

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 11th March, 2020										
Time:	10.00 am, 2.00 pm & 4.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	Cllr Taylor										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Janice Young Specialist- Democratic Services 01803 861105										

1. Minutes

1 - 14

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 12 February 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) 3964/18/HHO

15 - 24

"The Boathouse", South Town, Dartmouth, Devon
READVERTISEMENT (revised plans received) Householder application for construction of external access lift, associated bridge link and other external works

(b) 3703/18/OPA

25 - 70

"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

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

- | | |
|---|------------------|
| (c) 3216/19/FUL | 71 - 80 |
| <p>"Former chapel of rest /garage off of Zion Place",
READVERTISEMENT (Clarification of site address) Demolition of existing shed and replace with one dwelling house</p> | |
| (d) 2188/19/VAR | 81 - 88 |
| <p>"Land at Sx 666 559", Upper Lordswood Stables,
Ugborough, Ivybridge
Variation of conditions 4 & 5 of planning consent 57/1308/11/F
(Change of use of land to provide all weather sand school,
erection of barn and creation of hard standing and storage area)
to use as private business property providing therapy and
training to equines</p> | |
| (e) 2190/19/VAR | 89 - 96 |
| <p>"Land at Sx666 559", Upper Lordswood Stables, Ugborough,
Ivybridge
Variation of condition 2 on approved application 57/1920/12/F
(Retrospective application for change of use of land to equestrian
use and erection of security storage unit and horse exercising
unit) to use as private business property providing therapy and
training to equines</p> | |
| (f) 3647/19/FUL | 97 - 108 |
| <p>"Field at Ackerlls Hill", Ackrells Hill, Littlehempston, Devon
Erection of 2 linked agricultural sheds and green houses, a
livestock shelter and hen coup, creation of parking area and
provision of drainage facilities in order to establish an organic
smallholding.</p> | |
| (g) 3818/19/FUL | 109 - 118 |
| <p>"Bourton Linhay", Bourton Lane, Totnes
Conversion of redundant agricultural barn to dwelling plus
extension</p> | |

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

(h) 3677/19/FUL	119 - 126
"Wash House", Buckfastleigh Erection of single storey dwelling in garden	
(i) 3808/19/FUL	127 - 144
"Well Cottages", Buckfastleigh Application for replacement dwelling	
(j) 3994/19/HHO	145 - 150
17 St Dunstans Road, Salcombe (Revised plans) Householder application for loft conversion with rear facing dormer window (Resubmission of 0964/19/HHO).	
7. Planning Appeals Update	151 - 152

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

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

Other Members also in attendance and participating:
Cllrs K Baldry, H Bastone, D O’Callaghan, J A Pearce, D Thomas

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Specialists; Deputy Monitoring Officer; and Specialist – Democratic Services
DM.53/19 6e)	2434/18/ARM	Affordable Homes Officer; Joint Local Plan Officer;

DM.49/19 MINUTES

The minutes of the meeting of the Committee held on 15th January 2020 were confirmed as a correct record and signed by the Chairman, subject to the following amendments being made:

1. Minute Ref. DM.45/19: Cllr G Pannell had declared a personal interest in application **3498/19/FUL** as it is sited *close to* 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; and
2. Minute Ref.DM.47/19 b) the application **3021/19/HHO** was sited in Ivybridge West ward and not Ivybridge East as had been indicated in the published minutes.

DM.50/19 URGENT BUSINESS

The Chairman confirmed that the following application had been deferred from the published agenda to a subsequent meeting:

3703/18/OPA **Land at SX 651 560, Filham, Ivybridge**
Town: Ivybridge East
Parish: Ugborough
Ward: Ivybridge East

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.

DM.51/19 **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 G Pannell declared a personal interest in application **3197/19/OPA** as he was a lifetime Member of Ivybridge Rugby Club who may be a recipient of S106 monies linked to this application. He remained in the meeting and took part in the debate and vote thereon:

Cllr K Pringle declared a personal interest in application **3197/19/OPA** as her son played for Ivybridge Rugby Club who may be a recipient of S106 monies linked to this application. She remained in the meeting and took part in the debate and vote thereon:

Cllr R Rowe declared a personal interest in application **3197/19/OPA** as she was a Member of the South Devon AONB Partnership Committee. She remained in the meeting and took part in the debate and vote thereon:

