is known or suspected.

Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

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.

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.

Reason: In the interests of Highway Safety.

No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason - In the interests of highway safety.

Prior to the addition of the brick to the building, a sample of the brick shall be submitted to and approved by the Local Planning Authority. The brick shall be used in the construction of the buildings

Reason: To ensure the brick size, colour and style is appropriate in the area adjacent to a listed building.

No work shall commence on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveals, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

No development beyond slab level shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

Prior to construction above slab level, details of all new rainwater goods shall be submitted to and agreed by the Local Planning Authority. The work shall then be carried out in accordance with those details.

Reason: To ensure that the development displays good design practice in respect of the appearance and character of the development and in the interests of the proximity to the adjacent listed building.

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## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Modbury **Ward:** Charterlands

**Application No:** 2655/19/FUL

**Agent/Applicant:**

Mrs Amanda Burden Luscombe Maye  
59 Fore Street  
Totnes  
Devon  
TQ9 5NJ

**Applicant:**

Southmoor Vets  
C/o Agent

**Site Address:** Land at New Mills Industrial Estate, Modbury, PL21 0TA

**Development:** Provision Of Equine Veterinary Facilities



**Reason item is being put before Committee** *South Hams District Council Owned Land*

**Recommendation:** **Conditional Approval** subject to resolution of drainage objections

**Conditions**

1. Time limit
2. Accord with plans

3. The premises hereby permitted shall be used solely for the purposes of veterinary surgeons to practice associated with the veterinary practice currently known as 'South moor Veterinary' and for no other purposes.
4. Hedgebank provided prior to occupation
5. Hours, no operation outside of business hours unless in the case of emergency
6. No external lighting
7. Drainage conditions (if recommended by SHDC Drainage Specialist)

**Key issues for consideration:**

Principle, design, amenity, highways, landscape.

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**Site Description:**

The site is located within New Mills Industrial Estate in Modbury. The site currently forms informal parking associated with South Moor Vets and comprises rolled stone and banked earth.

The site is within a Critical Drainage Area

**The Proposal:**

Change of use of the land adjacent to the existing South Moor surgery from a car park to provide equine facilities to aid in the re-habitation and care of horses and ponies. The facilities will comprise:

- Examination/treatment building to contain stable, client room, examination area and knock down box
- Small surfaced ménage with hard lunge area
- Parking area

**Consultations:**

- County Highways Authority – standing advice
- Town/Parish Council – no objection
- Drainage - objection (awaiting further information from agent)
- Police Architectural Liaison Officer – It is noted in the planning statement that the equine facilities will be fenced and will have a secure parking area but in addition to this please find the following advice and recommendations from a designing out crime perspective, which I hope will assist:-  
In the prevention and detection of crime (theft & burglary) and to reduce the fear of crime, it is recommended that a monitored CCTV system with compatible lighting is considered for the new facility. The CCTV should cover the perimeter of the site and all external entrances and areas. Cameras should be appropriately positioned so as to ensure maximum coverage of these areas.

*A Passport to Compliance Document should be obtained for each camera. (A passport to compliance document is for organisations considering a surveillance camera system. The compliance document is crucial in specifying what the organisation wants the CCTV system to do, perform and to ensure that the passport complies with all relevant regulations. The compliance document will also set out how much it will cost to procure and to run. The passport to compliance puts responsibility for system development in the hands of the organisations that operate them. It guides organisations through the stages they need to go through when planning, installing and eventually operating surveillance camera systems. It should be completed for new systems or where significant changes to an existing system)*

A Passport to Compliance document will also advise on appropriate signage as to its use. As mentioned the secure parking area is noted but will measures be factored in to control vehicle movement onto the site when premises are closed? Ideally the vehicle entrance should be securely gated (if not already) fitted with anti-lift hinges and access control and be covered by CCTV.

All external doors and easily accessible windows, wherever possible, should be sourced as tested and certificated products to deter, delay and/or prevent unauthorised access into the facilities especially into the examination/treatment building. Accessible windows (if applicable) should be fitted with a restrictor

Personal attack alarms should be considered for staff and lone workers

Thieves can be brazen so all equestrian medicine/drugs and equipment such as tack, saddlery, rugs/blankets etc. should all be securely stored when not in use. As a preventive measure all valuable equipment should be forensically marked and a record of the asset or serial numbers recorded.

Sensor-operated security lights are generally not promoted by the police as the regular activations in some situations can increase the fear of crime but for the proposal they could serve well in warning staff of potential intruders.

(Officer note – the applicants have been made aware of this and will take on board these suggestions)

**Representations:**

None

**Relevant Planning History**

35/0767/03/F Erection of new veterinary surgery Conditional Approval  
Site At New Mills Industrial Estate Modbury Ivybridge Devon PL21 0TA 14 April 2003

**ANALYSIS**

**Principle of Development/Sustainability:**

For the purposes of principle, the site is located within an established industrial estate which is also in the settlement of Modbury, one of the Smaller Towns and Key Villages

named under policy TTV1. Here, development will receive support for growth commensurate with their roles in supporting the small villages and hamlets

The proposals in essence are an expansion to an existing veterinary practice, and as such already has an impact in terms of trips and visitors. The proposals will allow the practice to take on more specialist equine care to reduce the need for referrals to be made to Cullompton and Bristol as they do now and provide facilities to enable them to undertake specialist equine care. This is commensurate with policy DEV15 which affects proposals which support the rural economy. Appropriate and proportionate expansion of existing employment sites are supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.

DEV15.8 provides the framework for assessing proposals such as this

*Development proposals should:*

*i. Demonstrate safe access to the existing highway network.*

An existing access will be used which serves the industrial estate, the proposals will not negatively impact this access.

*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.*

Given the nature of the existing use, private car trips are unavoidable, however it is noted the site is within a settlement and the location is sustainably located as it's a small town?. The proposals will likely lead to increase trips but rather than drop in, given the physical constraint of the proposal in term of size and facility space proposed, its likely visitors needing equine care will be by appointment. Currently South Moor vets operate equine care by call out.

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

The land which is being proposed for development currently comprises rolled stone and banked earth, it is also heavily screened by tall trees and hedge. The visual impacts of the proposals are therefore limited. The principal barn will be located to the rear of an existing industrial unit and the lunge area to the east of that. A new Devon hedgebank will be provided to the north boundary.

*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 buildings or site are not isolated nor are there any existing buildings to use.

Overall the principle is sound.

**Design/Landscape:**

As previously outlined, the land which is being used for the proposals currently comprises rolled stone and banked earth, it is also heavily screened by tall trees and hedge, all will remain as existing, the visual impacts of the proposals are therefore limited. The principal barn will be located to the rear of an existing industrial unit and the lunge area to the east of that. A new Devon hedgebank will be provided to the north boundary.

The principal building will be 10m x 20m and 4.7m to the ridge, the building will be timber clad. The exercise area/ ménage will be a sand and fibre surfaced area and a rolled stone circular lunge area surrounded by a post and rail fence with a rolled stone trot-up area.

Given the physical constraints of the site, the industrial estate it's to be located within and dense boundary screening, the proposals are not considered to adversely impact visual amenity. And are in keeping with the general character of the area which is characterised by typical industrial units, the barn is proposed to abut the rear of an industrial unit with the ménage in front of this, facing the existing site boundary hedge, the proposals are laid out in a logical way which has regard to the pattern of development and accords with the general principles of Policy DEV20

**Neighbour Amenity:**

Policy DEV1 concerns amenity, it requires that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.

There is one dwelling near the site, approximately 10m from the ménage and 20m from the proposed barn, the ménage is proposed to be sited against its curtilage, a new Devon hedgebank is proposed to act as a buffer between the site and the proposals.

The amenities of this property are likely already impacted during the day by the industrial estate and A379 in terms of background noise. The proposals will invariably direct people to use a space that is currently little used, however the noise associated with the proposals is unlikely to demonstrably harmful during the day. A level of impact could arise if horses are brought in overnight in an emergency capacity but subject to a condition requiring operation to be within business hours unless in the cases of emergency, the impacts can be limited to a degree.

The proposed building is located away from the existing dwelling towards the end of the residential curtilage area, at 4.7m high and orientated to have its side elevation facing the amenity space and an existing outbuilding. The building is not considered to be

overbearing because of its location adjacent to an existing outbuilding and its distance away from the dwelling. It may result in a level of shadowing during winter months however this will be towards an existing outbuilding. The ménage is not considered to be overbearing given is low scale.

In terms of privacy, as described above, the proposals will result in visitors using the ménage being in close proximity to a neighbouring residential boundary. In reviewing the supplied section drawings, the proposed hedgebank is shown to be 2.91m high, consisting of the turfed bank to rise to 1.2 meters with 0.6 to 0.9m saplings planted above. It is considered this is suitable to protect privacy in the long term and a condition will be attached to ensure this is provided before occupation, maintained and retained for the life of the consent, but noting that the hedge sapling will take time to mature.

### **Highways/Access:**

Policy DEV29 concerns transport, highways parking issues, the policy requires that development should be assessed regarding its impact on the wider transport network, how it provides safe and satisfactory traffic movement and vehicular access to and within the site. Ensures the sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network and to Limit / control the overall level of car parking provision at employment, retail and other destination locations.

The proposals seek to retain most of the parking area and not interrupt existing staff parking. The site is accessed through the existing access to the industrial estate. There are no objections from DCC Highway officer to the current arrangements nor will the proposal disrupt the flow of traffic to the detriment of highway users. Parking spaces aren't shown on plan, however parking is also not formally denoted on site, rather an informal gravel area is used for parking, much of this space will remain as most of the development will take place in the existing scrub area. Given the minimal changes in parking space, officers are not concerned about impacts to parking.

### **Drainage**

Currently awaiting further information to satisfy engineer comments

### **Biodiversity**

A wildlife survey was submitted and it confirms that there are no over-riding wildlife reasons why the proposal development should be refused. The survey recommends that vegetation clearance should be carried out outside the nesting seasons and disturbing works must not be carried out during said nesting season unless a nesting bird survey is carried out. It recommends that if clearance needs to be carried out during nesting season it should be done under watching brief. A condition will be included to ensure the development is carried out in accordance with the recommendations of the survey

### **Planning Balance**

The NPPF and Plymouth and South West Devon Joint Local Plan supports the rural economy and well located, sustainable development. It is concluded that the benefit of the development is that it will improve the facilities of an existing veterinary practice, specifically in relation to specialist equestrian care for the district where equestrian uses are popular throughout. The development is well located within an existing industrial estate and in a sustainable location. Whilst the development would appear slightly incongruous (given that equestrian development is rarely found within industrial estates) the development does relate to an existing veterinary practice and the visual impacts will be localised to the estate. The adverse impact arising from neighbour amenity in terms of noise (also acknowledging the impact the existing industrial estate has) those impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development and as such it is recommended that planning permission be approved subject to conditions.

***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  
TTV25 Development in the Sustainable Villages  
TTV28 Horse related developments 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  
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  
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). Additionally, the following planning documents are also material considerations in the determination of the application:

**Neighbourhood Plan, currently in pre-draft form and is therefore afforded limited weight**

**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.

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;

Proposed Sections SMV03 – received by the Local Planning Authority on 16/08/2019

Proposed Ménage SMV01 - received by the Local Planning Authority on 16/08/2019

Proposed Plans SMV01 - received by the Local Planning Authority on 16/08/2019

Proposed Site Plan - received by the Local Planning Authority on 16/08/2019

Proposed Lunge Area - received by the Local Planning Authority on 16/08/2019



Proposed Site Plan - received by the Local Planning Authority on 16/08/2019

Proposed Site Layout 119 LS rev 0 - received by the Local Planning Authority on 16/08/2019

Proposed Hedgebank Planting AMB - received by the Local Planning Authority on 16/08/2019

Site location plan - received by the Local Planning Authority on 16/08/2019

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. The facilities hereby approved shall be used solely for the purposes of equine veterinary surgeons to practice associated with the veterinary practice currently known as 'South Moor Vets' and for no other purposes.

Reason: for the avoidance of doubt and in the interests of ensuring the development is carried out and retained for the stated purpose.

4. The proposed Hedgebank detailed on drawing reference 'Proposed Hedgebank Planting AMB' - received by the Local Planning Authority on 16/08/2019, shall be completed prior to the construction of the development hereby approved. The hedgerows shall be maintained in accordance with the planting and maintenance schedule as within the Planning Statement with design and access ref: AMB date July 2019 for minimum period of 10 years.

Reason: in the interest of neighbouring amenity and visual amenity.

5. The premises shall only be open to the public between 0800-1900 hours, Monday to Friday and 0900-1300 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays other than in the case of an equine health emergency. Up to date records of out of hours emergencies shall be kept at all times and shall be available for review by the Local Planning Authority at any time.

Reason: in the interest of neighbouring amenity.

6. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect neighbouring amenity.

7. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Wildlife Survey by Butler Ecology Date 21<sup>st</sup> May 2018 (updated 30<sup>th</sup> July 2019) with strict adherence to the measures in sections 7 of the report.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

8. Notwithstanding the approved layout, no existing boundary vegetation shall be cut, managed or removed from the site until a plan for the management of the existing boundary vegetation,

including the planting of additional hedgerow plants is submitted to and approved in writing by the Local Planning Authority. The hedgerows shall thereafter be maintained in accordance with a maintenance schedule covering a minimum period of 10 years, to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of the retention of the conservation of landscape character and visual amenity, in accordance with development plan policies DEV1, DEV20, DEV23 and DEV28

## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams

**Parish:** Ashprington **Ward:** West Dart

**Application No:** 3795/19/FUL

**Agent/Applicant:**

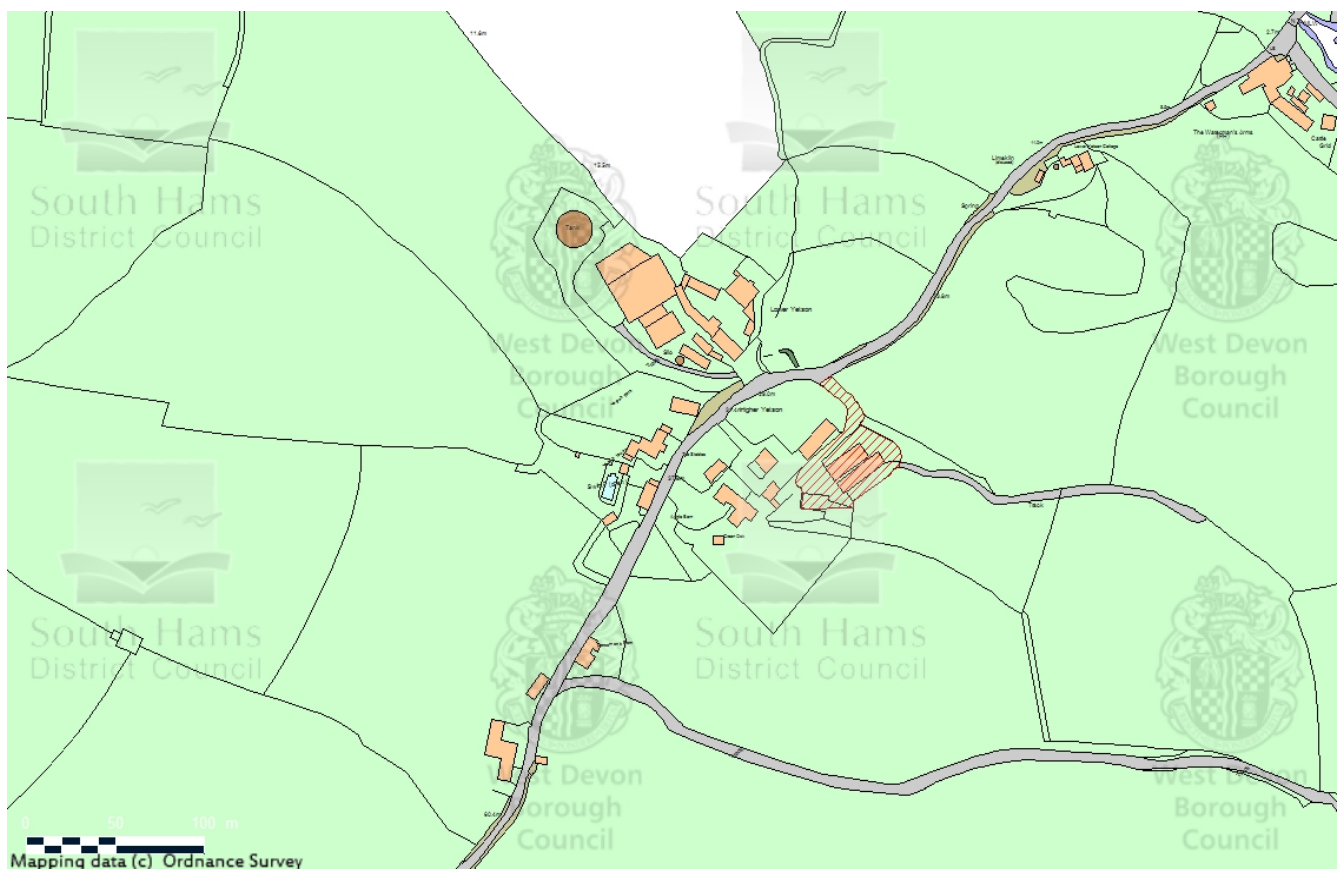
Mrs Amanda Burden - Luscombe Maye  
59 Fore Street  
Totnes  
Devon  
TQ9 5NJ

**Applicant:**

Mrs J Soper  
C/o Agent

**Site Address:** Higher Yetson Farm, Ashprington, Totnes, TQ9 7EG

**Development:** Demolition of agricultural building and construction of new residential dwelling following Class Q approval (1021/19/PDM)



**Reason item is being put before Committee** *applicant is related to a council employee*

**Recommendation:** Conditional approval

**Conditions**

1. Time limit for commencement
2. Accordance with plans
3. Foul drainage details
4. Surface water details
5. Unsuspected contamination
6. Accord with ecology survey

7. Works outside bird nesting season
8. Materials
9. Compliance with dev 32 (renewables/energy efficiency)
10. Remove PD rights

**Key issues for consideration:**

Principle of Development/Sustainability: including the location of the site in open countryside without its own services and remote from other services and amenities, outside any settlement boundary within the countryside but taking note of its fallback position for permitted development under Part 3, Class Q of the GDPO and the comparison between what could be built under prior approval and the scale of the proposals as submitted

Design/Landscape and Highways/ Access: the visual impact of the dwelling on local character and wider landscape

Neighbour Amenity: issues surrounding neighbourliness;

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**Site Description:**

The site is located at Higher Yetson Farm which is within the hamlet of Yetson where there are a number of dwellings, converted barns and agricultural buildings. The barn is an open fronted silage store built in the 1970s and has since been used for low key agricultural storage.

A conversion of the barn to a dwelling was permitted through a prior approval under Class Q of the General Permitted Development Order was granted in 2019

**The Proposal:**

Demolition of existing barn following Class Q approval and construction of new 4 bedroom dwelling across a single storey

**Consultations:**

- County Highways Authority - standing advice
- SHDC Drainage – no objection subject to condition
- Town/Parish Council - support

**Representations:**

None

**Relevant Planning History**

1021/19/PDM Mrs J Soper

Notification for prior approval for proposed change of use of agricultural building to dwellinghouse (Class C3) and for associated operational development (Class Q(a+b)) Prior Approval Given Barn At Higher Yetson Farm Ashprington Totnes TQ9 7EG 27 March 2019

**ANALYSIS**

**Principle of Development/Sustainability:**

The site is in open countryside where the principle of development is strongly controlled, it would otherwise be deemed a sustainable location for the provision of what is a very large house. In this

case however, the existing barn benefits from Class Q prior approval for the conversion of the barn to 3 dwellings, therefore the principle of residential use is established

The case of The Court of Appeal at Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314 is relevant here - This clarifies that with respect to Class Q and Fallback that the "real prospect" of a fall-back development being implemented does not have to be probable or likely. "A possibility will suffice". The submission and approval of a Class Q prior approval together with the applicants ownership of the site lends a level of likelihood of the fall back being implemented more than theoretical, furthermore a Full Application was approved in 2017 which sought permission for some minor variations what was permitted through Class Q (in that case, an internal car port)

What is therefore for consideration is, do the proposals amount to an improvement over what could be developed through implementation of Class Q or its subsequent full application?

#### **Design/Landscape:**

Policy DEV23 of the Joint Local Plan required development to conserve landscape character. In landscape terms, the site is within the Landscape Character Type 3G, the area generally features rounded hills and steep undulating slopes overlooking the river valleys. This was apparent on site with the site and the surrounding former farmstead on the crest of a valley with views reaching out far to the north and west. The existing building is beyond another agricultural building and some tall vegetation lending itself a screen in wider views and was observed on site using the lane to the west, given the topography which falls from the east, the sunken nature of the site behind extensive boundary hedgerow and trees and intervening structures, the site and building is largely out of public view.