Cllrs R Foss and H Reeve both declared a personal interest in application **2655/19/FUL** as they used the veterinary practice for all their livestock needs. Both Councillors withdrew from the meeting and took no part in the debate nor vote. Cllrs J Brazil and K Pringle also declared a personal interest in this application. However, since they only used the practice for domestic pets, they both remained in the meeting and took part in the debate and vote thereon:

DM.52/19 **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.53/19 **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:

**b) 2499/18/FUL Land adj. to The Old Mill, Woodland Road,
Harbertonford, TQ9 7RS**

**Parish: Harberton
Ward: West Dart**

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

Case Officer Update: None

Speakers included: Against – Mr Christopher Bowley; For – Mr Ashley Piggot; Harberton Parish Council – Cllr George Waite; Ward Member – Cllr John McKay

Recommendation: Conditional Approval

During discussion, concerns were raised over the turning circle for cars to enter the ground floor garages and the number of cars using the area around the development and the existing properties. There were also concerns raised over the use of zinc for the roof as it had a life span of only 60 – 70 years, and the use of brick slip instead of stone. It was felt by some Members that the application was an overdevelopment of the site and therefore unneighbourly.

Committee Decision: Refusal, with delegated authority being given to the Head of Practice for Development Management to determine the wording of the reasons, in consultation with the Chairman and Vice Chairman of the Committee and the proposer (Cllr Hodgson) and the seconder (Cllr Rowe) of the motion.

Reasons:

Delegated reasons for refusal to Chair, Vice Chair, Proposer of refusal (Cllr Hodgson), and Secunder of refusal (Cllr Rowe) Namely: Overdevelopment, scale and massing with blank wall facing neighbour therefore unneighbourly; Insufficient parking and manoeuvring space; Inappropriate materials and design – dormers

**c) 2655/19/FUL Land at New Mills Industrial Estate, Modbury,
PL21 0TA**

**Parish: Modbury
Ward: Charterlands**

Proposed provision of Equine Veterinary Facilities

- Case Officer Update: The drainage issues had been resolved and the drainage objection removed
- Speakers included: None
- Recommendation:** Conditional Approval
- Committee Decision:** Conditional Approval
- 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)

d) 3795/19/FUL Higher Yetson Farm, Ashprington, Totnes, TQ9 7EG

Parish: Ashprington
Ward: West Dart

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

- Case Officer Update: None
- Speakers included: None
- Recommendation:** Conditional Approval
- Committee Decision:** Conditional Approval
- Conditions:**
1. Time limit for commencement
 2. Accordance with plan
 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

e) 2434/18/ARM

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

Town Council: Kingsbridge

Parish Council: West Alvington

Wards: Kingsbridge and Salcombe & Thurlestone

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.

Case Officer Update: Clarification to the ecological impact (pg 88, para 2 of the published agenda) “in keeping with outline consent would **enable** delivery of employment site”. Also on page 72 of the published agenda, remove the reference to S106 legal agreement in the recommendation which was included in error – the outline consent already has an extant S106 and therefore no need for a new one.

The Case Officer clarified that the conditions relating to outline consent differed from those on the notice because some of the conditions had been combined.

New letters of representation had been received and another Letter Of Representation (LOR) from the South Hams Society had been circulated to the Committee. Objections had been received from West Alvington Parish Council and Kingsbridge Town Council. One LOR from a local business had been received regarding the impact on his coach business. A number of objections had also been received regarding biodiversity impact.

It was clarified that this reserved matters application relates to the outline planning application 25/0508/15/O and the previous outline application had been refused, with the appeal subsequently being turned down.

The amendments to the bin stores were highlighted.

Speakers included: Objector – Ms Didi Alalyi; Supporter – Mr Graham Hutton; Town Council representative – Cllr Dena Bex; Ward Members – Cllrs O’Callaghan, Long and Pearce

Recommendation: Conditional Approval via delegation to HoP Lead Development Management, in conjunction with Chairman, subject to a Section 106 legal Obligation, and discharge conditions 11 (foul drainage), 12 (surface water drainage), 18 (LEMP), 14 (landscaping) of 8/0508/15/O.

Members had a detailed discussion regarding the merits of the application, seeking clarification on various points including: access to the car park and bins from the flats, disabled access to flats in relation to the 25% lifetime homes required from the outline permission, and achieving net gain in biodiversity. The previous refusal (subsequently quashed) had, in part, been due to the non-integration of affordable homes across the site – Members felt this had not been suitably addressed. Members also felt strongly that the housing mix did not reflect that of the Joint Local Plan for South Hams, which detailed 4+ beds being at 18% whereas this application had a ratio of 50% for 4+ bedrooms. It was also felt that the 3.5 floored buildings at the entrance to the site and as an entrance to AONB did not enhance the AONB, contributing to issues with the scale and massing at the lower edge of the site.

Committee Decision: Deferral

Reasons for Deferral:

The siting of affordable homes across the site
Clarity over DEV26 biodiversity enhancement
The number of homes accessed via steps and parking being too remote from properties in the eastern portion of the site
Landscaping throughout estate and opportunities for more strategic green spaces
Housing mix
Scale and massing of the flats in the south eastern corner of the site

f) 3197/19/OPA **Land adjacent to New Park Road, Lee Mill, Nr Ivybridge**

Parish: Sparkwell
Ward: Newton & Yealmpton

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.

Case Officer Update: One more letter of representation with no new issues raised, and one correction: S106 obligations, contribution to unclassified Sparkwell Road (301) should read £15,000. One new condition added -

Any reserved matters application for layout shall include details of a parking strategy that also seeks to provide some off-street parking for existing dwellings on New Park Road if community support for the parking is demonstrated. The reason for this additional condition is: In the interests of the safety and convenience of users of the highway and in the interests of amenity.

Speakers included: Objector – Ms Lesley Hughes; Supporter – Mr Neal Jillings; Ward Members – Cllrs Thomas and Baldry.

Recommendation: Conditional Approval - delegated 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 debate about this application covered the amenity availability within Lee Mill itself, the potential increased congestion of traffic around Lee Road, and with S106 monies being ear-marked for Ivybridge rather than Lee Mill. It was previously reported that Lee Mill had no identifiable housing needs, with the Joint Local Plan earmarking the potential for 20 houses. Some Members felt this would be better met by infill rather than a new estate. The parking issues were clarified by the Case Officer who confirmed that the new estate had provision for extra parking onsite and would be providing more parking on the access road, which would be provided without charge.

Committee Decision: Conditional Approval

Conditions:

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

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

g) 3889/19/FUL

Paddyacre, Bowden Hill, Yealmpton, PL8 2JX

Parish: Yealmpton

Ward: Newton and Yealmpton

Removal and replacement of existing garage and formation of two new dwellings (resubmission of 2520/19/FUL)

Case Officer Update: One more letter of representation received, objecting but with no new issues raised. Applicant has now provided sustainability report. Case Officer confirmed that the woodland to the north lies mostly in control of the applicant with only a small area outside of the woodland management plan suggested by the Tree Officer. Ridge heights were shown and confirmation of the Tree Preservation Order on the large copper beech tree, so that another condition has been added to deal with this.

Speakers included: Objector – Mr Barton, Supporter – Mr Simon Lebrasse; Ward Member – Cllr Baldry.

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

Committee Decision: Conditional approval subject to the completion of Section 106 Legal Agreement and the addition of two further conditions re minimum hedge height and ridge height maintenance

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
23. Road hedge to be maintained at a minimum height of (to be measured as it is today)
24. Ridge height to be as per plan – existing height of building to be measured

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

h) 3217/19/FUL Haydens Farm, Wrangaton, TQ10 9HB

Parish: Ugborough
Ward: Ermington and Ugborough

Erection of Skystream 3.7, 2.4Kw Wind Turbine on 13.7m tower

Case Officer Update: Three letters of representation in support

Speakers included: Supporter – Ms French; Ward Member – Cllr Holway

Recommendation: Refusal

During the debate about this application, Members acknowledged that the guidance was for there to be a minimum of 50 metres from the wind turbine to any hedges, to help prevent damage to local bats. However, with this particular application, the siting of the wind turbine, although the distance to any hedges was slightly less than the 50 metres required, it was to be sited as far as possible from any hedges, it was helping to sustain those living off the grid (a particularly powerful argument in light of the declared environmental emergency), and the site was far from any other habitation. Members confirmed that each application was judged on its own merits and therefore, on balance, for this application, they were happy to approve this application, against officer recommendation.

Committee Decision: Conditional Approval

Conditions:

1. 3 year time limit for commencement of development
2. Development to be carried out in accordance with approved plans

DM.53/19 **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.