The wider area shows a predominantly undulating pastoral landscape with dispersed isolated agricultural buildings or larger farmsteads such as Higher Yetson. Whilst the existing building benefits from permitted development for its conversion to a dwelling, when considering applications such as this there has to be betterment compared to what would have been possible through Class Q, and whilst this is subjective, the starting point is the context of the building itself and landscape context, there have been a number of appeals throughout the years where inspectors have concluded (not just with Mansell type applications) that agricultural buildings, whilst not wholly attractive in of themselves, are very much a feature of the rural landscape and in terms of what a visual receptor will read, largely go unnoticed, whereas a dwelling in an isolated and prominent position is much more prevalent and whilst an agricultural conversion will have a level of domestication and character change, its form is retained and visual impact lessened and in a wider context their change and alteration is less pronounced.

The proposals seeks a more traditionally designed property with hips and gable roofing an comprising a single storey, in comparison with what could be provided through class Q, the mass of the building in terms of its floor space is less than what could be delivered through Class Q, most importantly, the replacement will be smaller in terms of height compared to the existing silage barn and its here where there is felt to be betterment, rather than having the conversion of an ill proportioned silage barn, the proposed bungalow will result in a better dwelling to sit on site and also alongside a nearby listed building.

Whilst the form and design is appropriate, the proposal featured non vernacular materials such as render and timber cladding at submission. The surrounding houses nearby are all constructed from stone, most being former barn or stable conversions, there are two listed buildings nearby to the west and given the age of them and the other buildings around them, officers would consider that nearby buildings would benefit from curtilage listing, the closet dwelling in particular appears on 1888 county maps which comprised a historic farm holding, Higher Yetson. The construction of a timber and render house would appear at odds with the surrounding character and I consider that a similarly stone construction would fit best here.

After raising this with the agent, some discussion around the costs of a full stone construction were raised, the plans were subsequently amended to bring some stone elements into the construction alongside the render. Although the proposed dwelling would have a less vernacular appearance compared to nearby buildings, the site is not particularly exposed within the rural landscape given surrounding vegetation and so the dwelling would not appear especially conspicuous when seen from a distance given its low scale. Given the changes to materials that occurred during the life of the application, and taking account of what can already occur through conversion, the development is not considered to adversely impact the setting of nearby listed buildings. The proposals are considered to accord with policies DEV21 and DEV24 of the Joint Local Plan for the reasons outline above.

#### **Neighbour Amenity:**

Given what can be carried out through Class Q the level of fenestration changes will not impact the amenity of a nearby resident to the south west. The distance between the two buildings is sufficient, coupled with the principle of converting the existing barn, the potential for additional harm is not considered to be demonstrable harmful in comparison and in accordance with policy DEV1 of the Joint Local Plan where amenity is to be judged against the level of amenity generally in the area. Officers have considered the available amenity currently and also what could be impacted through the conversion under Class Q.

#### **Highways/Access:**

The proposal features ample space for the parking of vehicles off the highway and its principle access will be from an existing driveway to a road east of the site and is considered suitable noting existing constraints and the approved prior approval for the conversion

#### **Other Matters:**

Conversions under Class Q do not benefit from domestic permitted development rights after conversion, given that the principle of this proposals rests on a fall-back position provided through Class Q, officers consider that the removal of domestic permitted development rights is justified

Furthermore, Policy DEV32 required development to reduce energy usage, here a condition is considered appropriate for details to be submitted to show how the development will reduce energy usage over its lifetime.

#### **Planning Balance**

Although the provision of dwellings in the countryside is strictly controlled and resisted in all but the most justified circumstances, the building in question benefits from permitted development and a subsequent full planning permission to convert into a single dwelling. Having this issue in mind, officers have considered the landscape impact based on the specific site context and having regard to this, the proposal represents a neutral impact on the landscape given its mostly obscured nature. The site is close to other dwellings which are more exposed, the proposal in massing terms is less than that permitted through Class Q Permitted Development. The proposals are considered acceptable and 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  
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  
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  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

### **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.

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 number(s)

Proposed Plans - Drwg: 1062/19/10 – received by the Local Planning Authority on 15/01/2020

Proposed Elevations - South East and South West - Drwg: 1062/19/11A - received by the Local Planning Authority on 15/01/2020

Proposed Elevations - North East and North West - Drwg: 1062/19/12A - received by the Local Planning Authority on 15/01/2020

Proposed Site Plan Layout 1062/19/13 - received by the Local Planning Authority on 21/11/2019

Site Location Plan - received by the Local Planning Authority on 21/11/2019

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. 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.

4 Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA), and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

5 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:

- a) Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b) If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- c) If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- d) 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.
- e) 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.
- f) A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
- g) 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.

6. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 18<sup>th</sup> October 2019 shall be fully implemented prior to the commencement of the use



hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

7. All works (excluding finishes and internal fit out works) must take place outside the winter bird nesting season to reflect the recommendations of the submitted Bat & Protected Species Survey by Ecologic dated 13/04/2018 (March to September inclusive) to avoid potential disturbance.

Reason: To safeguard the interests of protected species

8. No development shall commence above slab level until a full schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including windows, guttering, downpipes, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

9. Notwithstanding the submitted details, the development hereby permitted shall not proceed above slab level until 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 can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment)

(No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hardsurfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 40 ,class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re enacting this Order)

(i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

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## PLANNING APPLICATION REPORT

**Case Officer:** Kate Cantwell

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 2434/18/ARM

**Applicant:**

Mr T Biddle & Mr & Mrs Manisty  
(C/O Baker Estates Ltd)  
Green Tree House  
Silverhills Road  
Decoy Industrial Estate,  
Newton Abbot  
TQ12 5LZ

**Site Address:** Allocated Site K5, Land at SX 729 440, West Alvington Hill, Kingsbridge

**Development:** READVERTISEMENT (Revised Plans Received and Amended Description) Application for approval of reserved matters following outline approval 28/0508/15/O for erection of up to 52 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage.



**Reason item is being put before Committee** Cllr Pearce requested that this be considered by the Committee due to it being a major development in the AONB.

**Recommendation:** Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal Obligation, and discharge conditions 11 (foul drainage), 12 (surface water drainage), 18 (LEMP), 14 (landscaping) of 28/0508/15/O.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

### **Conditions**

1. Standard commencement of development
2. Development in accordance with the plans
3. Full details and specification of the Rootlock/hydroseed bank
4. Amended details for the turf-faced Devon Bank
5. Before development proceeds above slab level, submission of a scheme for electric car charging points
6. Inclusion of further areas of meadow/wildflower grass on western public open space
7. Plan to accompany the LEMP and show the rotation of land for annual grass cut
8. Details of play equipment and natural play areas to be submitted
9. PRIOR TO COMMENCEMENT details/samples of all external materials to be agreed
10. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.
11. PRIOR TO COMMENCEMENT submission of an employment and skills plan
12. Implementation of foul water
13. PRIOR TO COMMENCEMENT submission of detailed design, network model outputs, of the proposed permanent surface water drainage management system for approval.

### **Key issues for consideration:**

Whether the submitted details meet the requirements of the reserved matters set out in the approved outline consent 28/0508/15/O including whether the details deliver commitments set out in the s106.

Landscape and character impact, especially whether the development 'conserves and enhances' the South Devon AONB.

Design quality, visual and general amenity.

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

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and 20-21 is the last year's allocation. The 2020-21 NHB allocation for the Council will be based on dwellings built out by October 2019. A statement about a replacement scheme was expected in the New Year.

This application will be built after the October 2019 cut off for the New Homes Bonus funding, so no NHB funding will be received.

However, the Council does not know whether a replacement scheme is likely or not to pay the Council similar funding levels.

For information, under the New Homes Bonus scheme an amount of £1,337 was payable to the Council for an individual property, with an extra £280 if the property was for affordable housing.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

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**Site Description:** The application site is located north of West Alvington Hill, with portions of land either side of Norden Lane, in Kingsbridge.

The development site lies to the west of Station Yard, an existing employment area in the west of Kingsbridge, and is north of the A379, West Alvington Hill. The site is split by Norden Lane and comprises a single field between Station Yard and Norden Lane and part of a further, larger field, to the west of Norden Lane. It is approximately 3.2 hectares in total.

The site lies on the western edge of Kingsbridge, to the north of the A381, West Alvington Hill. The land is within the South Devon Area of Outstanding Natural Beauty (AONB) and lies approximately 200 metres from the Kingsbridge Conservation Area to the east and approximately 320 metres from the West Alvington Conservation Area to the west. The Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI) lies approximately 380 metres to the east of the site.

The site is situated immediately west of Station Yard and extends towards the west. The proposal site comprises an approximately 1.2 hectare field to the west Station Yard and part of the field to the west of Norden Lane (comprising 1.9 hectares). The site was previously allocated as 'Proposal K5' in the South Hams Local Development Framework Kingsbridge Site Allocations Development Plan Document. It was not carried forward as an allocation in the Plymouth and South West Devon Joint Local Plan, but was identified on the Plan maps as a commitment.

The land within the site slopes down fairly steeply from south west to north east and both fields are enclosed by hedgebanks /trees. There is a public footpath that runs along Norden Lane and the northern boundary of the land to the west of the lane. This links into areas of woodland to the north west of the site.

To the north east of the site, beyond the existing industrial development at Station Yard, are Morrisons supermarket and the residential development of Lime Grove to the north east. This development, along with the residential development around the Redford Estate and Trebble Park, forms the western edge of the town.

There is residential development to the south of the site, both along West Alvington Hill itself and beyond to the south. Beyond this residential development is Kingsbridge Community College. The playing fields for the college lie to the south of the site. There is a zebra crossing across the A381 close to the south western corner of the site. Open fields lie to the west of the site and there is a distance of approximately 370 metres between the western edge of the site and the residential development of Town Parks, West Alvington, which lies beyond to the west. To the south west are isolated properties of Thornfield and Little Thornfield, which lie to the south of the A381, beyond which lies the edge of the village of West Alvington, approximately 300 metres from the site.

**The Proposal:** This reserved matters application seeks to provide information pertinent to the residential element of the approved development:

*Outline application (with all matters reserved except access) for erection of up to 52 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage*

This was approved under 28/0508/15/O on 27 July 2015. That approval was subject to the prior satisfactory completion of a Section 106 Agreement dealing with the following matters:

1. Affordable Housing provision.
2. Education Financial contribution.
3. Play and Public Open Space provision.
4. Off-Site Sport provision/contribution.
5. Cycle and Footpath provision to site boundaries.
6. Measures to secure public access to, and management and maintenance of, all footpaths, cycleways, public open space and play areas in perpetuity.
7. Landscape and Ecology Management Plan.
8. Management of Retained field for the benefit of Cirl Buntings.
9. Local Highways/Transport Infrastructure – off-site works.
10. Travel Pack/Sustainable Travel Vouchers.
11. Employment Land Transfer

#### **Conditions**

1. Outline – submission of reserved matters
2. Outline – reserved matters time limit 3 and 2 years
3. Outline – reserved matters to be submitted in 3 years
4. Accord with Plans/Exclude Illustrative Drawings
5. Parking/Turning Details (Residential)
6. Parking/Servicing (Employment Units)
7. Provision of Accesses and Visibility Splays
8. Details of Highway Infrastructure
9. Off-Site Highway Works
10. Construction Management Plan
11. Safety Audits
12. Sewage Disposal Details
13. Submission of Surface Water Drainage Details and Management and Mitigation During Construction
14. Implementation of Surface Water Drainage Details and Management and Mitigation During Construction
15. Submission of a Detailed Landscape Plan, Planting Schedule & Specification
16. Submission of Landscape Maintenance and Management Plan
17. Implementation of Hard and Soft Landscaping
18. Submission of Addendum to ALVE including Photomontages
19. Submission and Implementation of Tree Retention Plan
20. Submission and Implementation of Hedge Protection Plan & Arboricultural Method Statement
21. Submission and Implementation of Tree Constraints Plan (Root Protection Areas)
22. Submission and Implementation of Landscape and Ecology Management Plan
23. No Burning of Vegetation etc During Construction
24. Details of External Lighting

25. Details of External Storage Areas
26. Renewable Energy/Energy Efficiency Details
27. Lifetime Homes
28. Unsuspected Contamination
29. Use of Employment Units
30. BREEAM Standard (Employment Units)
31. GPDO Exclusion (Residential)
32. GPDO Exclusion (Employment)

The reserved matters detail pertaining to the employment proposal is not included in this submission. The 0.5 hectares of space defined for the employment land has been identified on the application as land within the control of the applicant, but is not the subject of this application.

The application being considered in this report is to deal with the following reserved matters and conditions of the outline approval:

- (a) the design and external appearance of the proposed buildings;
- (b) layout and scale;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- (j) Hard and soft landscape

The conditions and reserved matters are considered together in this report.

Plans including detailed layout of the site and building design were provided on submission of the application in July 2018. Following public consultation, responses from statutory consultees and a review of the documents by the case officer including a number of meetings and discussions with the agents, revised plans were submitted for the Council's consideration. There was been no formal re-consultation at that time because a full set of revised plans had not been submitted and negotiations were ongoing. An extension of time was agreed to allow for just that, the event plans were not submitted by the stated date and the application was determined on the basis of the original (and only) full set of plans received. A delegated decision to refuse the application was taken, though it was later realised that the correct protocol, securing Ward Member agreement to the delegated approval, had not been followed as a result of not having considered the single letter of support received from West Alvington Parish Council.

The error was acknowledged by SHDC and the grounds for a Judicial Review were agreed between the Council and Applicants, the result of which was that the decision was quashed. It is therefore as though no decision on the reserved matters application had been made. The outline consent has not therefore expired, and so the Applicant and Council continued to work together toward the revised scheme which is the subject of this report.

## Consultations:

The original application was made July 2018 and public consultation was undertaken at that time. Negotiations with the LPA followed and while some draft revised plans were submitted for the LPA to consider and provide feedback, a fully revised scheme was not submitted before a decision to refuse was made in July 2019. After that decision was quashed, the LPA continued discussions with the Applicant to work toward a more acceptable scheme. As a result, a fully revised scheme was submitted in December 2019 and a second public consultation period ensued. A summary of the changes made was provided by the applicant as follows:

The principle changes which have been made to the proposals are as follows:

- The development envelope has been amended, as agreed with the Council's Landscape and Planning Officers.
- A total of 52 units are now proposed. The mix of units is set out below and has been agreed with the Council's housing and policy officers:

### Open Market

<i>Bed Space</i>	<i>Number</i>	<i>Percentage</i>
<i>2 bed</i>	9	25%
<i>3 bed</i>	8	22.2%
<i>4 bed</i>	17	47.2%
<i>5 bed</i>	2	5.6%
<i>TOTAL</i>	36	100%

### Affordable

<i>Bed Space</i>	<i>Number</i>	<i>Percentage</i>
<i>1 bed</i>	4	25%
<i>2 bed</i>	7	43.75%
<i>3 bed</i>	4	25%
<i>4 bed</i>	1	6.25%
<i>TOTAL</i>	16	100%

- An enlarged area of public open space towards the south west of the site is proposed, incorporating natural play. Details of the proposed play equipment are provided.
- An additional area of natural open space is also proposed to the south west of plots 38/39 given the slope of the land and adjacent mature hedge.
- Parking has been reviewed across the site and is clearly identified on the submitted plans. The majority of parking is provided on plot, with additional on-street parking sensitively accommodated (including adjacent to the additional open space by virtue of the reduced development envelope highlighted at point 1). Provision has been made for 1 space per 1 bed, 2 spaces per 2/3 bed and 3 spaces for 4+ bed units.



- A similar entrance feature has been created on the approach into the site from the south west.
- Urban design adjustments have been made to provide improved transitions between storey heights and relationships between properties, identified by officers.
- The palette of materials comprises predominantly render and slate. A variety of colours are proposed to respond to positive local examples.
- Boundary treatment/ level change information has been provided, in particular, around the frontage of the apartments towards the east of the site.
- A short Landscape and Visual Peer Review/ Technical Note has been submitted to show the co-ordinated final scheme massing from the viewpoints agreed with the Council's Landscape Officer (1, 7 and 8) via verified wirelines. Separate semi-verified models of the emerging scheme and a reasonable interpretation of the outline permission has also been incorporated to show the scheme iteration.

Following review of those plans and further feedback from the case officer, some further and relatively minor changes were made to the scheme. Those plans were added to the public website but, in accordance with Government's Planning Policy Guidance (Paragraph: 026 Reference ID: 15-026-20190722), the LPA determined these changes did not require a further public consultation.

In summary those changes included:

- a) Amendment to the key on elevation drawings to make clear all roof finishes are real slate
- b) Moving the footway from the southern side of the road in the western portion of the site to the northern side and making it a solid surface rather than grass verge
- c) Provision of site levels for the public spaces within the site to supplement the site sections and finished floor levels
- d) Amending bin storage design
- e) Omitting the remaining brick walls in the otherwise render and stone scheme
- f) Removing the grass verge from the areas outside plots 15 – 23 where a hard surface is required
- g) Clarification of what comprised the 'landscape enhancement' referred to on plans

These matters did not address the concerns of those who had objected to the development and so it was not considered necessary to provide a further formal consultation.

- **County Highways Authority:** No objection
- **Environmental Health Section:** No objection
- **Kingsbridge Town Council:** objection the following grounds:

1. The proposed development does not provide appropriate house sizes which conflicts with the Plymouth & South West Devon Joint Local Plan Policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area and the Supplementary Planning Document DEV8.1 & DEV8.1(i).

Reason: The open market housing mix proposal is 1 bed x 0, 2 bed x 9 at 25%, 3 bed x 8 at 22%, 4 bed x 17 at 47% and 5 bed x 2 at 6%. The JLP evidence base SHMNA Part 2 (which was quoted by SHDC in June 2019 to respond to a planning appeal in

Kingsbridge) identifies a need for 1 bed x 5 at 13%, 2 bed x 13 at 36%, 3 bed x 12 at 33% and 4 bed x 6 at 18%.

The application fails to demonstrate an understanding of existing housing stock and does not justify the proposed open market mix. Moreover, the difference between the proposals and identified DEV8 and SHMNA Part 2 needs, particularly for 4 bedroom open market housing, is substantial and cannot be determined as acceptable.

2. The proposed affordable homes are not integrated into the whole development which conflicts with the Supplementary Planning Document DEV10.3.

Reason: Fourteen of the 16 homes have been positioned in 2 clusters of 5 and 9 on the east/lower site. The remaining 2 homes have been shoe-horned into the south east corner of the west/upper site. The affordable homes have not been truly distributed across the 2 sites and the proposal is an insincere attempt to endorse policy.

3. Inappropriate height, scale and massing of the proposed block of homes in the east/lower site adjacent to West Alvington Hill conflicts with the Plymouth & South West Devon Joint Local Plan Policies: DEV20 Place Shaping and the Quality of the Built Environment, DEV23 Landscape Character and DEV25 Nationally Protected Landscapes.

Reason: The proposals will

- depreciate the visual amenity,
- not conserve and enhance the natural beauty of the protected landscape,
- not maintain the area's local distinctiveness, and
- add an incongruous feature at a key gateway/route into the town

4. Insufficient drainage information has been provided and Devon County Council's Flood and Coastal Risk Management Team has not responded with its Recommendation to date which may not meet the requirements of Plymouth & South West Devon Joint Local Plan Policies: SPT1 Delivering Sustainable Development and DEV35 Managing Flood Risk and Water Quality Impacts.

Reason: KTC is unable to comment on drainage matters until DCC's opinion is known.