DM.54/19 **PLANNING PERFORMANCE INDICATORS**

Members reviewed the performance indicators as outlined in the presented agenda report.

In discussion, particular reference was made to:

- (a) Officer caseload. Whilst acknowledging that planning officer caseload had recently reduced, Members also noted that imminent staff changes were likely to, at least in the short term, reverse this trend;
- (b) an anomaly in the enforcement statistics. In response to an apparent anomaly in the number of planning enforcement cases, the Head of Practice

committed to providing clarification to Members outside of this meeting.

Chair gave thanks to the HoP DM Lead Officer and his team in being able to bring the workload down. However, he acknowledged the imminent changes in staff which may impact on workload in the next quarter.

(Meeting commenced at 10:00 am and concluded at 5:55 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 12 February 2020

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2499/18/FUL	Land adj to The Old Mill, Woodland Road, Harbertonford	Delegate – conditional approval	Cllrs Abbott, Brazil, Brown, Pannell (4)	Cllrs Hodgson, Holway, Kemp, Long, Pringle, Reeve, Rowe (7)	Cllr Foss (1)	(0)
2499/18/FUL	Land adj to The Old Mill, Woodland Road, Harbertonford	Refusal	Cllrs Hodgson, Holway, Kemp, Long, Pringle, Reeve, Rowe (7)	Cllrs Abbott, Brazil, Brown, Pannell (4)	Cllr Foss (1)	(0)
2655/19/FUL	Land at New Mills Industrial Estate, Modbury	Conditional Approval	Cllrs Abbott, Brazil, Brown, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Rowe (10)	(0)	(0)	Cllrs Foss, Reeve (2)
3795/19/FUL	Higher Yetson Farm, Ashprington, Totnes	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (12)	(0)	(0)	(0)
2494/18/ARM	Allocated Site K5, Land at SX 729 440, West Alvington Hill, Kingsbridge	Deferral	Cllrs Abbott, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (11)	Cllr Brazil (1)	(0)	(0)
3197/19/OP A MAJOR	Land adjacent to New Park Road, Lee Mill, Ivybridge	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Reeve, Rowe (10)	Cllrs Pannell, Pringle (2)	(0)	(0)
3889/19/FUL	Paddyacre, Bowden Hill, Yealmpton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Pannell, Reeve, Rowe (10)	Cllrs Long, Pringle (2)	(0)	(0)
3217/19/FUL	Haydens Farm, Wrangaton – wind turbine	Refusal	Cllrs Abbott, Brazil, Brown, Foss, Holway, Kemp, Long, Pannell, Pringle, Reeve, Rowe (11)	(0)	(0)	Cllr Hodgson (1)

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 3964/18/HHO

Agent:

Tim Provost
BBH Chartered Architects
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr Nick Royle
The Boathouse
South Town
Dartmouth
TQ6 9BU

Site Address: The Boathouse, South Town, Dartmouth, Devon, TQ6 9BU

Development: Householder application for construction of external access lift, associated bridge link and other external works

Reason item is being put before Committee: Part of the application site is on land owned by South Hams District Council



Recommendation: Conditional approval

Conditions (list):

- Standard time limit
- Accord with plans
- Construction Management Plan- prior to commencement
- Details of lighting- prior to installation of lift car
- Lift car to return to lower level after use
- Details of gate/access- prior to installation

Details of materials/finishes- prior to installation
Any works to boundary wall to match existing wall

Key issues for consideration:

Principle of development, neighbour amenity, landscape impact (AONB), heritage (Conservation Area & setting of listed buildings)

Site Description:

The site is located to the south of Dartmouth town centre, with pedestrian access taken from South Town. The Boathouse is a two storey dwelling house sited adjacent to the River with the property cut into the steep hillside with pedestrian access via 72 steps from South Town within the existing stone boundary walls. To the north west of the property is the Council owned land of Manor Gardens. The property is sited within Dartmouth Conservation Area and the South Devon Area of Outstanding Natural Beauty (AONB).

The Proposal:

The proposal is for the construction of an external SERAPID chain lift. This would consist of a supporting steel frame and glass lift car, entered from a bridge extending out from the existing eastern boundary wall at the entrance end of Manor Gardens. The lift car runs up and down the steel frame, with no lift shaft or tower required.

The bridge would be an L-shaped structure, running approximately 4.5m north-south along the existing stone boundary wall of the Gardens, then extending 3.5 metres in length out from the Gardens, standing nine metres above the ground level of the Boat House. It would be constructed by removing a two metre section of the existing stone wall and hedge. Stone pillars would be rebuilt at each end of this space, with a gate installed to prevent public access onto the bridge for safety and security purposes. To account for the varying ground level, five steps would be constructed from the existing ground level down to the gate.

From the gate, there would be an additional step down to the bridge. The bridge itself would be constructed in timber boarding with 1.2m high, painted black metal railings.

Consultations:

- County Highways Authority- no comments
- Heritage: no objection (full comments in analysis)
- Town Council: *'Recommend refusal on the grounds that development would cause a loss of amenity, is an overdevelopment and would be setting a precedent.'*
- Landscape: no objection (full comments in analysis)

Representations:

The plans originally submitted as part of this application received 88 objections. The reasons for objection were generally the same in the vast majority of these letters, which can all be seen in full on the Councils website. Since then the application has been revised several times and the plans re-advertised each time. In total, 149 objectors have submitted 255 letters of objection (many have written in multiple times), (figures correct as at 26th Feb 2020). The objections can be summarised as follows:

- Will affect appearance of public garden
- Impact on Conservation Area with no public benefit
- Applied for previously and turned down
- Out of character with surrounding area
- Will create an eyesore from all views
- Only required to improve access to holiday home and increase owners income
- Interrupts river view from neighbouring homes
- Design and materials too industrial, light will reflect, it will be difficult to keep clean
- Sets unwelcome precedent
- No details on location of lift controls, possible noises, lights, etc
- Properties already have level access via the water
- Blot on the landscape within an AONB
- Glass and steel construction not in keeping with historic surroundings
- Cuts into public space, not acceptable to removed only seating and viewing area between the town and the benches at Warfleet
- Tower would be overdominant and unnecessary
- Removal of stone wall and hedge will be to the detriment of the Gardens
- Property was purchased within current access, owners should move if this is no longer suitable
- Overdevelopment of the site
- Dartmouth is full of steps, public realm should not be expected to facilitate access to private residences at the expense of the landscape
- Allowing access through the Gardens would ruin their enclosed feeling, and would appear as a corridor to the bridge rather than public space
- Stepped access is an attractive feature of this area of Dartmouth
- Will affect setting of nearby listed buildings
- Plans and images submitted do not represent true impact
- No reason why applicant can't just rebuild steps to make them more accessible
- Waterfront properties are expensive but not ostentatious, accesses all blend together well
- No reference to lift passenger safety or access for rescue in case of emergencies
- Justification that it meets Building Regs M is irrelevant as this only relates to new builds
- Existing liftshaft at Riverhouse should act as a warning about granting further permissions
- Submitted plans are poor quality
- Riverfront has been overdeveloped and now looks 'full'
- Southtown Road should be kept open for local and general traffic at all times
- The lift does not reach road level and still leaves steps to be climbed, so does not provide disabled access
- Planning decisions should not be made with personal circumstances in mind, these are temporary whereas the development will be permanent
- Maintenance would not be easy due to position, steel will soon rust
- Applicant should provide an outline engineering design
- Grounds for refusal of previous application still apply
- Noise/light pollution from the lift
- Impact upon popular walk to the castle
- The financial implications for the Council create a conflict of interest

Relevant Planning History

- 1652/18/PRH - Pre-application enquiry for proposed lift access to dwelling from Manor Gardens- partial support

- 0096/17/HHO - Householder application for construction of external access lift, associated bridge link, and other external works- refusal
- 0275/16/PRH - Pre-application for new lift access to dwelling- officer support
- 15/1899/14/F - Householder application for extension to balcony and repositioning of access stair- conditional approval

ANALYSIS

Principle of Development/Sustainability:

The site is located within the centre of Dartmouth, where the principle of sustainable development is supported subject to all other material considerations. The proposed works have a small footprint when considered against the overall size of the site, and are therefore not considered to represent overdevelopment of the site.

Two properties in the area already have planning permission for lift shafts, the immediate neighbouring property of Riverhouse, a modern dwelling that was granted planning permission with similarly design lift tower and Lidstones (the 6th property to the north site) where a lift shaft was approved under planning approval 15/3219/14/F. The principle of providing lifts has therefore previously been accepted in the area but each case must be considered on its merits. The cumulative impact of these developments is now also a relevant consideration.