- **West Alvington Parish Council:** support (dated 21 August 2018 – in relation to now superseded plans, no detailed comments provided)
- **Police – Designing out Crime Officer:** No objection
- **Public Health:** no objection
- **Lead Local Flood Authority:** No objection
- **Open Space, Sports and Recreation:** No objection
- **South West Water:** No objection
- **Archaeology:** No objection
- **Affordable Housing:** No objection

#### **Representations:**

Letters of representation from 30 members of the public were received (some people made multiple submissions). Of those letters, 3 were 'undecided' and the remainder were objections. The comments are summarised below:

- The impact on the local infrastructure, in respect of schooling, senior and junior. Dental facilities, there are no NHS places available in Kingsbridge at present only private and if this is for new local housing, where would they go. Medical facilities in respect of NHS doctor surgery has also not been calculated. I believe this has not been addressed
- The application should consider a new review of the impact of traffic instead of using data from a earlier application for the same site between 2010 -2015. With it being in close proximity to KCC.
- I strongly object to the above application for the following reasons :-
  - 1.It greatly exceeds the boundaries of K5 and the outline permission granted in 1985.
  2. The top access will increase the danger to pupils accessing their playing fields and also will cause traffic congestion and danger on this very busy road.
  3. It will destroy the vistas available to all in this Area of OUTSTANDING Natural Beauty.
  4. Indeed when the two Government Inspectors recently examined the Joint Local Plan they were dismayed that insufficient weight had been given to the protection of the AONB which should have been given the highest status. They stated that sites (with some exceptions) including K5 should be deleted from the housing allocations.
  5. I cannot believe the South Hams Development Committee can possibly go against the Government Inspectors recommendations that this planning application be granted.
- This site was subject to a planning enquiry and the inspectors report is clear regarding the scale of development going up the hill and it's impact upon the AONB. Outline approval contained development to the lower slopes of the field. This application presents houses numbers 1 to 8 outside the development boundary the planning inspector said was acceptable. The scale of development is too large and will be detrimental to the AONB. The plans do not provide sufficient holding capacity for water run-off and will add to current flooding of the properties in Mill Street and around the Quay at the bottom of the hill from the site. This run off will have a polluting effect upon the SSSI and Local Marine Nature Reserve. The foul sewer network has been highlighted in the past as being insufficient capacity and so the applicant must ensure upgrading of the system is provided for. Traffic levels at peak times already make this location one of the worst air quality areas in the South Hams. The additional housing and related car numbers will increase the poor air quality conditions. Peak hour traffic will add to public safety dangers at the two new junctions and road crossing points.  
The public rights of way need to be protected.  
Provision should be made for additional off site landscaping including links to existing public rights of way.
- 1. PLANNING POLICIES AND GUIDANCE  
Surely this current application to the council should be classed as an AMENDMENT to the OUTLINE planning granted in 2015  
This current application is making a nonsense of an outline permission system which grants permission for a certain number of dwellings on a designated site.  
If this is now progressed without recourse to the original plans to a permission to include these additional buildings and proceed with the whole new proposal for development it makes a nonsense of the whole planning system.  
COMMUNITY FACILITIES  
the effect of the greatly increased demand on our schools and other community facilities and the reduction of public open spaces  
TRAFFIC GENERATION  
It is proposed to increase greatly the number of buildings with consequences for traffic on an already crowded road
- This application is for a development significantly larger than the permission given in the outline planning submission.  
There is less employment area than the outline planning submission.  
The dwellings are larger than the outline planning submission.  
There is a significant reduction in the green space than the outline planning submission.  
The road access onto the A381 continues to be unsafe and based on road traffic data

obtained during an unrealistic low peak traffic period.

There will be an increase in traffic on the A381 which even now is unsuitable for the pupil pedestrian traffic to the secondary school. This development puts children at higher risk. This submission is not compliant with its outline planning permission and places higher risk on the children within the community.

- This new application is too large for the location, too many large houses next to public footpath, less affordable housing in unsuitable areas.
- No provision within the community for additional people with healthcare needs, pre school and schooling needs.

A great loss of very large and old established trees and natural landscape.

- I am curious to know if there is still provision for the footpath from West Alvington to Kingsbridge? I most certainly would not like to lose that.

Also, Mr Baker told me that his company will be paying quite a large sum towards facilities locally but he had no say in where it is spent. I would like to suggest that some could be spent in West Alvington. There is the disused old school playground which would make a fantastic resource for the village e.g. sitting area, outdoor gym, boules court etc.

I would appreciate your answer on these subjects. Thank you.

- I note the high number of public comments on increased traffic at the consultation event.
  - Can you please explain what studies have been undertaken to assess the impact of increased traffic through West Alvington village (as a result of the above proposal)?
  - Can you please outline any planned traffic mitigation measures in the light of the above?
- I represent Tally Ho! Coaches who operate from the Industrial Estate below this site. We operate PSV's and start work from 06.30 often finishing late at night. Our vehicles have to start some 15 minutes before leaving the site (to build up air pressure and for safety checks) we make noise and emit some diesel fumes. It is essential the developers install noise insulation, we do not want to receive complaints from residents about early morning or late night noise, we have been here a long time and we are unable to vary our operating times or vehicle location.  
The level of noise we generate would be accepted as normal for an Industrial Estate with PSV or HGV transport tenants.

Please will planners include a requirement for a survey of the noise levels and insist on acceptable prevention measures for the new residential areas?

- Absence of traffic assessment through West Alvington.
- Concerns regarding surface water drainage and flooding, as well as capacity of the foul drainage network.
- Low carbon development and design
- I am very concerned about the proposed height of the high rise flats on the lower eastern section of the site. These high buildings will not be conserving, protecting or enhancing the AONB in which they will sit. They will become a prominent eyesore from various view points in the local area. They will create a tunnel like feel as you approach the town down Westville Hill.
- Also it is not right to put families into this type of building, families need gardens and space so they can thrive.
- JLP policy Dev 8 - I am very concerned about the lack of 2 bedroom houses being built in the open market provision. I am a young professional person who desperately would like to buy a home in the town where I have lived all my life. If there isn't the low cost open market houses provided for me and many of my friends we will be forced to move away. Taking our skills and earnings away from the area. Making Kingsbridge become like Salcombe. Who needs 4 and 5 bedroom properties. Not local people I suspect.
- The South Hams Society wishes to object to this application on four main grounds:
  - Incompatibility with the South Devon AONB
  - Adverse visual impact
  - Encroachment on a PROW
  - Adverse impact on biodiversity and climate.
- Overshadowing & loss of light: It will lead to loss of light into nearby homes and will negatively impact on the skyline, being above the current tree level.

- Noise disturbance: it will increase noise levels and disturbance to current properties as street and property sounds are increased in an enclosed space (across a lowered street level).
- Over Dominance: it will dominate the landscape especially upon entering Kingsbridge from West Alvington. It will be out of character with the current housing stock.
- Impact on the local area's character: It will degrade the town's character as you drive up Westville Hill, the development creating an imposing and enclosed street with little or no outlook.
- Loss of parking on the main road.

NB – a number of the letter from Mr L Pengelly were lodged via this application and some are clearly marked as a formal complaint. That formal complaint has been dealt with outside of this planning application as it is a separate matter and process.

### Relevant Planning History

Following the allocation of the site within the LDF Kingsbridge Site Allocations DPD, a master-planning exercise was undertaken that did not reach completion.

In January 2012, under planning reference 28/2907/12/SCROP a Screening Opinion application was submitted to the Council to determine whether the development was considered to be "EIA development" under the meaning of the 2011 Regulations and thus whether any planning application would require an Environmental Statement. The Local Planning Authority, following consultation with RSPB, Natural England, Environment Agency and internal Council services, did not consider that the proposed development constituted "EIA development" as the proposed development was not considered to be of more than local importance and was not likely to have significant effects on the environment in terms of factors such as nature, size and location.

An outline planning application reference 28\_59/1232/13/O (with all Matters Reserved except Access) for "*erection of up to 82 dwellings, 0.7 hectares of employment land (Use Class B1/B2), 2 no. vehicular accesses, open space, play provision and drainage*" was refused on 1st August 2013. The decision was issued with one refusal reason relating to the extent of the proposed development outside of the allocation site boundary and its effect on visual amenity, landscape and character of the AONB.

The refusal was appealed under reference APP/K1128/A/13/2210602, which was dismissed on 22nd August 2014. The Inspector, in dismissing the appeal, questioned the need for significant encroachment of the proposed housing scheme on higher land beyond the extent of the allocation in the adopted Development Plan, given the impact on the AONB.

Following that, a revised application was made and approved as detailed below:

28/0508/15/O

**Site Address:** Allocated Site K5, SX 7299 4407 and land directly west of allocated site, West Alvington Hill, Kingsbridge

**Development:** Outline application (with all matters reserved accept access) for erection of up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage

**Approved** 27 July 2015.

## ANALYSIS

### Principle of Development/Sustainability:

Notwithstanding that, the principle of development has been established by the outline consent 28/0508/15/O and it is on that basis that this application seeks to provide details in relation to the reserved matters identified in that consent, along with a number of matters which planning conditions on that consent required to be addressed.

Kingsbridge is a Main Town in the JLP hierarchy of settlements and as such development in the town and adjacent to its boundaries accords with the strategic approach set out in policy TTV1. Policies SPT1 and SPT2 establish support for growth that delivers development in accordance with the principles of sustainable development centred on the three themes of a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 sets out 12 characteristics of development to deliver sustainable, linked neighbourhoods. These are covered in the topical sections of the report to follow and concludes that these policy requirements are, on balance, met.

The more detailed matters which are the subject of other plan policies are considered in the sections below.

### Play and open Space

The Open Space Sports and Recreation Specialist comments require little further analysis so are copied out in full here:

*The s106 agreement for the outline application secured the provision of “no less than 0.1ha of area for play and an area of no less than 0.25ha of other publically accessible open space shown indicatively on Plan 4 or of such other size or location as may be approved pursuant to reserved matters or otherwise agreed in writing between the Council and the Owner”. A financial contribution towards improvements of off-site sports and recreation facilities was also secured.*

*The revised layout shows the following areas of public open space:*

- *Western parcel – land both sides of the access road, extending further east than previously and including land to the south of the access road (south of plots 1-5) which includes a play area (public open space marked as 603m<sup>2</sup> on soft landscaping plan although the whole area appears to measure c.2,000m<sup>2</sup>). Further linear landscaped space along the southern boundary and south-east corner (515m<sup>2</sup>).*
- *Eastern parcel – area in front of plots 29-37 (836m<sup>2</sup>), as well as an area in the south-west corner (449m<sup>2</sup>). Further linear landscaped space along the north-east boundary (1,097m<sup>2</sup>)*

*The key public open space in the eastern parcel (in front of plots 29-37) is considered to provide a useable, overlooked space with amenity benefit as well as offering some play opportunities for residents in that parcel. The area in the south-west corner will provide some further amenity value, although I’m unclear from the boundary treatment plan whether this area will be accessible or not, and the topography will limit its use.*

*The main area in the western parcel, to the south of the access road and plots 1-5, is well overlooked and is considered to provide much more meaningful provision than that previously proposed.*

*The quantum of public open space provision now meets the requirements of the s106 agreement.*

*Notwithstanding comments from the Landscape Officer regarding planting proposals, I wonder whether there is potential for some further areas/strips of meadow/wildflower grass planting in the landscaped areas to the north of the main access road in the western parcel (strong lawn grass is currently proposed).*

#### Play

*The inclusion of play provision is welcomed as this was not shown on previous proposals, despite the s106 requirement.*

*Very limited detail regarding provision is shown, with the plans merely stating that this would be natural play equipment in the form of logs, stumps and boulders. Whilst natural play is welcome in this location, some more formal equipment, including swings, will be required in the play area in the western parcel – these could be timber to fit in with the natural play theme. More variety could also be introduced through the use of mounds with slides, scramble nets, tunnels etc and willow planting. I would recommend the addition/relocation of a bench close to the play provision in the western parcel, as well the addition of a picnic bench to provide seating for parents/carers. I would be happy to discuss the proposals with the Landscape Architect/Play Designer in more detail.*

*Whilst I would prefer full details this stage, this could be secured by a prior to occupation condition. This will need to include details of any proposed safety surfacing (suggested that bark or mulch may be the best option where required around play items), fencing and gates. Thought will need to be given regarding fencing of the play provision in the western parcel taking into account the proximity of the access road and the potential for conflict between users and dogs if fencing is not proposed.*

The suggested conditions for further meadow grassed areas and the detail for the play equipment are reflected in the suggested scheme of conditions. With these the application accords with policies DEV20, DEV27 and DEV30.

#### Design & Landscape:

Comment were received from the Forestry commission – in response to that advice officers note there will be no loss or deterioration of the nearby Ancient Woodland as a result of this application. The development boundary does not border the Ancient woodland to the north west of the site.

The Landscape Specialist comments have developed as the scheme has been amended. The concluding remarks are:

*I note and support the additional and amended information that has been submitted in response to previous comments. Whilst these have largely addressed my earlier comments, there remain concerns over the blanket use of black asphalt throughout the site, with no change in material to break up the expanse of tarmac or to provide natural demarcation of different priority areas. Our strong preference, particularly in the AONB where the policy tests to ‘conserve and enhance’ are so high, would be to use concrete imprint paving in key areas, to the adoptable highways standard.*

*If you were minded to recommend approval of the application, alongside implementation of the landscape proposals and LEMP, please condition:*

- *Full details and specification of the Rootlock/hydroseed bank*
- *Amended details for the turf faced Devon Bank (omitting the mesh and tie rods; please refer to Devon Hedge Group guidance on Hedge Creation for locally appropriate construction methodology).*

The design of the buildings proposed has been amended since the application was submitted. Originally proposed to be principally brick external finishes, the revised scheme is principally render with some stone facing. The submitted Design and Access Statement (DAS) includes an assessment of local building characteristics in Kingsbridge. The proposed architectural designs do not seek to mimic the character of the surrounding area, and instead uses key elements of the town character to provide a visual reference. This creates a distinct character for the site which does not rely on an attempt to copy. Materials have been chosen to reflect local vernacular and acknowledge the location of the site which needs to conserve and enhance the AONB. An example is the use of real slate for roofs and some areas of slate wall hanging, use of conservation curbs. Strong public/private property boundaries are formed by hedge planting in front gardens and walls. Existing local detailing such as traditional fenestration, porches and bay windows are not present in the proposed designs, but this enables the development to establish a modern character of its own and which, in combination with the traditional external materials, avoids pastiche. In this way the design provides a positive sense of place and identity and unique character which SPT2.10 identifies as a characteristic of a sustainable neighbourhood.

For these reasons the architectural design accords with the requirements of policies SPT1.3.v which seeks identifies the need for local distinctiveness and sense of place to be respected, maintained and strengthened through high standards of design.

The position of the site is adjacent to a key transport route into the town and with a main access opposite existing housing area and the town secondary school. The layout has largely been determined by the slope of the site which limits the options for road construction in order achieve acceptable gradients for vehicular and pedestrian movement around the site. Plans initially submitted proposed housing extending into the south western portion of the site and beyond the building line which was indicated in the outline application. However in response to local objections and discussions with the Development Management Senior Specialist and Landscape Specialist, the applicants involved an independent landscape architect to model and advise on the extent and form of buildings on the site. The aim was to avoid the adverse visual and landscape character impacts earlier identified. The result of the additional assessment was to remove the 5 dwellings in the south western part of the site which is most elevated, and enables views from Footpath No 2 to be achieved of the town lower down in the valley. Some changes to individual building positions and the relationship between roof slopes were also made to avoid a distinct step and large exposed elevations in key views from north east.

The development retains the existing pedestrian footpath running along West Alvington Hill and along the southern edge of the site. As well as the two main entrance points to the eastern and western parts of the site, there are 2 further footpath links from Footpath No 2 into the development, and a footpath link from the main site entrance in the southwest, running along the northern edge of the estate road to serve the houses to reach the main area of public open space and play equipment located there. Where earlier plans had shown a grass verge, the applicant has responded to LPA request to amend to a hard surface to provide a usable surface all year, and ease of use for people with pushchairs and for able and less ambulant users. These footpath links connect logically and usefully into the existing network and meets with the requirements of policy DEV10.1 in that regard. The location of the public open space and main estate road adjacent to Footpath No. 2 enables views into the site and avoids hard urban edges, also as directed in policy DEV10.1.



Policy DEV10.2 Development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development. Comment from the Police Designing out Crime Officer have been taken on board and access to rear gardens have been repositioned behind private boundaries to avoid unwanted access. Parking courts are exposed to the road and so natural surveillance should deter opportunistic crime.

DEV10.3 requires that *“affordable housing should be indistinguishable from other homes on the site, reflecting the type of housing on the development as a whole.”* This is the case for this site. Some letters from members of the public expressed concern that the affordable housing was mainly in the eastern part of the site which is separated from the western by Norden Lane, each part requiring its own vehicular access. However, location within the site of the mix of affordable housing needed to reflect local needs was largely determined by where the houses of that type were available. This in turn had been determined largely by the site constraints: needing to address the slope of the site for accessible roads and footways; visual impact of building types in key views; and creating a coherent streetscene. The result was that there are two main areas where affordable housing units are located, but both also include open market housing which is ‘tenure blind’. The clustering approach is adopted to assist housing providers which manage the affordable housing with maintenance and is an approach the Council’s Affordable Housing Specialist supports.

Policy DEV20: Place shaping and the quality of the built environment, requires development proposals to meet good standards of design, contribute positively to both townscape and landscape, and protect and improve the quality of the built environment through a number of criteria. Style, local distinctiveness, siting, layout, materials, detailing, orientation, visual impact, views, scale, massing, height, density (see DEV20.2 and .4) are already addressed in the preceding paragraphs.

DEV20.3 requires development to achieve *“utilisation of existing assets such as quality buildings, heritage assets, trees and landscape features and attention to the design details of the scheme.”* The scheme locates larger properties in the western part of the site, which have a larger footprint which can more easily accommodate the slope of the land. Near the western site entrance, buildings are cut into the slope of the land so that they appear 1 – 1.5 stories when approaching from the west and when seen in pedestrian views using Footpath No2. The western site entrance retains open green space on either side, some set out as meadow areas, plus the play area. The road will be tree lined creating a quality entrance to the site which has rural characteristics. As one travels east into the site the building transition from the lower height buildings to more standard 2-3 stories as the slope of the site descends and development becomes more dense in the less exposed and visually sensitive areas. Overall therefore the development does accord with this policy requirement.

Overall the detailed design considerations are positively addressed, and given the site constraints the developer has been able to respond successfully to policy requirements. Notwithstanding that, as explained above, a change to the material for the road surface to something other than asphalt/tarmac would be a significant further improvement which would better respond to the landscape policy requirements at a local and national level to *conserve and enhance* the South Devon AONB.

Overall the design and landscape considerations weigh in favour of the reserved matters application.

Neighbour Amenity:

The site is not immediately adjacent to any existing dwellings in that it does not directly border other private residential property boundaries. Existing residential development to the south of the site is separated by West Alvington Hill and those houses are set at a higher level than the development site. The position of the public open space in the western portion of the site, in combination with the footpath and West Alvington Hill road, combine to create a suitable offset distance between existing dwellings and proposed such that no adverse amenity impacts in terms of overlooking, noise, or shadowing would be expected to result from the proposed development. It is recognised that this is not the perspective of some local people who wrote letters of objection to the scheme. Because of the location of the school opposite the western part of the site, and the large grass verge at its entrance, it is only the properties east of Ashleigh Road which face toward the site. These are elevated approximately 3m above the ground level and set back approximately 4m. The northern boundary of West Alvington Hill, which they face, is marked by a mature hedge and trees which will be retained. The only clear gap in this vegetation is opposite 1 Waverly Road which is oriented with a windowless elevation facing the site creating no privacy issues for occupants of either existing or proposed properties.

South of Norden Lane and Waverly Road, the existing houses south of the site are set back even further from the road and at a higher ground level than described above. Opposite the proposed location for the flats, existing properties face a mature tree screen between them and the road, beyond which the flats will be located. While the proposed buildings in the eastern part of the site are likely to be visible to existing properties, the setback distances (and intervening vegetation in some locations) combine to avoid a threat to privacy, and dominance.

Notwithstanding the above considerations, new residential development in close proximity to other residential development is in principle acceptable with obvious land use compatibilities.

Council Waste Services provided earlier comments on the bin storage and collection points. These were addressed by the applicant in most recently revised drawings.

#### Highways/Access:

There is no objection to the proposed development from the Highways Authority, but it is noted that its remit is restricted largely to issues of highways safety and design to meet adoptable highways standards (for example to ensure emergency services access and waste collection). The levels for the highway and footways within the site are not shown on plans although this has been requested in order to establish which, if any, areas are shared surface, and how on-street parking can be managed to avoid obstructing footways and maintain safe pedestrian access. The LPA's request for imprint concrete (a product which appears to be paved/cobbled surface available in various designs), has not been taken up by the applicant which is disappointing. As considered in the design section above, the extent of standard asphalt/tarmac on the site for parking courts, driveways and the highway and footways is a standard approach which has low maintenance costs and is used widely across the District. However, this being a site in the AONB and therefore having to demonstrate a higher design standard in order to meet the policy test to "conserve and enhance" the AONB, a different material was discussed with Highways who indicated imprint concrete was the preferred of various alternative options. While the LPA can be advised future repairs would be carried out in asphalt due to DCC budgetary constraints, it is possible that in future years when wear and tear may demand repairs, budgets may be less tight, and a common sense approach to repair the public highways in like for like material may then prevail. The LPA has enquired how the specification of repairs by statutory undertakers are instructed by

the Highways Authority as it seems there may be an opportunity to establish a like for like repair in those cases where the Highways Authority is not having to meet the cost.

Initial plans for this development did not show a satisfactory parking layout, with an under provision of parking spaces and some poorly arranged within the site. Amendments to the plans have addressed these concerns and it is considered that there is adequate parking, including some visitor parking spaces and opportunity for overflow parking on the street. For some larger properties garages are provided in addition to parking space. While the LPA does not generally count garages as parking spaces, understanding that occupants tend to use them for household storage or uses other than storing cars, in this case the Applicant has designed garages which are larger than is commonly provided (e.g. the integral garage for house-type 22 measures 7.5m x 3m. Where 2 of the garages are double garages, there are also 2 parking spaces on site and so it is likely that at least 1 car would be parked off road and out of sight. Planning Specialists of this Council have also advised that on other South Hams developments built by Baker Estates, to a similar design, residents are parking large SUVs in the garages provided.

There are 4 properties which have their second parking space located outside the property boundary as an allocated on street parking space. These spaces are located as close to the houses as is possible and are visible from the properties which offers some natural surveillance. While this is not an ideal arrangement, the unusual shape and steep slope of the site is a considerable constraint and this is a reasonable solution to ensure adequate parking spaces are provided for these 3 bedroomed homes.

There is a small parking court in the western portion of the site, the character of which is enhanced by proposed tree planting and vegetation to break up the banked car parking and in an effort to appear as a designed outside space. The eastern portion of the site is also served by parking courts and a long section of banked parking. In front of plots 38 & 39 and 44 – 52 (the flats), there is a tree and some vegetation and grass proposed which is preferable to the otherwise heavily engineered areas around the buildings which is necessary deal with the site levels and to provide adequate parking for the number of dwellings provided. It is unfortunate that there is not enough room to provide more green wedges between the banked car-parking serving plots 29 – 37, but with the number of dwellings proposed there is no spare space while also providing pedestrian access and bin storage/collection points.

Overall, the proposed layout does meet criteria 3 of policy DEV29 which requires developments to *“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.”*

The proposed planning condition for provision of electric car charging points by the Environmental Health Specialist is noted and would suitably respond to policies SPT1, DEV2 and DEV32. These would be difficult to deliver in some of the parking areas as shown on the proposed site layout, in particular the banked parking serving the affordable housing and the block of flats, which is not ideal. However, a significant portion of overall parking areas could be served by a charging point scheme and so these policy requirements is met through by the recommended planning condition.

All but two plots on the western portion of the site have a garage or rear access to their garden which would assist with safe bike storage. However a scheme as required by condition 5 of the outline consent is required before any dwelling is occupied. Of particular

concern is that bike storage is made available for the flats. It is noted there is a void under the building which might offer an option for secure storage.

The site is within practicable walking distance of the town, and is connected by a pavement for pedestrian access to community facilities and public transport. Earlier sections describe how pedestrian movements around and within the site have been considered and determined to be acceptable.

Overall, the highways aspects of the development with particular regard to parking and sustainable travel are acceptable, and further improvements should be secured through the discharge of condition 5. In this regard the development accords with policies SPT1, SPT2 and DEV29.

### Historic Environment

Immediately north of the north western part of the site, separated only by Kingsbridge Footpath No3 which runs roughly east-west along Norden Lane, is Norden House which is a listed building and therefore a designated heritage asset. While the site and Norden House are in close proximity, due to the change in levels, the extent of mature vegetation in the grounds of Norden House and protected hedge-banks either side of the footpath, there are no intervening views of the site from that property. When walking along Norden Lane and peering through the boundary vegetation it was difficult to see Norden House from the public footpath, and there are no open views into the site to the south. Taking this into account, there appears to be no adverse impact on the setting of Norden House resulting from the detailed design of the reserved matters application under consideration here. As such the development satisfactorily accords with the requirements of policies SPT11: Strategic approach to the historic environment and DEV21: Development affecting the historic environment. The absence of adverse impacts in this respect is neutral in the planning balance.

### Economic Impacts

If this application were to be refused, the result would be that the Outline consent expires, and so the employment land included in the Outline consent, along with the other commitments in the s106 would be lost. Delivering this development would provide an opportunity for job creation, contracts for existing local businesses in the construction industry and training which would be secured through measures set out in an employment and skills plan as required by condition 12 to meet Policy DEV19.

In keeping the outline consent, the approval of this application would deliver an employment site contributing to policy DEV14: Maintaining a flexible mix of employment sites, and DEV15: Supporting the rural economy. This weighs in favour of the reserved matters application.

### Biodiversity

When consulted in relation to the outline application the Council's Natural Environment Team responded with no objection 'with regard to trees and hedges and ecology'. Reference was made to the retained field being managed for the benefit of curlew buntings and managed in accordance with a Landscape & Ecological Management Plan to be provided. That requirement was secured through Condition 18 of the outline consent. A LEMP was therefore submitted as part of the information seeking to address the associated planning conditions alongside this reserved matters application.

The Biodiversity Specialist is satisfied that requirements have been met in full both for onsite habitats/protected species requirements, and for the retained field – effectively condition 18

being met. The Biodiversity Specialist also makes two suggestions picking up on points made by other consultees:

- *Inclusion of further areas of meadow/wildflower grass in association with the public open space towards the western end of the site (adjacent to the new road access) – I am unclear as to why this wouldn't have been specified as a matter of course – this currently shown as 'strong lawn grass' on the Soft Landscaping Proposals. This need not necessarily be the entirety of this POS area, but I would suggest the majority would be warranted – the biodiversity benefits are clear. (This supporting the point made by Alexis Huggins).*
- *Within the retained field for curlew buntings and reptiles, Helen Jessop (RSPB) usefully notes that while the LEMP states "annual cut of one third of total grassland area on rotation; all cut materials to be collected and removed" it does not indicate which parts of the site would fall into each third. I support Helen's recommendation that 'mowing should be planned avoid cutting all grassland adjacent to boundary hedges in the same year – strips across the extent of the area would be best and ideally those strips should have 'wavy' edges.'*

To address this planning conditions will require these amendments to the soft landscaping plan and the mowing specification can be captured as an additional detail in a planning condition to complement the LEMP.

Taking these details into account, therefore the reserved matters application meets the requirements of JLP policies SPT1 and DEV26.

#### Drainage

The Lead Local Flood Authority has raised no in-principle objection to the application, from a surface water drainage perspective, and also advised that sufficient information has been submitted to discharge condition 12 of the outline consent.

The LLFA specifically notes that:

*"The applicant has proposed a feasible drainage solution encompassing permeable paving and an attenuation tank to restrict flows to greenfield rates, incorporating Critical Drainage Area requirements, prior to discharge into the Westville watercourse. Infiltration has been assessed at the site, in accordance with the surface water management hierarchy however due to the gradient of the site and concerns over groundwater re-emergence downstream and slope stability as well as high groundwater in parts of the site, infiltration based techniques were deemed not viable. Attenuation storage up to the 1 in 100 year plus 30% (which was the requirement in terms of climate change at the outline stage) will be achieved in the attenuation tank. The applicant is proposing a betterment in terms of surface water discharge rates compared to what was agreed at the outline stage; previously 36 l/s was proposed and now 9.9 l/s is proposed.*

*Silt traps and smart gullies will offer treatment of runoff including removal of potential hydrocarbons prior to discharge into Westville.*

*Unfortunately due to the steep gradient of this site, above ground sustainable drainage systems are not viable therefore options were limited with regards to sustainable drainage systems. Never the less, the applicant is proposing permeable paving*

*towards the north east of the site to act as source control and to provide treatment of the runoff at this location.*

*During construction, runoff will be managed via catch pits and ditches placed in strategic locations allowing attenuation and sedimentation of the runoff.”*

South West Water also responded to consultation to advise they had no objection to the indicative foul drainage details which will connect to the existing main sewer as shown on the submitted indicative plans. A planning condition secures any additional information necessary and implementation of the detailed scheme.

The requirements of policies DEV1, DEV2 and DEV35 relating to water quality, amenity, drainage and flooding matters therefore adequately dealt with.

### Housing mix/affordable housing

The proposed housing mix is summarised as follows:

1 and 2 bed units	20	38%
3 bed units	12	23%
4 + bed units	20	38%
<b>Total:</b>	<b>52</b>	<b>100%</b>

The number of affordable units provided (16 units) is compliant with the agreed S106 agreement. Earlier plans which included 2 x one bedroom, one person units have been amended in response to Affordable Housing Specialist advice that one bedroom housing need is generally for two person occupation. This accords with policy DEV9.

The Strategic Housing Market Needs Assessment that formed part of the evidence base for the Joint Local Plan specifically set out the housing mix needed for each Parish in order to address any imbalances in the local housing stock. Extensive discussions have taken place between the LPA and Applicants to agree a suitable housing mix for this site which reflects what we know about the current housing provision in the two wards this site encompasses and would address rather than worsen any skew that was evident.

Policy DEV8 which seeks *“to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities.”* However, and crucially, the housing mix was not specified to be a requirement of the reserved matters when the outline consent was approved. This limits the control which the LPA has in this respect, although it is recognised as an important component of whether the proposed development meets other strategic policy requirements which are relevant to this application, in particular policy SPT2 which requires that developments *“have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs ... [and] ... promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services.”*

### Low Carbon Development

Condition 22 of the outline consents reads:

*Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an*

*implementation programme, and/or details of how the energy supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach (this should meet at least a 10% reduction and shall include an implementation programme) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in operation thereafter.*

*Reason: To ensure that the dwellings are built in a way to minimise energy consumption and harmful emissions.*

The applicant has not applied to discharge this condition alongside the reserved matters submission but the requirement still remains to do so 'prior to construction of any of the dwellings above slab level'. Policy DEV32 of the Joint Local Plan places slightly different requirements on new developments with the aim of delivering a low carbon future for Plymouth and South West Devon and 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. To do this DEV32 sets out certain criteria as follows:

*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.*

*2. Major development should take account of projected changes in temperature, rainfall, wind and sea level in its design with the aim of mitigating and remaining resilient to the effects of changing climate.*

*3. Development proposals will be considered in relation to the 'energy hierarchy' set out below:*

- i. Reducing the energy load of the development.*
- ii. Maximising the energy efficiency of fabric.*
- iii. Delivering on-site low carbon or renewable energy systems.*
- iv. Delivering carbon reductions through off-site measures.*

*4. Developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area. For major developments, a solar master plan should show how access to natural light has been optimised in the development, aiming to achieve a minimum daylight standard of 27 per cent Vertical Sky Component and 10 per cent Winter Probable Sunlight Hours.*

*5. All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.*

*6. Developments will be required to connect to existing district energy networks in the locality or, where there is a future network planned, to be designed to be capable of connection to that network. Where appropriate, proportionate contributions*

Criteria 3 and 5 of that policy are covered in the wording of condition 22. Criteria 6 is not relevant. If Members felt it was appropriate to apply a further requirement on the applicants to reflect the updated policy position relating from the adoption of the JLP since the outline consent was given, and to reflect the Council's declaration of a Climate Change Emergency, then criteria 1 and 2 could be addressed by the applicant in a statement to be submitted before development commences. Criteria 4 is not a concern on this site due to the slope and orientation of the buildings which generally face north-east to south-west providing good levels of natural light into the proposed homes. Furthermore, there is very little option for an alternative arrangement on site due to the levels which somewhat dictate the route of the access roads and the position of houses in order to address landscape and character matters.

Taking into account the existing requirement of condition 22 on the outline consent and scope for further supporting detail to address criteria 1 and 2 by way of a condition on the reserved matters application, the requirements of policies SPT1, SPT2 and DEV32 are met by this application.

#### Other Matters

JLP policy DEV30: Meeting the community infrastructure needs of new homes requires that developers plan sites to meet the needs of the occupants and increased pressure they would place on existing community services. The s106 attached to the outline consent secured various contributions as indicated in at the start of this report and so no further consideration is necessary.

With respect to JLP policy DEV31: Waste Management, the Highways Authority have assessed the layout to ensure the development is accessible to household waste collection vehicles and raised no objection in that regard. Smaller dwellings include facilities for the storage of recyclable and non-recyclable waste in gardens or shared bin storage areas while larger dwellings have their own bin stores within the property curtilage to the front of the dwellings (as marked on the Bin Storage Strategy drawing 171202 L 02 05 Rev L).

The LPA Assets Specialist has advised that a s257 PROW Diversion Order application has been received from the applicant relating to diversion of the footpath which crosses the new access road to the development site, and it is being processed separately (and concurrently).

Building regulations require the installation of ducting for high speed broadband, so a specific condition is not required to that. The applicant has also advised that it intends to notify BT Openreach of its intention to commence development in the requisite timeframe that will commit them to deliver high-speed broadband to the development.

Contamination risk from groundworks is accounted for by condition 24 of the outline consent.

There are some procedural matters which are raised in letter received from the public consultation in relation to the scope of this application and whether it is strictly reserved matters. As the start of this report notes, some conditions are also being discharged to accompany the reserved matters application as required by the outline consent. Some letters also comment on earlier versions of the plans which are now superseded and so, in particular comment that the development extends beyond the area the appeal inspector advised have been addressed.

#### Conclusion



The reasons for refusal (contained in the decision which was later quashed) which related to parking provision, external materials, architectural design, scale and massing and in combination effects of those aspects on landscape and visual amenity, the provision of open space, housing mix and drainage matters have all been addressed by the revised scheme. With the removal of 5 of the larger dwellings in the western part of the site, landscape impacts have been addressed through improved layout. Materials have been changed from principally brick to a mix of render and stone facing with real slate proposed for all roofs. The fewer dwellings enabled creation of a larger area of open space and an equipped play area. Parking arrangements were addressed with more scope for on street parking and additional on plot parking spaces. Changes to the position and proportions of some dwellings has successfully addressed character concerns relating to visual impact in distant views of the site. The LLFA have removed their objection as a result of additional information relating to drainage, and housing mix has been adjusted and offers a suitable mix to meet a range of local housing needs.

The reserved matters application and accompanying details intended to address some of the conditions of the outline consent (28/0508/15/O) have been assessed to be policy compliant in terms of the key material considerations relevant to this site. Where the LPA previously had significant concerns regarding adverse impacts on landscape and local character and amenity, architectural design and layout, later revisions which have been subject to public consultation have addressed those concerns.

The detailed plans for the development now being determined will deliver 52 homes in one of the District's Key Towns, on a site with an extant outline planning consent. There are no objections from statutory consultees and the objections raised in letters have been addressed through explanation in the detail of this report and through the use of suggested planning conditions.

There are no demonstrable adverse impacts as a result of this development and so it is considered to be sustainable in terms of the economic, social and environmental elements set out in policy SPT1 and the NPPF and the recommendation is therefore to approve, subject to conditions.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 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  
SPT4 Provision for employment floorspace  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
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  
DEV3 Sport and recreation  
DEV4 Playing pitches  
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  
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  
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  
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) and guidance in Planning Practice Guidance (PPG). Additionally, the following

planning documents are also material considerations in the determination of the application: National Design Guide, 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**

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 or (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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) [to follow]...

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 the commencement of development, full details and specification of the Rootlock/hydroseed bank shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details. Details shall include methodology, monitoring and repairs to bank surface.

Reason: To ensure that the proposed technique is effectively implemented in the interests of visual amenity.

4. Prior to implementation of the approved landscaping scheme, submission of amended details for the turf-faced Devon Bank shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details.

Reason: In the interests of character and biodiversity.

5. Prior to the commencement of development the applicant shall submit to the Local Planning Authority for approval in writing full details of proposed electric vehicle charging points to be provided. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management. The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of the building(s) to which they relate, and retained thereafter as such.

Reason: To protect air quality and support sustainable development in accordance with emerging Joint Local Plan policy DEV2 and NPPF paragraph 148.

6. Prior to creation of the green areas on the western public open space, details of additional areas of meadow/wildflower grass shall be submitted to and approved in writing by the Local

Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and landscape amenity within the South Devon AONB.

7. Within 3 months of the date of this consent, an addendum to the LEMP including a plan to show the rotation of land for annual grass cutting and inclusion of scalloped edges to mown areas.

Reason: In the interests of clarity of LEMP specifications and biodiversity interests.

8. Before the formation and installation of the play areas, details of the play equipment and natural play features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, landscape amenity with respect to the location within the South Devon AONB and to ensure engaging and robust play provision is provided.

9. Prior to their installation details and samples of all facing materials and 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.

10. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.

Reason: in the interest of community safety.

11. The Reserved Matters application(s) for layout shall be accompanied by a site related employment and skills plans to support local employment and skills in the construction industry. The agreed plan shall be implemented in accordance with a timetable to be included in the plan.

Reason: To ensure a commensurate growth in the area's employment through investment in job skills, in accordance with JLP policy DEV19.

12. Prior to the commencement of the development hereby approved, full details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling(s).

Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained. A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

13. No part of the development hereby permitted shall be commenced until the detailed design, detailed network model outputs, of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Layout 2501 Rev C. No part of the development shall be occupied until

the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Sparkwell **Ward:** Newton and Yealmlton

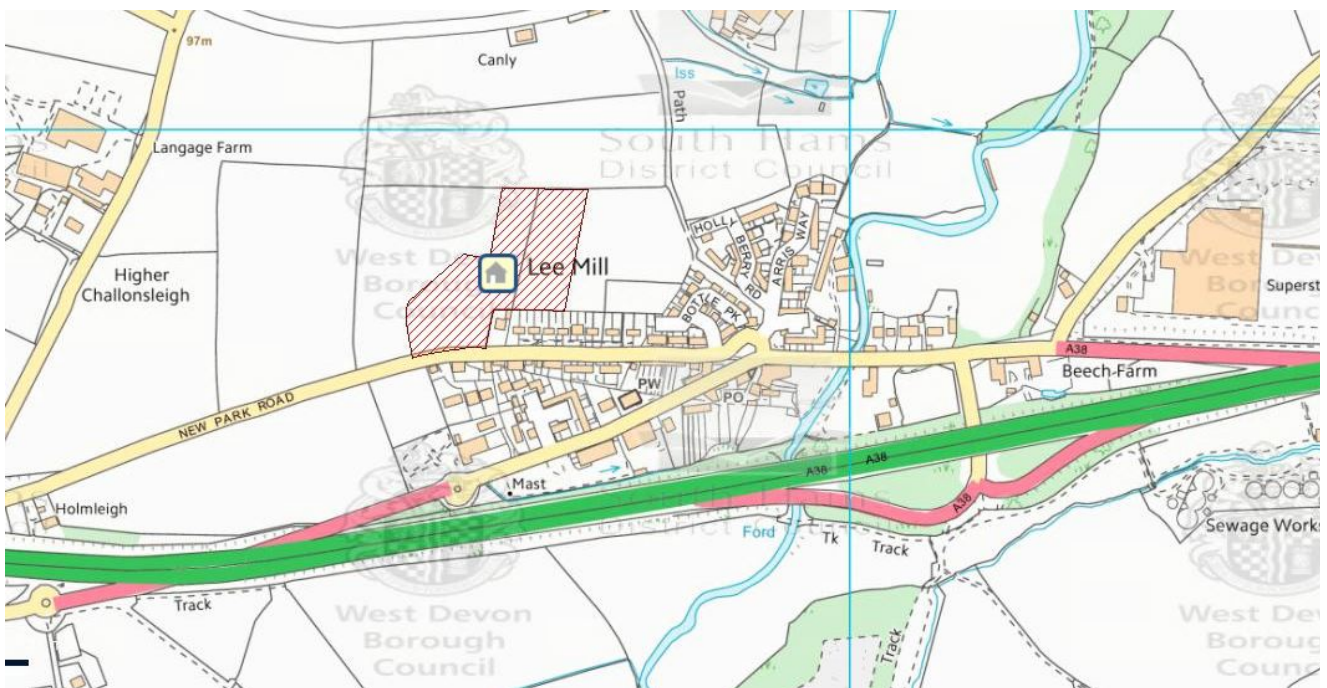
**Application No:** 3197/19/OPA

**Applicant:**

Mr N Jillings Place Land LLP  
23 Southernhay East  
Exeter  
EX1 1QL

**Site Address:** Land adjacent to New Park Road, Lee Mill, Nr Ivybridge

**Development:** Outline application with some matters reserved for residential development of up to 25 residential units including vehicular access, estate roads, landscaping, open space, drainage, infrastructure and all associated development.



**Reason item is being put before Committee:** Councillor Thomas and Councillor Baldry have the following concerns:

- Lack of local facilities: no local shop, no community hall, no school.
- Traffic impacts on New Park Road which is a busy road
- Improvements to play and schooling in Ivybridge will not assist the situation of the village

**Recommendation:** Recommendation: Delegate to HoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement.

The terms of the Section 106 Obligation are:

- 30% affordable housing which shall include 70% social rent and 30% intermediate home ownership.
- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards *'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.'*
- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*
- Public access and on-going management and maintenance of the on-site public open space in perpetuity.
- On-going management and maintenance of retained boundary features in accordance with LEMP
- Primary school infrastructure: £29,863
- Secondary school infrastructure: £82,203
- Primary school transport: £31,504
- Secondary school transport: £12,433
- £6000 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill
- Contribution of £15,00 towards the unclassified road 301 in Sparkwell
- Implementation of LEMP and SUDs
- Clause securing delivery of offsite delivery of compensation/appropriate Biodiversity Net Gain in the event that it is not possible to evidence sufficient onsite provisions at Reserved Matters when applying the Defra Biodiversity Metric Calculator. This may be by way of a monetary sum or offsite delivery of habitat creation or enhancement on land owned by the landowner, and should be consistent with the detail within the JLP SPD.
- Prior to first occupation of any residential unit, a contribution in accordance with Table 3 of the Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme (November 2019) shall be paid to the Local Planning Authority

#### **Conditions (full wording at end of report)**

1. Std outline time condition
2. Reserved matters to be submitted
3. Accords with plans
4. Submission and agreement of details (including on-going management and maintenance) of the public open spaces at reserved matters stage
5. CEMP
6. Proposed estate roads etc details to be agreed and provided
7. Access road – first 20m to be laid out before any other development continues
8. Footway(s) to Holly Berry Road to be provided prior to occupation
9. Housing mix to be agreed at reserved matters stage and shall meet local housing need.
10. Detailed design of surface water management to be agreed at reserved matters stage.
11. Prior to commencement - Construction phase surface water management to be agreed
12. Prior to commencement – exceedance route to be agreed
13. Prior to commencement – details of the adoption and maintenance to be agreed.
14. PROW diversion order to be made prior to commencement of development if required
15. Details of any works to the PROW to be agreed
16. Unsuspected contamination
17. Prior to commencement - to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation agreed with the LPA
18. Lighting strategy at RM showing no more than 0.5 lux within 5m of western and northern boundary features and reflecting recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017).
19. Submission of a LEMP at RM detailing ongoing management and maintenance of retained and created public open space/boundary features.



20. Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate proportionate measurable net gain in biodiversity including a completed Defra Biodiversity Metric Calculator, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).
21. Tree and hedge protection details to be provided in RM
22. Provision of parking and turning areas prior to occupation
23. Removal of PD – boundary treatments, hard standings, roof extensions
24. Electrical charging points – details to be provided and implemented
25. The reserved matters application for layout shall include details of how the development meets the requirements of JLP policy DEV32 and represents low carbon development.
26. All residential units shall meet as a minimum National Space Standards
27. At least 20 per cent of dwellings shall meet national standards for accessibility and adaptability (Category M4(2) Building Regulations).
28. Details of pedestrian links to be agreed at reserved matters

**Key issues for consideration:** The site lies outside of the built up area of Lee Mill within the countryside and is not an allocated site for development. Lee Mill however is identified in the Plymouth and South West Devon Local Plan (JLP) as being capable of accommodating around 20 new dwellings over the plan period. A key issue therefore is whether the principle of the development accords with the JLP and whether detailed matters such as highway safety, residential amenity, landscape impact and impact on biodiversity are acceptable.

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

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and 20-21 is the last year's allocation. The 2020-21 NHB allocation for the Council will be based on dwellings built out by October 2019. A statement about a replacement scheme is expected in the New Year.

This application will be built after the October 2019 cut off for the New Homes Bonus funding, so no NHB funding will be received.

However, the Council does not know whether a replacement scheme is likely or not to pay the Council similar funding levels.

For information, under the New Homes Bonus scheme an amount of £1,337 was payable to the Council for an individual property, with an extra £280 if the property was for affordable housing. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

#### **Site Description:**

The site comprises approx. 1.15 ha of agricultural land located to the west of the village of Lee Mill, approx. 2 km west of the town of Ivybridge. Lee Mill is a modest size village built along the Plymouth Road, sitting immediately north of the A38. Facilities within the village are limited and include a pub, a church and a garage shop. The large Tesco superstore is located just outside the village as is Lee Mill Industrial Estate. There are bus links from the village to Plymouth and Ivybridge.

The sites includes a smallish field immediately west of Holly Berry Road and the south eastern portion of a larger field further west which continues south to meet New Park Road. The site is bounded by hedgerows except for where it subdivides the larger field, at present there is nothing to define this boundary. The site topography falls gradually from north west to south east.

To the south and east the site adjoins the new housing development at Holly Berry Road and existing housing on New Park Road. Part of the site directly adjoins New Park Road. Agricultural land lies to the west, north and north east.

A public footpath (Sparkwell Footpath 12) crosses the site diagonally from the east (Holly Berry Road) to the north west corner of the site.

It is proposed that vehicular access will be taken from New Park Road with pedestrian access to Holly Berry Road retained and provided

A public open space has recently been provided as part of the adjacent Holly Berry Road development adjacent to the playground of Bottle Park.

### **The Proposal:**

This application is in outline with only the detail of access to be agreed. The proposed development is for up to 25 dwellings of 1-4 bed homes and associated infrastructure and open space.

Vehicular access is proposed from New Park Road and pedestrian access is provided into Holly Berry Road in the position of the existing footpath access and a second link is also proposed further south also linking into Holly Berry Road

The application is supported by an illustrative masterplan which shows a layout including the following housing mix:

- 3 x 1 bed apartments
- 4 x 2 bed apartments
- 4 x 2 bed dwellings
- 9 x 3 bed dwellings
- 5 x 4 bed dwellings

25 Total

30% of the dwellings are proposed as affordable housing.

The supporting Design and Access Statement describes how the illustrative layout seeks to respond to the constraints and characteristics of the area and has been formed around green infrastructure to minimise landscape and visual impacts. The illustrative drawing indicates the buildings will not exceed 2 stories in height

A parking court is indicated immediately north of the rear gardens of existing dwellings on New Park Road, many of these existing dwellings have no convenient on plot parking; this parking area is intended to provide parking for these residents who currently have to park in the road.

The illustrative plan shows a substantial area of public open space of 0.26 ha on the northern part of the site which contains and maintains the route of the public footpath.

### **Consultations:**

- County Highways Authority: No objection subject to conditions and a financial contribution of £6000 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill and a contribution of £15,00 towards the unclassified road 301 in Sparkwell
- DCC Archaeology: No objection subject to conditions
- SHDC Ecology: No objection subject to Section 106 Obligations and conditions.
- SHDC Affordable Housing : No objection subject to agreeing the details of the type and tenure of the affordable units at reserved matters stage and within the S.106
- SHDC Landscape: No objection
- SHDC OSSR: No objection subject to conditions and financial contributions as follows:
 

Occupants (to be calculated based on Table 3 of the SPD) x £595 towards 'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.

Occupants (to be calculated based on Table 3 of the SPD) x £380 towards '*improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area*'
- Strategic Planning: No objection subject to the housing mix meeting local housing needs.
- South West Water: No objection
- DCC Flood Risk: - No objection subject to conditions
- SHDC Tree Specialist: No objection
- DCC Education. No objection subject to the following financial contributions:
 

Primary school infrastructure: £29,863

Secondary school infrastructure: £82,203

Primary school transport: £31,504

Secondary school transport: £12,433
- Police AOL: Detailed advice provided to inform the reserved matters. Concern raised over illustrative location of POS which should be well overlooked and access from parking area provided for New Park Road residents
  - DCC PROW: Public footpath No. 12 Sparkwell is affected by this application. A new kissing gate to British Standard (Gaps, gates, stiles) will be required on the northern boundary of the orchard. If the footpath requires temporary closure during any phase of development a formal legal closure order will be required with suitable temporary diversion in place. It appears the footpath is to be retained in the same location. If it is to be moved, a diversion order will need to be made by the planning authority under the Town and Country Planning Act prior to development commencing. Confirmation of these matters would be required before agreement can be confirmed.
- Town/Parish Council: Object

*New park road is already considered to be hazardous due to the lack of roadside parking. Any increase in traffic density constitutes creates a severe hazard at the lee mill end of the road, new park road is busy also hazardous and cannot support further regular vehicle density. This was highlighted in a survey census in 2018. In addition the access to the new provision will involve entering the n p road in a seriously hazardous position section which has suffered previous incidents.*

*There is no recent housing needs survey to support the application.*

## **Representations:**

Approximately 35 letters objecting to this development have been received raising issues which include the following:

- Too much traffic in village already – congestion and houses vibrate
- Additional traffic will increase higher safety problems.
- Inadequate facilities in village to support more housing
- Where is the village hall going to go?
- No need for more housing in Lee Mil
- SHDC officer said there was no need for more affordable housing in Parish
- Traffic studies have not been updated and don't take account of additional Sherford traffic.
- No safe pedestrian access from bus stop
- If approved remaining land (from previous application) should be handed to Parish to prevent further development.
- Likely to lead to more housing in the future
- Loss of amenity of views and dog walking
- Lack of pavements on New Park Road make it dangerous for pedestrians
- Existing drainage problems will get worse
- Houses will block natural sunlight to existing dwellings
- Traffic calming should be provided
- Will increase air pollution
- There is no shop, post office or school in the village
- Does not comply with JLP which should deliver 20 homes over 25 years not in one development.
- Will be overbearing on existing development
- Adverse impacts on wildlife
- Adverse impact on village character

## **Relevant Planning History**

49/1162/08/F: Erection of 65 dwellings (25% affordable housing) provision of site for future village hall and car park, open space, access, servicing and landscaping, Conditional approval. (This relates to the adjoining new development on Holly Berry Road)

1303/18/OPA: Outline application with all matters reserved except for access, for residential development of up to 110 dwellings with open space, landscaping, allotments, drainage infrastructure, estate roads and associated development : Refused

## **ANALYSIS**

### **Principle of Development/Sustainability:**

A previous application for 110 dwellings on this and a wider site was refused planning permission in 2018 on a matter of principle; the main reason for refusal was as follows:

*The proposed development in the countryside will result in a significant extension and expansion of the village of Lee Mill which has already had significant amounts of new housing in recent years that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame, without adequate supporting infrastructure will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 8, 11 and 92 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan*

Since this refusal the JLP has been adopted, which identifies at Policy TTV25 that Lee Mill is a sustainable village capable of accommodating around 20 dwellings.

Policy TTV25 reads as follows:

#### Development in the Sustainable Villages

*Provision in the order of 550 homes will be sought from the sustainable villages as part of the overall housing supply for the TTV Policy Area. The LPAs support the preparation of neighbourhood plans as a means of identifying local housing and other development needs in the sustainable villages. Development within the sustainable villages, including the indicative level of housing set out in Figure 5.8, should be provided through neighbourhood plans, unless such provision would conflict with other policies of the JLP.*

*Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan.*

*There is no Neighbourhood Plan, emerging or made for Lee Mill as such there is no preferred development site selected by the community and it is for the LPA to assess this proposal on its own merits.*

The strategic aspects of this proposal have been considered by the Council's Strategic Planning Specialist who has commented as follows:

*The application is broadly in accordance with policies TTV1 and TTV25 of the adopted Plymouth & South West JLP, in which Lee Mill is recognised as a Sustainable Village that has been given an indicative housing figure of 20 dwellings in figure 5.8 of the plan.*

*Since 31<sup>st</sup> March 2017 there have been no eligible schemes that could count towards the indicative number of 20, and there are no extant consents either.*

*The proposal will contribute slightly over the indicative 20 homes for the village identified, and will make a positive contribution to the delivery of rural homes as part of policy TTV25.*

*While the proposal for 25 is broadly in keeping with the scale of the village, it does represent an uplift of 25% above the indicative housing figure. That may not be an issue providing that the development delivers a policy compliant housing mix across all tenues. With particular regard to the open market housing mix, it is expected that the proposal should accord with the most up-to-date evidence available for local housing needs, which is the 2017 SHMNA. This identifies a need of around 49% 1 and 2-beds, 33% 3-bed and 18% 4-beds.*

*I would emphasise that any future applications would be treated very differently in terms of the local housing need requirement once the indicative figure for Lee Mill has been met and the expected contribution to TTV25 has been made.*

The principal of delivering 25 dwellings at Lee Mill is therefore supported by the JLP, subject to all other material planning considerations.

### **Design/Landscape:**

The application is in outline with matters such as layout, scale and appearance to be agreed as reserved matters.

The site is within the setting of Dartmoor National Park. Paragraph 172 of the NPPF states that great weight shall be given to conserving landscape and scenic beauty of National Parks.

This application has been assessed 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;*
- *Section 11 of the NPPF in particular paragraphs; 127 and 170, 172 & 173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The Dartmoor National Park Management Plan and its Annexes.*

### Landscape Comments

*The proposed development is noted and has been considered with reference to the previous application 1303/18/OPA to which no landscape objection was raised. The current proposal is also considered under a new policy position with the adoption of the Joint Local Plan (relevant policies - DEV23 and DEV25) and revised NPPF.*

*The current revised scheme is for a more modest development which is restricted in scale and form, principally expanding residential housing to the west (Field 1 and Field 2). As a result the overall potential for landscape impact harm is considerably reduced on the basis it remains for similar residential development. A revised LVIA has been submitted (Issue 05 - 4<sup>th</sup> June 2019 – AECON) noting the original LVIA and with consideration to the changed policy position and impacts arising from a reduced 25 unit scheme. The LVIA remains sound and officers concur with the findings.*

*In reference to the previous scheme and full consideration of the resubmitted scheme before officers, the landscape position remains consistent where the proposal broadly accords with current policy; that is the wider landscape character is conserved, with limited adverse harm at a local level and opportunities are sought to enhance landscape character and visual quality through new tree and hedge planting and enhancements to existing landscape features. On this basis, the proposed development can be supported.*

Design, scale, appearance and detailed landscaping remain matters reserved for future consideration. As such officers have not given detailed scrutiny to the illustrative layout but would comment that the POS might make a more positive contribution to the scheme if located more centrally rather than set at the far end of the site. The emerging SPD sets out guidance on parking standards and minimum requirements for external amenity space for dwellings and apartments which, depending on the

weight that may be attributed to the document at the time of any reserved matters submission, may be relevant considerations.

Matters relating to design and landscape, in so far as they impact on this outline application and including potential impacts on Dartmoor National Park, are considered to be acceptable

### **Affordable Housing, Housing Mix and space standards**

Policy DEV8 and DEV9 of the JLP include the following key matters that are relevant to this application:

#### ***Policy DEV8: Meeting local housing need in the Thriving Towns and Villages Policy Area***

*The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home mixed communities. The following provisions will apply:*

*A mix of housing ownership, meet needs for social and rented housing, and create sustainable, inclusive and*

- 1. sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:*

*i. Homes that redress an imbalance within the existing housing stock.*

*ii. Housing suitable for households with specific need.*

*iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.*

*3. Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified.*

#### ***Policy DEV9: Meeting local housing need in the Plan Area***

*The following additional provisions for the delivery of a range and mix of housing to meet local housing needs shall apply to the Plan Area;*

*1. Affordable housing could include social and affordable rent, shared ownership, and innovative housing models that meet the local demand/need, such as rent-to-buy, starter homes and shared equity as appropriate.*

*4. A mix of accessible housing units will be sought in new housing schemes, representative of the wider housing mix of the development including:*

*i. Requiring at least 20 per cent of dwellings on all schemes of five or more dwellings (including conversions), where practicable, to meet national standards for accessibility and adaptability (Category M4(2) of Building Regulations).*

The Council's strategic planning specialist has identified a need for the following approximate house types:

*Around 49% 1 and 2-beds, 33% 3-bed and 18% 4-beds.*

The housing mix shown on the illustrative master plan is around 44% 1 and 2 beds, 36% 3 bed and 20% 4 bed; this is very close to the need identified above but nevertheless at reserved matters stage

justification for the proposed housing types should be provided. A condition is proposed to secure this.

The Council's affordable housing specialist has reviewed the proposal and has commented as follows:

*I have looked at this application for 25 units at Lee Mill and have noted that the applicant/agent has provided HoT's. The HoT's state that 30% of the properties will be provided as affordable housing which is compliant with policy DEV 8. The breakdown of the tenure of the property is proposed to be 70% affordable rent and 30% intermediate home ownership.*

*I need to point out that the emerging SPD states that the affordable rented element should be social rent unless there are viability reasons why this cannot be achieved. This evidence would need to be presented to the local authority to be assessed at the applicant/agents cost and the information contained within the viability appraisal will be published on line.*

*As this is an outline application, the local authority would want to see a good mix of 1,2,3 and 4 bed properties. However we would not wish to see 2 bed flats included. We would also want to raise the issue of technical space standards and ensure that 2 bed properties would accommodate 4 people, 3 bed properties should accommodate 5 people.*

Following this advice it is proposed that the affordable housing should be provided as 70% social rent and 30% intermediate home ownership, the applicant raises no objection to this and this can be secured in the Section 106 Agreement. Details of type and size can be agreed at reserved matters and this is secured through a proposed planning condition to agree housing mix.

Subject to the proposed conditions and S.106 Obligations it is considered that it will be possible to deliver a scheme that accords with JLP policies DEV8 and DEV9.

### **Open Space Sport and Recreation**

Plymouth and South West Devon Joint Local Plan policies DEV3, DEV4 and DEV27 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Until a new Supplementary Planning Document (SPD) is adopted, levels of reasonable contributions for OSSR are detailed within the SHDC OSSR SPD (2006).

The outline application is for the provision of up to 25 dwellings. It is noted that this is a resubmission of application 1303/18/OPA which was for up to 110 dwellings. Based on the accommodation schedule set out in the Design and Access Statement and Table 3 in the SHDC OSSR SPD the development would generate 85.5 new occupants.

### **Public Open Space**

The Illustrative Masterplan shows the main area of public open space in the north of the site around the existing public right of way. There is also an area of public open space fronting New Park Road at the entrance of the site.

The Joint Local Plan sets a standard of 1.91ha per 1000 people for accessible natural greenspace. Based on 85.5 occupants this would amount to a need of at least 0.1633ha (1,633m<sup>2</sup>) on site public open space and the Illustrative Masterplan clearly demonstrates that this quantum can be met.

Consideration will need to be given to the location, design and layout of the public open space at reserved matters stage. The location and layout should ensure that the public open space is well overlooked and integrated into the scheme to ensure that it will be well used. The space should be designed to be of more interest than simple amenity grassland e.g. through the provision of tree planting, seating etc.



## Play

Given the size of development, and the fact that the site is adjacent to an existing Neighbourhood Equipped Area for Play at Bottlepark, no on site equipped play facilities would be expected.

However, in order to cater for the new residents, improvements to the existing play area at Bottlepark will be required through the provision of additional equipment, both to more fully cater for the needs of older children (8-14 year olds) and add to the range of equipment/play experiences offered.

A financial contribution would thus be required in accordance with the SHDC OSSR SPD (2006) to enhance the local play facilities. Applying Tables 3 and 6 of the SPD the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to, and ongoing maintenance of, play facilities at the adjacent Bottlepark play area'*

## Sports and recreation

The development site is unable to incorporate sports and recreation facilities as required by policy on site.

The Parish Council has identified the need for a Multi-Use Games Area to cater for older children/adolescents, which could be located at Bottlepark in close proximity to the proposed development site. In addition, the new residents will generate increased pressure on existing sports and recreation facilities. The most local major sports and recreation facilities are located in Ivybridge to the east and it is reasonable to assume that the new residents will make use of these facilities.

The South Hams Playing Pitch Strategy (and subsequent updates) includes the following projects in Ivybridge:

- Extension of Clubhouse at Erme Valley Playing Fields for Ivybridge Town Football Club
- Additional All Weather Pitch at Ivybridge Community College
- Extension of Clubhouse for Ivybridge Rugby Football Club

It is highly likely that the new residents would use the existing sports and recreation facilities in Ivybridge. New residents would add pressure to these facilities, which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable.

To allow for the provision of a new MUGA and improvements to existing sports facilities in Ivybridge, a financial contribution would be required in accordance with the SHDC OSSR SPD (2006). Applying Tables 3 and 6 of the SPD the following should thus be secured within the s106 agreement:

- Occupants (to be calculated based on Table 3 of the SPD) x £595 towards *'Provision of a MUGA at Bottlepark and/or improvements to sports facilities in Ivybridge as identified in the South Hams Playing Pitch Strategy 2015 and subsequent updates.'*

The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

Subject to conditions and Section 106 Obligations as specified matters regarding open space, sport and recreation are considered to be acceptable.

## **Biodiversity**

The biodiversity impacts of the development have been assessed by the Council's ecologist who has commented as follows:

#### Onsite Biodiversity

The site comprises arable fields bounded by predominantly species-poor (with some stretches of species-rich) hedgerows. The proposal would lead to loss of the arable fields within the site boundary, and one stretch of species-poor hedgerow, and has the potential to lead to light spillage on hedgerows.

Bat Activity surveys noted a low level of activity at the site with relatively low species diversity, reflecting the habitat types at the site and limited foraging resource for bats. The vast majority of activity was recorded from Common Pipistrelle bats, with 3 passes recorded by Greater Horseshoe bats during automated surveys. It is noted that the site is a considerable distance outside of the Landscape Connectivity Zone associated with the South Hams SAC, and no likely significant effect on the South Hams SAC will result from the proposal

There is potential to retain and enhance the wildlife features of the site (namely hedgerows), and to avoid/mitigate potential impact on hedgerows. The consultant ecologist has advised avoiding light levels of above 0.5lux within 5m of hedgerows given the recorded light-sensitive bat species at the site – this is likely to be most important along the western and northern boundaries to ensure continued connectivity of the site for bats into the wider landscape. Enhancements for wildlife through new hedgerow and tree planting, wildflower planting, and other features for wildlife (e.g. inbuilt bird and bat boxes) are outlined in the EclA.

The measures as outlined within the submitted EclA should be fully detailed at Reserved Matters Stage within an Ecological Mitigation and Enhancement Strategy.

Notwithstanding that this is an Outline proposal only, and the site plan is illustrative only, as currently proposed it is noted that public open space buffers the northern and southern boundary hedgerow and it would accordingly be straightforward to ensure these are dark corridors. However, the western hedgerow/new woodland buffer is currently shown immediately adjacent to the road. Unless unlit this layout would make it difficult to achieve a dark hedgerow corridor as per the consultant ecologists recommendations. This aspect of layout will require consideration at Reserved Matters, and will require lux contour/isocline modelling to evidence that light levels will be acceptable along this western hedgerow corridor.

Every effort should be made within the RM layout to ensure retained and proposed hedgerow/woodland buffer falls within land to be managed in accordance with a Landscape and Ecological Management Plan as opposed to hedgerows being included in residential curtilages and potentially being degraded.

It should be noted that since the consideration of the 2018 application, the revised NPPF has been published which emphasises the need for development to deliver measurable Biodiversity Net Gain. This has been further considered via a Defra consultation which informed the 2019 draft Environment Bill and a proposed mandatory 10% Biodiversity Net Gain from development. Whilst withdrawn upon announcement of the General Election, on 30<sup>th</sup> January 2020, the Environment Bill was again introduced to parliament, and again will propose mandating Biodiversity Net Gain. This is reflected within the draft JLP SPD, which itself encourages developers to deliver 10% Biodiversity Net Gain.

The mechanism for calculating this will be via the Defra Biodiversity Metric, with the preference that compensation and net gains are delivered onsite, although the JLP SPD allows for delivery of offsite compensation in net gain where this is not possible. At present, given the submission is accompanied by 2017 ecology surveys and is in Outline only, there has been no presentation of a completed Biodiversity Metric calculator – it is not possible currently to assess the likelihood of the development delivery compensation and Biodiversity Net Gain onsite.

Given the lack of the provision of a calculator, it is proposed that conditions and s106 clauses are applied to ensure that at Reserved Matters the submission delivers a measurable Biodiversity Net Gain (of which the LPA will be encouraging 10%, and this figure is anticipated to be in the process of being nationally mandated by the time of the Reserved Matters). In the eventuality that it proves impossible (within the context of delivering 25 units on site) to deliver compensation and 10% Biodiversity Net Gain onsite, then offsite would have to be considered in accordance with the approach detailed within the JLP SPD (which will be adopted by that time). Accordingly, while it has not been demonstrated that measurable net gain has been delivered within this Outline application, this approach can give the LPA confidence that the proposal will be policy compliant at Reserved Matters.

### Offsite Biodiversity

The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site, and I note the HRA and Appropriate Assessment has been undertaken accordingly (dated 10/10/2019 on the website). This concluding that a financial sum should be secured to mitigate the in-combination effects of new recreational activity from residents associated with this proposed development.

It is noted that the HRA document dated 10/10/2019 uses out of date figures – the Plymouth Sound and Estuaries European Marine Site Recreation Mitigation and Management Scheme has since been published, and it is the figures within Table 3 of that document (as below) that should be used. It should also be noted for the purposes of the Development Management Committee Report, that as of today (Brexit) I understand that the correct citation for the Habitats Regulations would be a 2019 date (as opposed to the former 2017 date).

<b>Table 3: Rates per size dwelling Size</b>	<b>Av household occupancy</b>	<b>Cost per unit £</b>
<b>1 Bedroom</b>	1.33	236.62
<b>2 bedroom flat</b>	1.86	330.92
<b>2 bedroom house</b>	2.45	435.89
<b>3 bedroom dwelling</b>	2.63	467.91
<b>4+ bedroom dwelling</b>	2.85	507.05
<b>Cost per head</b>	177.91	

Please also note that the requirement for the contribution should in this case be secured via the s106 as opposed to condition,

Subject to necessary recommended Section 106 Clauses and conditions, impacts on biodiversity are considered to be acceptable

### Public Right Of Way

It is noted that a PROW crosses the site and might require a diverted route depending on the final layout –DCC PROW team have submitted a consultation response on this matter. Any diversion would require a s257 diversion order (application separately made to the LPA under s257 of the Town and Country Planning Act, 1990) to divert the PROW in relation to facilitating the proposed development. The development would not be able to affect the PROW without the s257 Order being made and confirmed. A s257 can be applied for if diverting a PROW is necessary to enable a development to proceed. The s257 diversion order application has its own consultation, criteria and decision making processes.

### Neighbour Amenity:

Notwithstanding objections raised on grounds of potential for overshadowing and overbearance, officers consider that the illustrative layout indicates that it is possible to accommodate 25 dwellings on the site in a way which would not have a significant adverse impact on neighbour amenity. Detailed matters such as overlooking /loss of light would be assessed at reserved matters stage.

A further amenity issue relates to highway impacts. As demonstrated in the representations of local residents and the Parish Council the amenity of Lee Mill, in particular for residents living on and using New Park Road is adversely affected by the amount of traffic using New Park Road. The proposed development of 25 homes using an access from New Park Road will increase traffic movements exacerbating the amenity issue arising such as noise, pollution, perceptions of safety, congestion and general dominance of the area by motor vehicles.

The Highway Authority has identified a need for and means of mitigating these impacts as set out in their highway response below.

Subject to the Section 106 financial obligations requested by the Highway Authority impacts on amenity are acceptable and have the potential to improve amenity generally in the area through improved traffic management

## **Heritage**

The county archaeologist has reviewed this application and commented as follows:

*The proposed development will have an impact upon the site of a prehistoric early medieval enclosure, containing evidence of structures or buildings within, that were identified through archaeological fieldwork undertaken in support of the earlier planning application (1303/18/OPA). These heritage assets are not of such significance that they warrant preservation in situ within any development that may proceed here, but groundworks for the construction of the proposed development will expose and destroy these heritage assets. The impact of development upon the archaeological resource here should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.*

*The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.*

*If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:*

*'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.*

## **Reason**

*'To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'*

*This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.*

*I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.*

Subject to adherence to this proposed condition impacts on heritage assets are considered to be acceptable.

### **Highways/Access:**

Significant concerns have been raised by local residents and the Parish Council about the traffic impacts of this application. Comments are made that New Park Road is very busy and that on street parking on New Road restricts the width of the road forcing a 'give and take' situation for road users, this causes congestion. It is also commented that footpaths on New Park Road are not continuous and this causes highway safety issues.

This application has been considered by the Highway Authority who have commented as follows:

*The Highway Authority notes this resubmission drastically reduces the number of dwellings proposed in relation to the previous application 1303/18/OPA. From an access perspective most of the same principles apply in that cycle/pedestrian access shall be provided to Holly Berry Road and vehicle access will be taken from New Park Road. It is notable one of the pedestrian access points towards Holly Berry Road has been removed because the site has reduced in its overall footprint and this is deemed acceptable.*

*The Highway Authority has been in contact with the applicant's transport consultant to clarify a couple of matters that remain slightly unclear –*

*1. Currently the planning application red line boundary stops short of the highway before reaching Holly Berry Road. The Highway Authority is content a permissive link or ideally an adopted link can be provided as access rights exist to connect to Holly Berry Road. If a Permissive Path link is required a Permissive Path Legal Agreement will need to be appended to the S106 legal agreement.*

*2. I note a parking area is proposed for New Park Road residents and having spoken with the transport consultant working on the scheme the intension is that this parking area will be accessible by foot from the rear gardens of the dwellings located on the northern side of New Park Road.*

*3. The Highway Authority notes the internal road gradient is proposed at 1:10 internally within the site meaning the adjacent footways will be the same gradient. Inclusive Mobility recommends a minimum gradient of 1:12 for disabled access. It is appreciated the internal layout is indicative at this stage and therefore it has been agreed that at this stage a note shall be added to the drawing to require a 1:12 gradient for the footways within the site. This drawing should be submitted directly to the Planning Authority from AWP prior to determination.*

*4. A kissing gate is proposed still at the northern pedestrian access point to Holly Berry Road. I think again to comply with Inclusive Mobility and the DDA 1990 the application*

*should be looking to agree a gate design with the PROW team at DCC and submit it with the application.*

*5. It is considered a Travel Plan for this number of dwellings is unnecessary. It is recommended that 50 dwellings is the lower threshold unless there are road capacity issues, which in this case it has been demonstrated adequately there won't be.*

*6. The proposals will increase pedestrian footfalls towards Holly Berry Road from the site towards the Green lane to the north. There are issues with safety at this point as there is a lack of visibility for users of the green lane/road, which crosses the internal estate road north/south. Legally cars, motorbikes and quads can use the green lane and there have been some near misses as a result of users not giving way to the internal estate road. The Highway Authority would like to try and improve the visibility for users of the lane to improve safety for both pedestrians and motorists using the existing internal estate road. As the proposals will increase the number of pedestrians walking this way it is necessary to ask for a contribution towards the scheme. The improvements would consist of - to tarmac roughly a 5 metre section of the green lane north of Holly Berry Road with kerbs so that a give way line can be introduced for the green lane. In doing so a drainage design will need to be also provided and it is estimated with these works will equate to around £15,000 which should be secured through a S.106.*

### **S106 Requests**

*£6000.00 per dwelling towards a capacity, safety, amenity and air quality mitigation scheme in and around Lee Mill. To be paid on occupation of 25 percent of the dwellings.*

*The Highway Authority notes the proposals will likely increase traffic to and from Plymouth on a daily basis. In order to re-enter Lee Mill from the Plymouth direction north, it would be likely drivers from the development would slip off the A38 onto the C646 road. This road has narrow and intermittent footways and it is deemed appropriate to seek mitigation for the existing residents through S106.*

*To be paid prior to occupation of 25% of the dwellings.*

*£15,000 towards improving the Unclassified Road 301 in Sparkwell. To be paid prior to occupation of the first dwelling.*

*To be paid prior to the occupation of 25% of the dwellings.*

The financial contributions towards a capacity, safety, amenity and air quality mitigation scheme will be used in the design phase of a proposed new slip road from the A38 which will divert a significant amount of traffic away from the village centre which will significantly improve matters of amenity, air quality and highway safety within the village and will mitigate the impacts of the additional traffic arising from this development.

The development proposes two pedestrian links to the east into Holly Berry Road which provide a safe pedestrian route for new residents into the village facilities including the play park.

Subject to the mitigation measures provided by the Section 106 Obligations recommended above the highway impacts of this development are considered to be acceptable.

### **Drainage**

The management of surface water related to this application has been assessed by DCC as Lead Local Flood Authority who raise no objection subject to conditions.

South West Water raise no objection

## **Economic impacts:**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

## **Social Impacts**

The delivery of an additional 7.5 (approx.) affordable homes is a significant social benefit. Lee Mill is an appropriate location for affordable housing with job opportunities on the adjacent industrial estate and large supermarket and with bus links to Ivybridge and Plymouth.

The previous application for 110 dwellings was in part refused due to concern about the social impact of significantly increasing the population of Lee Mill and how this will impact on the local community particularly as unplanned development of such a scale did not bring with it the infrastructure and local service improvements that can come with planned development and this weighed against the development.

This revised scheme of 25 homes will have a much reduced social impact on Lee Mill and it has already been agreed within the JLP that Lee Mill can accommodate around 20 new dwellings. It is considered that 25 homes are broadly within the scope of being 'around 20' and that the principle of the quantum of the proposal development accords with Policy TTV25.

The financial contributions requested towards highway improvements in the area could improve the amenity of the area which is a social benefit.

The illustrative drawing shows a large area of public open space within the scheme which would be a social benefit for the village.

On balance the social benefits weigh in favour of the development.

## **Planning Balance**

The principle of the proposed development is supported by Policies TTV1 and TTV25 of the JLP and there are no significant adverse impacts that would arise from this development. The proposed development will deliver market and affordable housing in accordance with local need. There will be no material adverse environmental impacts arising from the development and positive social and economic impacts.

On balance it is considered that the proposed development accords with the JLP and relevant parts of the NPPF and represents sustainable development. As such it is recommended that planning permission 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.

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  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments  
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  
DEV13 Consideration of sites for Travellers and Travelling Showpeople  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic 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

Other material considerations include the policies of the National Planning Policy Framework (NPPF)



**Neighbourhood Plan:** None

**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. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

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; 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.

3. The details hereby approved shall in all respects accord strictly with drawings numbers:

Site Location Plan – 170703 L 01 01 Rev A  
Preliminary Access Arrangement At New Park Road - PHL-101 Rev A  
Preliminary Access Arrangement At New Park Road - SK-102 Rev A  
Proposed pedestrian accesses – PHL-102 Rev A

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.

4. Full details of the public open space(s) including details of on-going management and maintenance shall be included as part of any reserved matters application for landscaping.

Reason: To ensure the provision of high quality public open space for the lifetime of the development

5. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) 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;
- (h) 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;
- (i) provision of wheel wash facilities;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site;
- (o) details of noise impacts and controls;
- (p) a dust impact assessment and proposed control in accordance with the institute of Air Quality Management guidance for dust assessment from construction sites

This approved CEMP 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.

This needs to be a pre-commencement condition to ensure the interests listed above are protected from the outset of development

6. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals

7. No other part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

8. The footways leading to Holly Berry Road approved by this permission shall be constructed up to a suitable useable standard prior to occupation of any of the dwellings or in accordance with a timetable to be agreed in writing by the LPA and shall be retained and maintained for the lifetime of the development

Reason - In the interests of pedestrian safety.

9. The Reserved Matters application(s) for layout and/or scale and/or external appearance shall be accompanied by details of housing mix, type and size across both open market and affordable housing and details of affordable housing tenure shall also be submitted. Development shall take place in accordance with the approved details.

Reason: To ensure the housing delivered on this site meets evidenced local need.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Land off Holy Berry Road, Lee Mill Flood Risk Assessment (Report Ref. 0647, Rev. C, dated 7 June 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed scheme needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning

Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

12. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

Reason for being a pre-commencement condition: Exceedance routes needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

13. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

14. No development insofar as it affects the public right of way shall commence until such time as a diversion order under S 257 of the Town & Country Planning Act 1990 (as amended) has been made and confirmed.

Reason: In the interests of the amenity and safety of the public.

15. Prior to the commencement of any development that may impact on the public right of way crossing the site, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for:

- i. details of any proposed improvements to the existing public right of way;
- ii. design of public right of way route, including surfacing, width, gradient, landscaping and road crossing points; and
- iii. any proposal for diversion and/or temporary closure of public right of way and alternative route provision.

Reason: In the interests of the amenity and safety of the public

16. 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.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

18. As part of any reserved matters application to agree layout a detailed lighting strategy shall be submitted to the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall demonstrate no more than 0.5 lux within 5m of the western and northern boundary features and reflect recommendations of section 9 of the Bat Activity Report (Ecological Surveys Ltd, Nov 2017). The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

19. . PRE-COMMENCEMENT - Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of biodiversity and wildlife conservation

This needs to be a pre-commencement conditions to secure appropriate management of landscape and ecology from the outset of development.

20. The landscaping scheme to be submitted at Reserved Matters shall incorporate details of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate proportionate measurable net gain in biodiversity, including a completed Defra Biodiversity Metric Calculator, reflecting recommendations within sections 7 and 8 of the Ecological Appraisal (Ecological Surveys Ltd, May 2017).

Reason: In the interests of biodiversity and wildlife conservation.

21. Any reserved matters application for layout and/or landscaping shall include details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

22. No dwelling shall be occupied until the garage and/or parking area relating to that dwelling has been provided in accordance with the approved details and is available for use. The garages/parking areas shall be retained for the parking of vehicles in perpetuity.

Reason: In the interest of amenity and the safety and convenience of users of the highway.

23. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class C (roof addition or alteration);
- (b) Part 2, Class A (means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

24. Prior to commencement of development the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management

Reason: In the interests of air quality, the environment and the amenity of the area.

25. The Reserved Matters application(s) for layout shall include a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered, the details

of which shall be approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details prior to the occupation of the dwelling/building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

26. All dwellings shall meet, as a minimum, National Space Standards.

Reason: In the interests of good place making and amenity.

27. Any reserved matters application for layout and/or scale and/or external appearance shall demonstrate that at least 20 percent of dwellings meet national standards for accessibility and adaptability (Category M4(2) Building Regulations).

Reasons: In the interest of equality

28. Notwithstanding Condition 3, drawing number PHL-102 Rev A is approved only in so far as it shows the locations of the 2 proposed pedestrian links into Holly Berry Road however the detail of these links including details of any gates or barriers or surfacing materials shall be submitted and agreed as part of any reserved matters application for layout and/or landscaping.

Reason: In the interest of equality and amenity.

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## PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

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

**Application No:** 3889/19/FUL

**Agent:**

Mr Simon Lebrasse  
Lebrasse Partnership  
2 Kents Road  
4 St Peters House  
Torquay  
TQ1 2NL

**Applicant:**

Mr Worthington  
JELD Developments Ltd  
Paddyacre, Bowden Hill  
Yealmpton  
PL8 2JX

**Site Address:** Paddyacre, Bowden Hill, Yealmpton, PL8 2JX

**Development:** Removal and replacement of existing garage and formation of two new dwellings (resubmission of 2520/19/FUL)



### Reason item is being put before Committee

At the request of local ward members Cllr Baldry and Cllr Thomas on the grounds of overdevelopment, overlooking into Stray Park, unsuitable in a conservation area and highway access problems

**Recommendation:** Conditional approval subject to the completion of Section 106 Legal Agreement.

Delegate to Head of Practice (HoP) Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the HoP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the HoP to refuse to application in the absence of an agreed S106 Agreement

## Conditions

1. 3 year time limit for commencement of development
2. Development to be carried out in accordance with approved plans
3. Details of surface water drainage to be provided
4. No mud, stones, water or debris deposited on the highway
5. Visibility improvements to be undertaken in accordance with drawing 033.PA.11
6. Parking/turning to be provided before dwellings are occupied
7. Adherence to recommendations set out within ecology report
8. Details of carbon reduction measures to be provided
9. Woodland management plan
10. Tree protection methodologies (new woodland edge and Copper Beech)
11. Landscaping
12. Bin/recycling
13. Use of garage associated with Paddyacre
14. Natural stone
15. Natural slate to the roof
16. Joinery
17. Roof lights
18. Flue/ducts/vents, etc
19. Verge/eaves details
20. No openings within west elevation of garage
21. Removal of PD rights
22. Privacy screens (fencing) to be provided

## Section 106 contributions:

Financial contributions of £6,337.50 towards the improvement of existing facilities at Stray Park and £903.80 to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site

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## Site Description:

The application site forms residential garden to Paddyacre, a modest size historic two storey dwelling located on the western side of Bowden Hill, at the junction with the A379 in Yealmpton. The site slopes from north to south. Access is off Bowden Hill to the east. Immediately to the north of the site is an existing woodland, part of which falls within the ownership of the current owners of Paddyacre. The A379 lies to the south and beyond that properties within Stray Park. Bowden Hill is to the east and beyond a row of historic terrace cottages. To the west is the Kitley Place, newly constructed residential development.

The existing dwelling, Paddyacre falls within the Yealmpton Conservation Area. The site also falls within 12.5Km zone of influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

## The Proposal:

The application seeks full planning consent for the replacement of the existing garage serving Paddyacre and the provision of two dwellings. It forms a resubmission of a previous scheme which was submitted to the Council and subsequently withdrawn in 2019 (2520/19/FUL).

The new double garage serving Paddyacre would be located to the south west of the existing dwelling on part of the footprint of the existing garage building. The garage would take the form of a simple block building with pitch roof over. The footprint of the building is around 44 square metres with a height of 2.2m to the eaves rising to 4.6m to the eaves. The walls of the building would be clad in render except for the southern elevation which would be stone faced. A natural slate dual pitched roof is proposed. Access to the garage would be off the east elevation.

With regards to the new dwellings, Plot 2, would be located immediately to the west of the new garage and Plot 1 beyond that. The dwellings would be situated fairly centrally within the plots. Both proposed plots incorporate front and rear external amenity areas with parking/access track to the front.

The buildings are traditional in their form and design and essentially comprise a series of interlocking gable ends to the front and flat flush façade to the rear. External materials include natural slate, stone, render and timber framed openings.

Accommodation would be arranged over two levels and includes an open plan living/kitchen/dining area and integral single garage to the ground floor with bedrooms above. Plot 1 includes 3 beds, while Plot 2 includes 2 bedrooms.

The buildings would be elevated to the road.

The main differences between the current scheme and the withdrawn scheme are: -

- Footprint and height of the proposed replacement garage to Paddyacre has been reduced and stone facing introduced to the south elevation.
- Scale of Plot 2 has been reduced from 3 bed to 2 bed. Garage element has been reduced to a single storey with bedroom above removed.
- Entranced widened by removal of section of hedge bank.

#### **Consultations:**

- County Highways Authority                      no objection subject to conditions
- Environmental Health Section                      no comments received
- Yealmpton Parish Council                      objection
  - Overlooking Stray Park housing with the resultant loss of privacy to residents.
  - Overmassing of the proposed site
  - There is no vehicle security barrier between the elevated drive(s) of the proposal and the A379 to prevent potential accidents.
- Trees (SHDC)                                      no objection subject to conditions
- Drainage (SHDC)                                      no objection subject to conditions

#### **Representations:**

The Council has received 7 responses from third parties, all of whom raise an objection to the proposal. The comments received can be summarised as follows: -

- Proposal would exacerbate existing flooding issues, with removal of trees/grass and replacement with impermeable surfaces
- New dwellings will look directly into the houses and gardens opposite in Stray Park.
- Design of new dwellings is poor and out of character with Paddyacre and adjacent historic cottages.
- New dwellings are overdevelopment and in particular the height, scale and massing of plot 1.
- Access to the site is close to A379, which is 'notoriously dangerous' and used regularly by pedestrians including school children. Proposal will lead to increased traffic within already congested location.
- Proposal will see a number of trees lost within an important local woodland, reducing green space in the centre of the village and an important green buffer between Kitley Place and the Conservation Area.
- Entrance to the site should be wider with the hedge reduced to facilitate a safer exit onto Bowden Hill.

- Request all previous objections are taken into consideration.

A number of responses suggested that the comments received with the previous withdrawn application should be taken into consideration with this application. For the avoidance of doubt the Council received 10 responses, which can be summarised as follows: -

- Highway safety concerns with increased traffic so close to the junction with Bowden Hill and A379.
- Overdevelopment of the site
- Historic drainage and flooding issues
- Are the Parish Council/Highway Authority able to impose measures to reduce traffic on Bowden Hill such as introduce a one way system?
- Yealmpton does not need more houses.
- Sloping plot means properties will be elevated thus resulting in a loss of privacy to properties on Stray Park opposite.
- Removal of trees
- No need for high value properties within the village
- Design of new dwellings is out of keeping with the village
- Existing sewage system is already at capacity
- Smaller, more reasonable application may have attracted low level of support
- Ecology implications
- Recommendations suggested within the tree survey cannot be implemented as the applicant doesn't own the land.
- Proposed garage would be over dominant

### **Relevant Planning History**

2520/19/FUL, Removal and replacement of an existing garage and the creation of 2 new dwellings on site, Paddyacre, Bowden Hill, Yealmpton – withdrawn

### **ANALYSIS**

Principle of Development/Sustainability:

The JLP distributes housing and employment in accordance with a hierarchy of settlements set out within policy TTV1. Yealmpton is identified as a 'smaller town and key village' within the second tier of the hierarchy, in recognition of the good level of services and facilities on offer within the settlement, and its spatial relationship with other sustainable settlements along the A379.

The JLP identifies and allocates strategic allocations within the top two tiers of the TTV settlement hierarchy. A notable exception in the strategy is the absence of housing allocations within or adjoining Yealmpton. The absence of housing allocations to support future growth of the village does not undermine the status of the village in the settlement hierarchy, and the contribution of small-scale, strategy compliant windfall proposals will make a valuable contribution to housing supply in this location.

The site occupies a fairly central position within the Yealmpton and is within easy reach of the services and facilities within it as well as public transport services. Therefore the principle of development on the site is considered to be acceptable subject to other policy considerations.

Housing Mix:

JLP policy SPT2.4 identifies a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs as one of the key components of a sustainable community. Policy DEV8 seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership and redress existing housing imbalances. The data available to the Council suggests there is an under-provision of 2 and 3 bed properties within Yealmpton and therefore the housing mix proposed is considered to be acceptable.

## Design/Landscape:

Paddyacre lies within the village conservation area, and while it is not listed officers regard the dwelling as a non-designated heritage asset. Within the Yealmpton Conservation Area appraisal Paddyacre is highlighted as a building which is considered to have a 'positive impact'.

National guidance and local policies including JLP DEV21 require development to conserve and or enhance the historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance. The need for good design, which respects its setting and the crucial role this plays in creating a sense of place and identity is reinforced within the Council's policies. Policy DEV20 requires proposals to have regard to the '*pattern of local development and the wider development context and surroundings*'. Policy DEV23 requires development to 'conserve and enhance landscape, townscape and seascape character and scenic and visual quality'.

The case officer has verbally discussed the proposal with the Council's Heritage specialist who has not raised any objections with the current scheme subject to conditions regarding materials to ensure a high quality design.

With regards to the proposed replacement garage serving Paddyacre, officers felt that the previous, withdrawn scheme resulted in a building of an excessive scale and height which was not subservient to the cottage and resulted in harm. The site occupies a prominent and elevated position and officers felt that this increased height would have exacerbated the impact resulting from the development. Officers also felt that the scale combined with the position of the garage within close proximity to Plot 2 would have compromised the enjoyment of the rear terrace.

The garage has now been revised, with the scale significantly reduced so it reads as a clearly subservient domestic building. Stone cladding has also been introduced to the south elevation, a change which officers welcome to 'blend in' with the historic cottage. In terms of the relationship between the garage and the new dwellings Officers are satisfied the changes go far enough to address previous concerns.

With regards to the proposed dwellings, overall officers consider they are well designed and will sit comfortably within their surroundings. The design approach aims to replicate the traditional form of buildings seen within the village with gables added to help break up the visual mass. The use of natural materials including stone, slate and timber are welcomed and will enhance the overall design and finish.

One of the main concerns with the previous application was whether the new dwellings resulted in a cramped form of development and to try and address this Plot 2 has been reduced from a 3 bed to a 2 bed. The proposal still includes a garage but with the removal of the third bedroom, this element has been reduced to a single storey addition on the side of the building. Plot 1 remains unchanged. Overall and on balance, in combination with the changes to the garage serving Paddyacre officers consider the changes go far enough to address previous concerns. The changes to Plot 2 combined with the changes to the proposed garage serving Paddyacre have allowed greater visual relief between the buildings and as such the plot density is now considered to be acceptable.

During pre app discussions officers explored with the agent whether there was an alternative layout which would improve the external amenity spaces. Part of the justification for including a terrace on the southern elevation was to take advantage of the sun and if the dwellings were pulled forward the garden would be concentrated to the north and surrounded by trees. Being able to utilise the land to the south of the building as part of the amenity space officers felt was important to the enjoyment of the residents, while retaining a private space to the rear. On balance the development is considered to provide an adequate level of amenity for the occupiers in accordance with the relevant policies

including DEV1. Officers are also satisfied that the size and quality of the remaining garden for Paddyacre is adequate.

The alternative is to provide only one dwelling within the plot but this is likely to be a much larger building with a generous garden and by implication a more expensive housing product. The greatest need across the South Hams is for smaller, ideally 2 bed properties which this proposal would provide.

#### Neighbour Amenity:

Paragraph 127 of the NPPF requires that developments should provide a high standard of amenity for existing and future users. JLP Policy DEV1 requires proposals to safeguard the health and amenity of local communities. DEV1.1 states *'ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.'*

Officers are satisfied that the standard of external amenity provided with the new dwellings is acceptable and Officers do not have any concerns with regards to the relationship between the proposed plots and are satisfied that the proposed arrangement will safeguard the amenity.

Concern has been raised about potential loss of privacy to the occupiers of Stray Park. The proposed dwellings are elevated to the road to respond to the topography of the site. In contrast the properties on Stray Park sit below the road. The proposed south elevation of the dwellings include a number of openings as well as the raised terrace and the concerns are raised regarding the ability of the occupiers to look directly into the properties opposite. While these concerns are acknowledged the properties within Stray Park are more than 25m from the proposed dwellings, separated by a heavily trafficked main road through the village of Yealmpton. The Council's emerging Supplementary Planning Document recommends a minimum distance of 21m between habitable rooms and the proposal exceeds that. Officers are therefore satisfied the neighbour relationship is adequate and the proposal complies with the relevant policies including DEV1.

#### Highways/Access:

Almost all of the comments received from third parties and the Parish Council raise highway matters as a reason for objection on the basis of increased traffic close to the junction with Bowden Hill and the A379. Bowden Hill is already heavily trafficked and used as a rat run and this proposal it is considered will exacerbate the existing issues. Additionally the junction is used frequently by pedestrians including school children.

The Highway Authority were consulted on the previous withdrawn application. An initial objection was received on the basis that the existing visibility splay was inadequate. To address this the applicant agreed to widen the access with the removal of a 5m section of hedge and this was sufficient to remove the objection. While the local concerns are noted, on the basis the Highway Authority raise no objection officers are satisfied that the proposed development is acceptable with regard to matters of highway safety

Officers are satisfied that the proposed parking provision is adequate. Each dwelling has one space within the garage and at least one other space within the parking area.

#### Trees:

DEV28 requires developments to be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss cannot be avoided the policy requires new native and locally appropriate trees and hedgerows to be secured as mitigation to ensure they contribute to a 'net gain'. The emerging SPD recommends the number of replacement trees is based on trunk diameter of lost tree(s).

The proposal involves the loss of a number of trees. The application has been considered by the Council's Tree Specialist who notes that while the loss of the external line of edge trees will have an appreciable initial detriment to visual amenity and woodland attributes generally, these trees do not actually form the woodland edge but 'creep from the denser block behind'. The loss can be mitigated with a woodland management plan. Integral to the woodland management plan will be replacement planting. The benefit of a securing a woodland management plan is that it allows the wider enrichment of the woodland attributes which in turn will assist with the retention and ensure the succession of the trees and ultimate longevity of the woodland, and associated climate benefits.

Since the application was submitted the Council has served a Tree Preservation Order on the woodland and Copper Beech tree at the front of the site. The woodland TPO does not include the group of trees that would be lost on the southern edge of the woodland.

It is also noted that the proposal could result in significant ingress into the root protection area of the prominent Copper Beech Tree however the Council's tree specialist is satisfied this could be mitigated with a method statement setting out how the tree would be protected.

The proposal also includes the loss of a section of hedgerow at the entrance to the site. The ecology survey considers that the hedgerow is species poor but is mainly intact. There is concern that the hedgerow/root system could be damaged if excavation works are undertaken in close proximity to the hedge and therefore the report recommends a 1m buffer zone. Officers are satisfied that the loss of the small section can be compensated on site and the proposal includes a new mixed hedgerow along the top of the existing northern boundary. The details of this can be secured via a condition.

With the mitigation measures proposed, all of which will be secured via condition, the proposal is considered to accord with the relevant policies including DEV28.

#### Drainage:

Concerns have been raised about existing flooding problems within the area. However, the proposal has been considered by the Council's drainage specialist who is satisfied sufficient information has been provided to demonstrate a workable 'in principle' surface water drainage scheme can be accommodated on the site, although the final design will need to be agreed via condition with the LPA.

There are no existing foul sewers on site but there is a combined sewer adjacent to the development site on Bowden Hill and therefore foul will be disposed via the mains. Concern has been expressed that the existing system is already at capacity. However, on the basis SWW have confirmed there is sufficient capacity within their network to accommodate the proposed flows, an objection on this basis could not be sustained.

On the basis of the conditions the proposal is considered to comply with the relevant policies including DEV35.

#### Ecology/Biodiversity:

Policy DEV29 requires development to support the protection, conservation, enhancement and restoration of biodiversity across the Plan Area. The submission includes an ecology report. The survey confirms that while there were no signs of species on the site, it has the potential to support nesting birds and reptiles. The report makes a number of recommendations including the provision of a 1m buffer to protect the retained hedgerow, restriction on timing of works and additional surveys which should be carried out prior to works outlined. Enhancement measures are also proposed including the provision of two bat tubes and two sparrow terraces. The report includes a biodiversity budget and with the measures proposed overall it is considered the proposal will provide a neutral impact. This does not include the benefits which will be attributed from the woodland management plan. Officers are satisfied the proposal would accord with DEV29.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured via a legal agreement, and this approach has been agreed by Natural England.

Low Carbon:

No information is given on how the proposal will seek to reduce the use of carbon, a requirement of JLP Policy DEV32. An appropriate condition is therefore recommended.

OSSR:

Plymouth and South West Devon Joint Local Plan policies DEV 3, DEV4 and DEV 27 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Until a new SPD is adopted, levels of reasonable contributions for OSSR are detailed within the SHDC OSSR Supplementary Planning Document (2006).

The proposal attracts a financial contribution of £6,337.50 towards the improvement of existing facilities at Stray Park. Stray Park is the nearest play and open space facility to the proposed development site and has been identified as requiring improvements to meet current and future needs.

Planning Balance:

This is considered a sustainable location for the provision of housing development. The provision of two modest sized 2 and 3 bed units will go towards meeting the housing needs within Yealmpton. Officers considered the proposed dwellings are well designed and will sit comfortably within their plots without appearing as an overdevelopment or causing harm to the nearby designated heritage assets. The level of external amenity space is considered to be adequate for the size of the buildings proposed. The loss of the trees is regrettable but in this instance officers are satisfied that their loss can be mitigated with a woodland management plan which in the long term will be of benefit to the woodland. The Council has not received any technical objections. The application is therefore recommended for approval subject to conditions and a S106.

***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.

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  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
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  
DEV10 Delivering high quality housing  
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  
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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Yealmpton Conservation Area Appraisal.

**Neighbourhood Plan**

The site does not currently fall within a neighbourhood planning area.

**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 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 033.PA.02, 033.PA.12, 033.PA.13, 033.PA.14, 033.PA.15, 033.PA.16, 033.PA.17, 033.PA.18, 033.PA.19, 033.PA.20, 033.PA.21, 033.PA.22, 033.PA.23, 033.PA.24, 033.PA.25, 033.PA.26, received by the Local Planning Authority on 10.12.19 and 033.PA.11 Rev A received by the Local Planning Authority on 27.01.20.

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. 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:
  - a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
  - b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
  - c. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.
  - d. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
  - e. 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 i.e. 1:10, 1:30 and 1:100 year. Full details of the flow control device including head/discharge relationship will be required.
  - f. 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.
  - g. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
  - h. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
  - i. 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.

4. No mud, stones, water or debris shall be deposited on the highway at any time.

Reason - In the interests of highway safety.

5. Prior to commencement of the new dwellings hereby approved visibility improvements shall be provided, laid out and maintained for that purpose at the site access in accordance with the drawing 033.PA.11 Rev A at a height of 0.75 metres above the adjacent carriageway/drive level.

Reason: To provide adequate visibility from and of emerging vehicles.

6. The occupation of any dwelling of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority: The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

7. The recommendations, mitigation and enhancement measures of the Ecological Report (Ecology Training UK Limited, May 2019) shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

8. Prior to commencement of the new dwellings hereby approved 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 can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

9. Prior to the first occupation of the dwellings hereby approved a woodland management plan relating to the woodland has been submitted and agreed in writing by the Local Planning Authority. The approved document shall be strictly adhered to.

Reason: To promote the long term management and improvement of the woodland.

10. Prior to commencement of development, tree protection methodologies in respect of the new woodland edge and a method statement detailing special measures to protect the Copper Beech tree and provide a suitable driveway surface shall be submitted to and agreed in writing by the Local Planning Authority. The tree methodologies shall include a tree constraints plan and site monitoring schedule. The development thereafter shall proceed in strict accordance with the agreed details.

Reason: To ensure the continued well-being of the trees of public value and in the interests of the amenity of the locality.

11. Within three months following commencement of development full details of a hard and soft Landscape Scheme shall be submitted to the Local Planning Authority for agreement in writing. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:
  - materials, heights, levels and extent of hard landscape treatment, including access and hardstanding areas;
  - details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
  - details of any new ground profiles including retaining bunds and banks;
  - materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- details of lighting including function, location, design and intensity

- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting including details of the 1m buffer zone around the retained hedgerow;
- maintenance schedules for the establishment of new planting and its ongoing management;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character.

12. Adequate provision shall be made for the storage of refuse for the new dwellings, the details of which shall be agreed in writing with the Local Planning Authority and the provision shall be implemented in accordance with the approved scheme before the dwellings hereby approved are first occupied and thereafter the provision shall be retained in accordance with the approved scheme.

Reason: In the interests of the amenities of the area

13. The garage and hardstanding hereby permitted in association with Paddyacre shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling and shall not be used for any habitable accommodation.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

14. Notwithstanding the information shown on the approved drawings the southern elevation of the garage hereby approved to serve Paddyacre, and all areas of stone on the new dwellings hereby approved, including the terrace, shall be constructed from natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

15. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

16. Prior to installation full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in

that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

17. All rooflights hereby approved shall be fitted so as to be flush with the existing roof profile.

Reason: To protect the appearance and character of the area.

18. Prior to installation full details of all ducts, flues, rainwater goods, vents and other external attachments shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

19. Prior to installation, constructional details at a scale of 1:20 of all eaves and verges to be used on the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All new and replacement fascia boards shall be fitted tight to the wall face. The barge shall be finished either with a close fitting board or natural slate, or the wall finish taken directly up to the underside of the roof covering.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015, as amended (or any Order revoking and re-enacting this Order) no openings shall at any time be inserted in the west elevation of the garage permitted hereby permitted serving Paddyacre without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity and privacy of the dwellings hereby permitted in particular Plot 2.

21. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order and Part 2 Class A shall be carried out on the site (relating to the new dwellings), other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the character and appearance of the Conservation Area and its surroundings; to ensure adequate space about the dwellings and in the interests of amenity.

22. Prior to the first occupation of Plot 2 the timber vertical fencing hereby approved on the western edge of the front terrace of the property, and fencing hereby approved on the boundary between the plots shall be erected in accordance with the details shown on the approved drawings and thereafter retained in perpetuity.

Reason: To protect the privacy of the occupiers of the dwellings hereby permitted.

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## PLANNING APPLICATION REPORT

**Case Officer:** Adam Williams  
Ugborough

**Parish:** Ugborough **Ward:** Ermington and

**Application No:** 3217/19/FUL

**Agent/Applicant:**

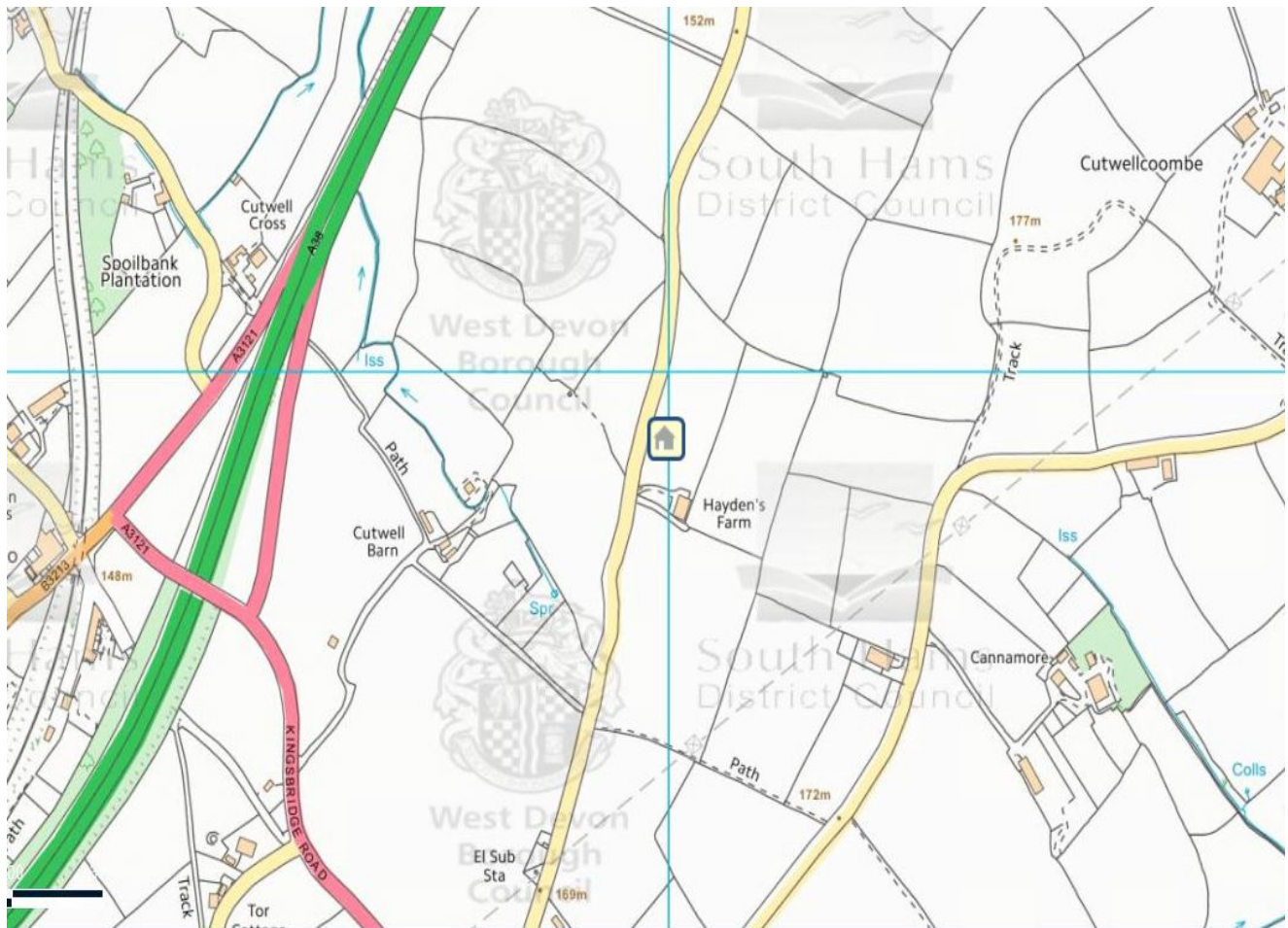
Mrs C French  
Haydens Farm  
Kingsbridge Road To The Woodpecker  
Wrangaton  
TQ10 9HB

**Applicant:**

Mrs C French  
Haydens Farm  
Kingsbridge Road To The Woodpecker  
Wrangaton  
TQ10 9HB

**Site Address:** Haydens Farm, Wrangaton, TQ10 9HB

**Development:** Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower



**Reason item is being put before Committee** *Cllr Holway - Bearing in mind that SHDC has declared a Climate Emergency I think this application should be considered by the DM Committee as our policies do not presently reflect the climate Emergency.*

**Recommendation:** Refusal

## Reasons for refusal

1. The site proposed for development has not been allocated within the adopted Plymouth and South West Devon Joint Local Plan or a neighbourhood plan for a wind turbine and as such is contrary to Plymouth and South West Devon Joint Local Plan Policy DEV33 and National Planning Policy Framework paragraph 154
2. The proposals, by virtue of its distance to nearby hedgerow where bats are likely to forage, the impacts on bats have not been avoided wherever possible and the proposals are therefore contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework

## Key issues for consideration:

Principle, design, landscape, biodiversity

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## Site Description:

The application site, Hayden's Farm, lies to the north east of the villages of Ugborough and Bittaford and is located within the countryside and Area of Great Landscape Value. It is bounded by mature hedging with the field being split into several parcels of land by low level fencing. The site comprises of pastureland and some paddocks along with an agricultural building adjacent to an existing temporary workers dwelling.

## The Proposal:

Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower

## Consultations:

- County Highways Authority – no highway implications
- Town/Parish Council - Neutral. Prefer solar panels, which would be less intrusive from Dartmoor
- Dartmoor National Park – no objection
- SHDC Biodiversity – objection
- SHDC Landscape Officer – no objection

## Representations:

None

## Relevant Planning History

1733/18/FUL

Replacement of existing temporary dwelling with permanent bungalow Conditional Approval  
Haydens Farm Yellowberries Lane Wrangaton Devon TQ10 9HB 31 July 2018

2849/15/FUL



Erection of bungalow to replace temporary dwelling Withdrawn  
Haydens Farm Kingsbridge Road To The Woodpecker Inn Wrangaton Devon TQ10 9HB 09  
June 2016

57/1888/12/F

Resubmission of retrospective application 57/2916/11/F for the retention of a temporary occupational workers dwelling, and change of use of an agricultural building to equestrian use Conditional Approval

Haydens Farm Yellowberries Lane Wrangaton South Brent TQ10 9HB 07 August 2012

57/2916/11/F

Retrospective application for siting of mobile home for residential use and change of use from agricultural land to equine use Withdrawn

Haydens Farm Yellowberries Lane Wrangaton South Brent TQ10 9HB 14 November 2011

57/1415/92/3 – Extension to agricultural building – Conditional Approval on 21 Oct 1992

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The site is located within the countryside where development is strictly controlled, policy TTV26 concern countryside development, given the presence of other structures on site, it cannot be said to be an isolated location, policy TTV26.2 applies, where development should respond to a proven agricultural, forestry and other occupational need that requires a countryside location and where development should help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided. The second matter is one for design/landscape considerations, in terms of the former, the development of a wind turbine for the site will allow the occupiers to rely in decentralised renewable energy for their day to day living and to support the Dartmoor Pony breeding business.

Officers support the desire for residents living in countryside locations to be able to generate their own energy on site to reduce carbon emissions. However, in terms of local and national policy the criteria for new wind turbines is explicit, paragraph 154 of the National Planning Policy Framework, footnote 45 reads

*49. a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan*

This is reflected in Joint Local Plan Policy DEV33.7 which states;

*For wind turbine proposals, the site has been allocated for that use within a neighbourhood plan.*

Simply put, given the strict criteria within the NPPF and the JLP, as the site isn't allocated for a wind turbine, the Local Planning Authority cannot permit a wind turbine.

### **Design/Landscape:**

The land lies within open countryside. Policy DEV23 seeks to safeguard landscape character interests including local distinctiveness and to conserve and enhance landscape character

Although much of the site is obscured from public view from the lane by high mature hedge rows it's important to have regard to landscape character. The wider landscape is predominantly rural, characterised by parcels of agricultural fields and various farms and associated buildings, the A38 is also located nearby 200m to the west and Dartmoor National Park located beyond this, a wind turbine will likely be visible in long reaching views

As already stated, the site contains an agricultural building and dwelling, the character of the site has already been altered through the introduction of these buildings, however a wind turbine will be more visible given its height.

Although a 13.7m high turbine will be a visible feature in the landscape with Dartmoor visible to the north and the site likely visible from that moor land. Wind turbines in countryside locations are not uncommon, although the appearance of wind turbines are often contentious and subjective, officers consider that the visual impact of a smaller wind turbine such as the one proposed is not considered to erode landscape character, in particular areas along the A38 are largely dominated by intrusive high voltage powerlines, the proposals instead reflect a changing necessity to allow decentralised renewable energy to continue to develop in remote locations to provide sustainable living and these matters weigh more heavily in the balance against visual impacts in non AONB or Heritage Coast locations.

#### **Neighbour Amenity:**

There are no neighbouring amenity impacts

#### **Highways/Access:**

There are no highways impacts

#### **Ecology**

The councils ecologist was consulted and raised an objection on the basis that good practice for minimising likelihood of detrimental impacts upon bats has not been met (i.e. a 50m separation from blade tip to nearest habitat feature likely to be used by bats). Taking account of this the proposal is contrary to JLP Policy DEV26.4 as impacts on bats have not been avoided wherever possible.

#### **Planning Balance**

Whilst the provision of renewable energy weighs heavily in the planning balance as it would otherwise support sustainable development objectives to reduce carbon emissions and provide decentralised energy supply for a local resident and business, the policy requirements for new wind turbines are strict and explicit in that such development must be allocated within a local plan or neighbourhood plan. As this site is not allocated for a wind turbine the development cannot be considered acceptable.

***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  
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  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraph 154 and guidance in Planning Practice Guidance (PPG).

#### **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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**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 12-Feb-20**  
**Appeals Update from 16-Jan-20 to 30-Jan-20**

**Ward Salcombe and Thurlestone**

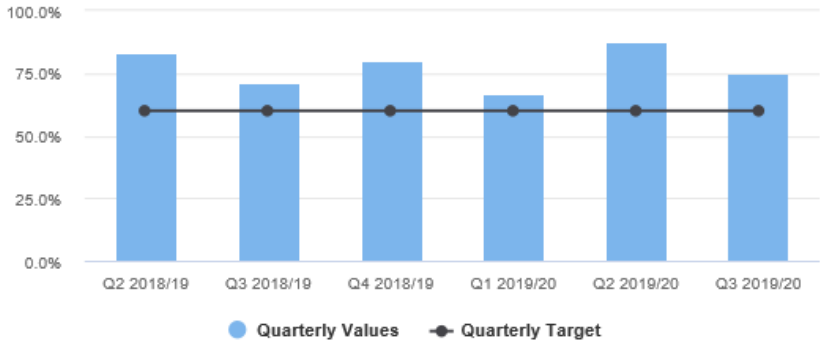
APPLICATION NUMBER : **2211/18/FUL** APP/K1128/W/19/3229714  
APPELLANT NAME: Mr & Mrs M Hill  
PROPOSAL : Conversion of traditional building for building yard to dwelling and extension to store (resubmission of 2408/17/FUL)  
LOCATION : Langworthys Barn West Alvington Devon TQ7 3GZ  
APPEAL STATUS :  
APPEAL START DATE: 27-June-2019  
APPEAL DECISION: Split decision  
APPEAL DECISION DATE: 21-January-2020

**Ward West Dart**

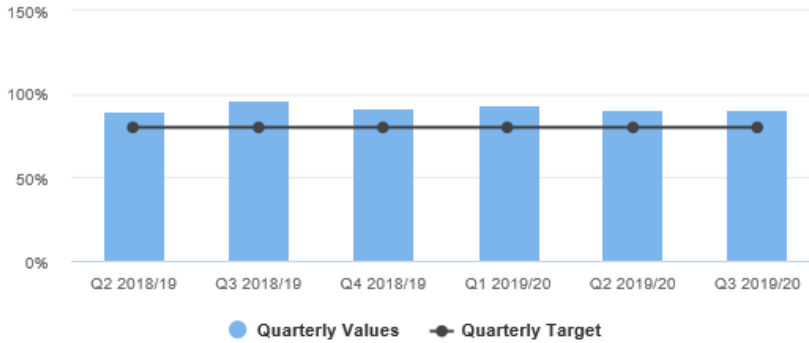
APPLICATION NUMBER : **0573/19/PIP** APP/K1128/W/19/3237202  
APPELLANT NAME: Mr Liam Nally  
PROPOSAL : Application for permission in principle for one new dwelling  
LOCATION : Wilma Woodcourt Road Harbertonford Devon TQ9 7TY  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 31-October-2019  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 20-January-2020

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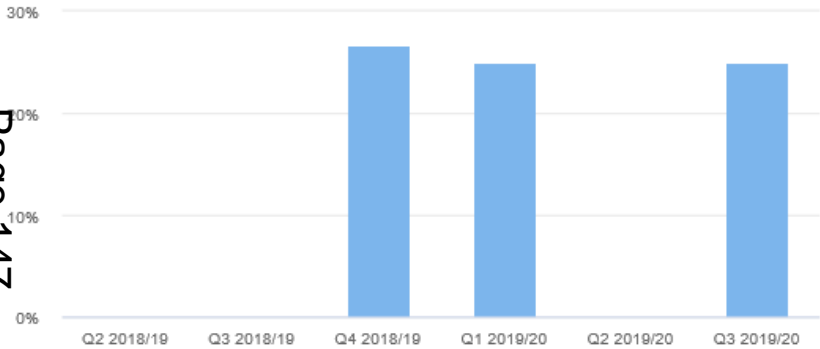
SH-P1 Major apps on target



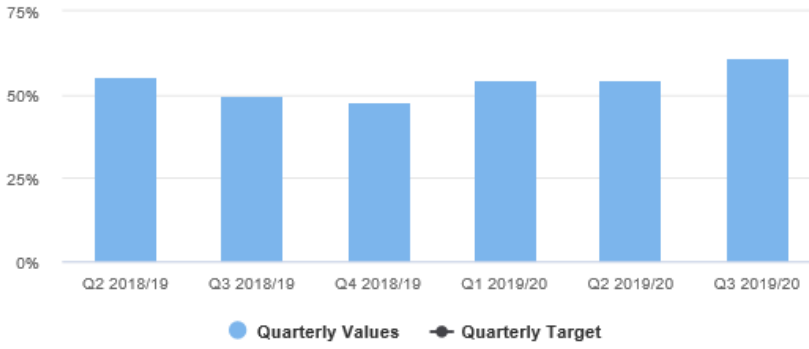
SH-P2 Non-Major apps on target



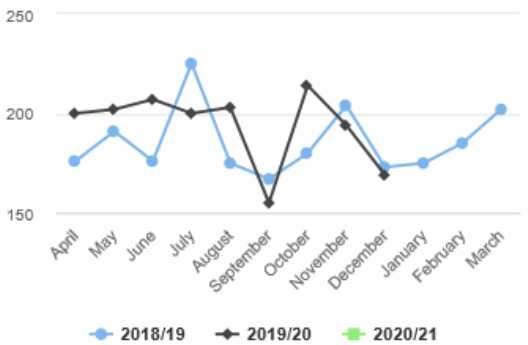
SH-P4 Major on target without eot



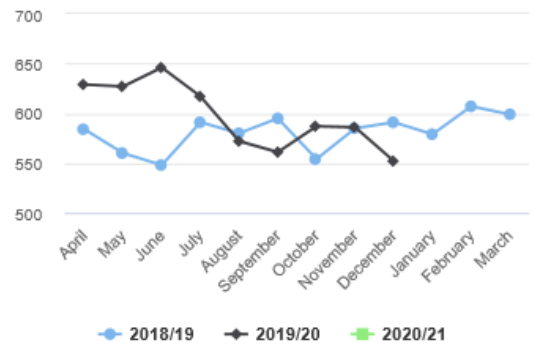
SH-P5 Non-Major apps on target without eot



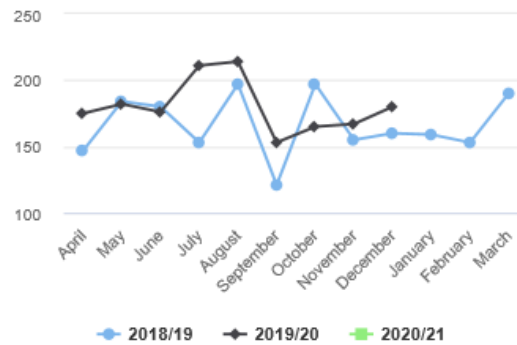
SH-P7 No of applications registered



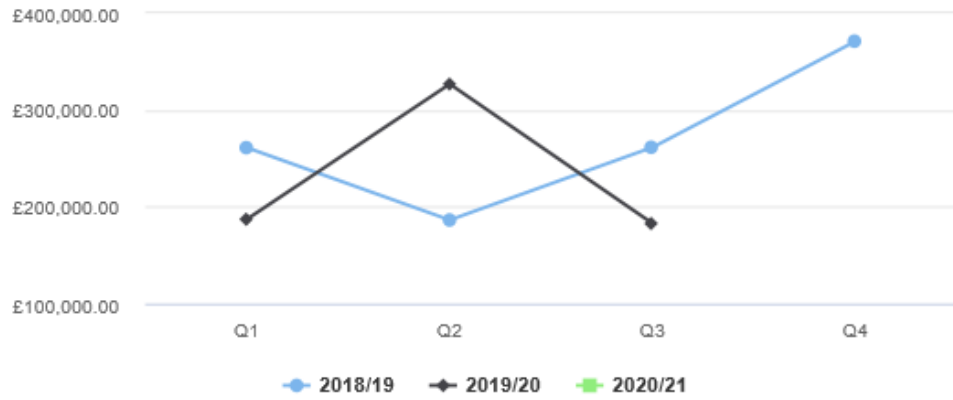
SH-P8 Planning Workload



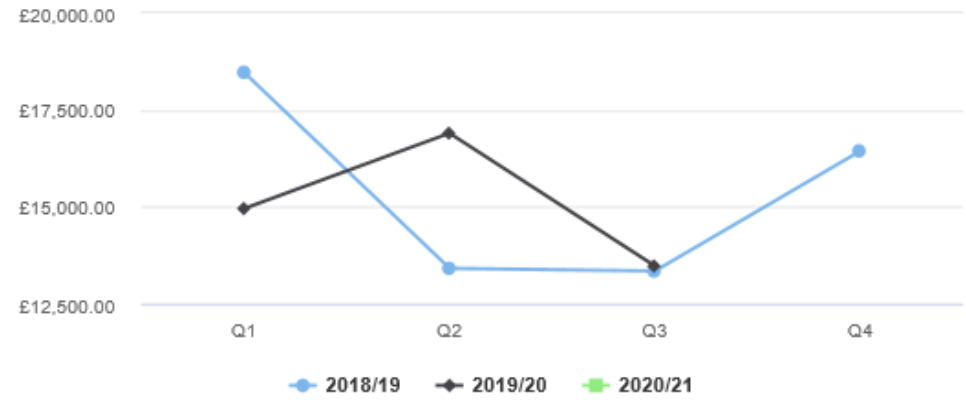
SH-P9 No of applications determined



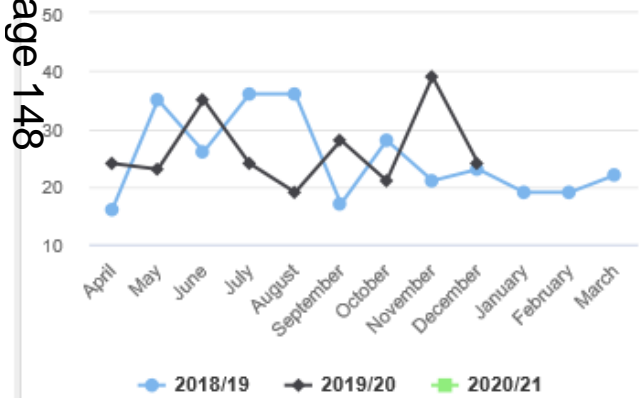
SH-P10 Fee Income from Planning Applications



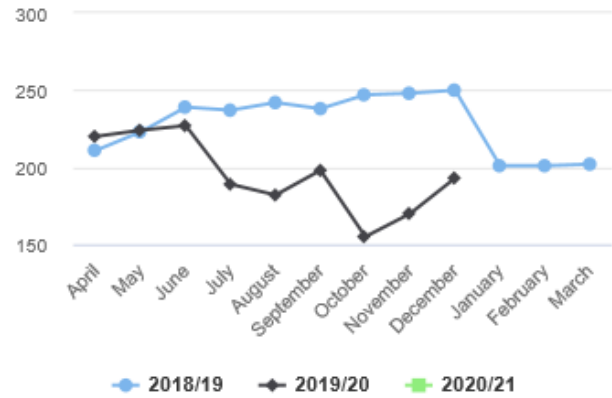
SH-P11 Fee Income from Pre-Apps



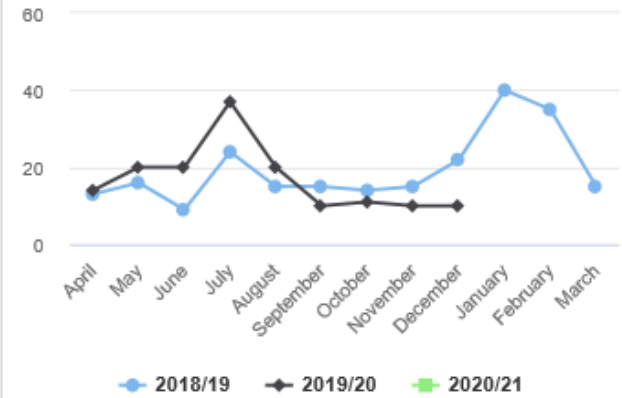
SH-P12 Pre-Apps Received



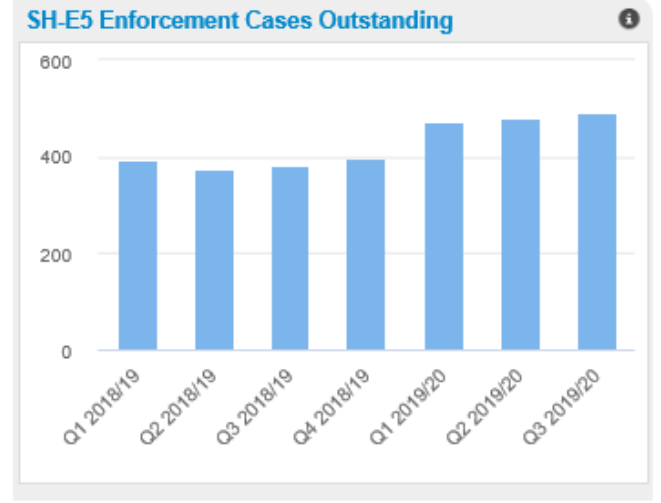
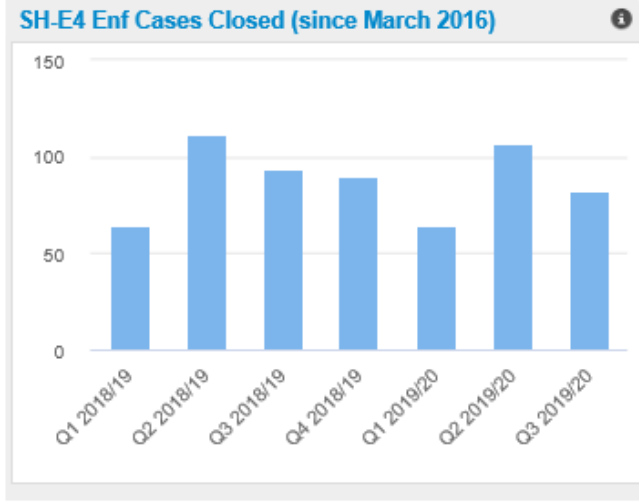
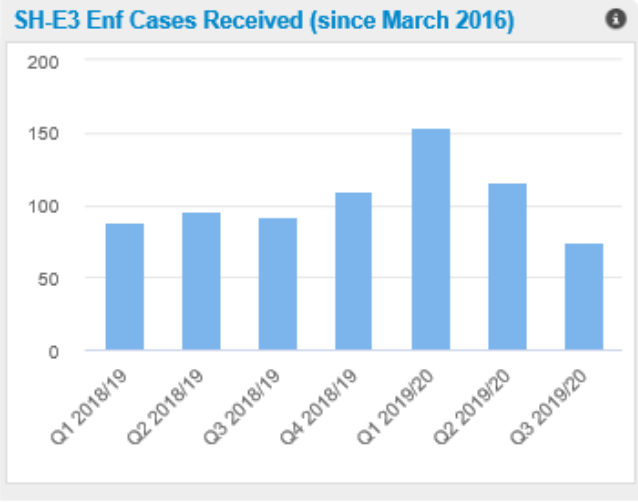
SH-P13 Pre-Application workload



SH-P14 Pre-Apps closed







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