Design:

The design has been amended throughout the course of the application. Originally the platform was proposed to have a glazed balustrade in a more contemporary style, which was considered by Officers to be out of place against the traditional vernacular of Manor Gardens and South Town behind the site, so this was amended to black railings.

Many objectors refer to 'the industrial style lift tower', and suchlike. Officers must clarify that there is no tower structure proposed, and do not consider that the proposed materials would appear industrial, but would be in keeping with the vernacular of the surrounding landscape. The steel framework of the lift could be considered to have an industrial appearance, but this would be obscured by the dwelling, or its position against the large stone wall (depending on your viewpoint), and would not be visible from Manor Gardens.

Although the use of the glass lift car is considered to be appropriate to minimise its visual impact when in use, the use of light within the car could potentially be fairly prominent. Officers therefore recommend a condition requiring details of lighting along the bridge and within the lift car to be approved by the LPA prior to the use of lift. This will allow the specific lighting details to be properly assessed.

The current design is considered to be a great improvement on previous iterations. The black railings are less prominent than glazing against the historic background of this part of Dartmouth, and would blend into the large stone wall behind when viewed from the river. Although it is acknowledged that the lift car would appear out of place when at the bridge, this could be controlled by a planning condition, requiring the lift car to return to the lower level of the house when not in use, to alleviate this impact.

On balance, the design is considered to be acceptable, given the use of the more traditional materials now proposed, and the mitigation of the impact of the lift car by defaulting its position to the bottom of the site. These aspects of the proposed would be guaranteed by relevant conditions.

Landscape:

The Council's Landscape Specialist has previously objected to the proposal. The applicants have revised the design to address these objections, including amending the bridge design, which was previously more of a dog-leg design extending further out from the Gardens, and amending the balustrading to a more traditional design. The landscape objection has now been withdrawn, subject to recommended conditions which will be applied to any approval. The full landscape response is as follows:

'Landscape comments were made on earlier iterations of this proposal, raising concern over the scale, materials palette, and visual intrusion of the proposed development. The amended scheme follows discussion with officers, and now represents what is considered to be the most sensitive design solution for the site in terms of scale, layout and the use of locally appropriate traditional railing. The proposed configuration would limit the visual intrusion from the viewing area to a negligible extent, such that it would not form an intrusive or prominent structure, and will read well alongside the existing railings (of varying styles) present in the view. Similarly when viewed from the water, the structure will not protrude into or interrupt views, reading well alongside existing structures locally.

For the reasons outlined above, the proposals would be considered to conserve the character and natural beauty of the AONB, respecting and maintaining an important local view. While the scheme does not offer an enhancement to the AONB, given the small scale of the proposals and having regard to the built context of the site (including a number of railing features) the proposed development could not reasonably offer an enhancement. Overall therefore I would consider Policy DEV25 to be met, and would withdraw my objection.

If you were minded to recommend approval of the application, please condition details and finish of the railings, in the interests of the character and appearance of the local area and the AONB.'

As such, the landscape impact of the proposal is now considered acceptable, and in accordance with policies DEV23 and DEV25 of the JLP.

Heritage:

Officers are mindful that the site sits within the adopted Conservation Area and as such, under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Officers are bound to ensure that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*. The revised plans have therefore been assessed by the Council's Heritage Specialist, who offers no objection to the proposal, commenting as follows:

'The Boathouse has at its core a heritage asset in the form of the historic 18th or 19th century boathouse and is within the Conservation Area. Although it has some modern extensions it does have positive heritage qualities. It is possible that in future some of the later accretions could be improved and better reveal the historic core.

There are steep steps down to the dwelling, which make accessibility challenging and can be slippery and dangerous. Para.91 of the NPPF requires the promotion of healthy, inclusive places which are safe and accessible. Any occupier could at any time be faced with either permanent or temporary mobility constraints which would render use of the building very difficult if not impossible. Refusing to allow enhanced access via the proposed lift, the likelihood of the request to knock the dwelling down and replace it in the future can only increase, at which point Building Regulations would require the installation of a lift as occurred on the neighbouring property. From a heritage perspective, there is no objection to the proposal for the following reasons:

- *The negotiated scheme is mostly visible from the river. Those views are of a mosaic of townscape composed of various buildings and structures some of which are positive, others negative or neutral. Townscapes evolve over time to meet changing needs and the acknowledgement of the need for better accessibility is part of modern life.*
- *The proposal would reduce the likelihood of the site being redeveloped with the loss of the heritage asset at its core.*

- *Making the building more accessible for a greater percentage of people is a public benefit of the scheme. Any slight 'less than substantial' negative impact on the Conservation Area and the setting of listed buildings can, therefore, be justified.*
- *The harm of the current proposal is much less than the original as a result of positive negotiation and the adoption of a different technical solution.*

On balance I am satisfied that there are public benefits here including securing the ongoing survival and use of a heritage asset which contributes positively to the character of the Conservation Area.'

In the light of the above consultation response from the Council's Heritage Specialist, and when viewed in the planning balance, Officers are satisfied that the development proposed would preserve the character and appearance of the identified heritage assets, as required by Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, as well as policy DEV21 of the Joint Local Plan, and the NPPF.

Neighbour Amenity:

The bridge extending out from Manor Gardens would be noticed from neighbouring dwellings, but this impact is not considered to be unacceptable to other properties given the existing built form surrounding them. The waterfront properties neighbouring The Boat House already experience a significant degree of overlooking by virtue of their position below Manor Gardens, a place which is designed for people sit, or stand and enjoy the views out over these dwellings.

Whilst people using the bridge to reach the lift may have an additional view of neighbours, it would be used in a transitional manner to access the property, rather than as a place to spend prolonged periods of time. The impact on these neighbours is therefore not judged to be significant enough to warrant a refusal on this basis, when considering the level of amenity currently within the locality.

Highways/Access:

No vehicular access is proposed to the site, and there are no changes to the existing highways arrangement. Given the location of the site and access issues, Officers would suggest that a condition requiring a Construction Management Plan to be submitted prior to the commencement of development would be necessary as part of any planning approval to ensure that the impact of the works on the highway and the public gardens are mitigated.

Objections:

Many of the reasons for objection received, such as landscape impact, heritage impact, design, etc have already been mentioned within the report, but outstanding comments can be addressed as follows:

- *Impact on views:* There is no right to view, and so the impact that the proposal would have on views from neighbouring dwellings is not a material planning consideration.
- *The Boat House is a holiday home and this is only to boost income:* This is not a material planning consideration.
- *Sets a precedent:* There are already lifts nearby, including at the property next door. However, each application is judged on its own merits.
- *Lift shaft at Riverhouse should act as a warning:* Each application is determined on its own merits. There is no tower or lift shaft proposed at the Boat House, unlike the neighbouring lift tower.
- *No details on noises, lights, controls, maintenance access:* Given that the lift car would be glass, Officers would suggest a condition requiring details of any lighting to be submitted prior to installation if Members were minded to approve the application. If any disturbance was created by the noise of the lift, this could be investigated by Environmental Health in the future.

- *Cuts into public space, the gardens should not be modified to suit a private house:* The public space is owned by South Hams District Council so any works within this space would have to be discussed and agreed by the Council Assets Team. The proposal would grant an easement for use of the land to access the lift bridge, rather than physically removing any areas of open space. Apart from the access to be created, there are no other works proposed within the Gardens themselves and so they will largely be unaffected.
- *Owners should move if the site is no longer suitable/steps should just be rebuilt/Dartmouth is full of steps:* It is not the role of the Planning Authority to assess whether or not the proposal is needed, Officers can only judge the planning merits of what it is proposed and whether it is acceptable in policy terms.
- *Plans do not represent true impact and are poor quality:* Officers are satisfied that the submitted plans are acceptable.
- *Previous grounds for refusal remain the same:* Officers have considered the current revised proposal and made a recommendation in line with current local and national policies. It should be noted that although various objections claim that the proposal has been refused multiple times, there has only been one refusal on the site, in 2017, for a lift tower.
- *There will still be steps so it does not provide disabled access:* It is not a requirement of a householder application, and private residential development, to provide disabled access to the property.

Many objections make reference to a lift tower or shaft. For clarity, there is no tower proposed, the only built structure at the top of the site, just below the ground level of Manor Gardens, is the bridge.

Council interest in the land:

The proposal would require access to the bridge to cross Council-owned land at Manor Gardens, and the removal of part of the stone boundary wall to create the access to the bridge. Negotiations about how this is would be carried out have been undertaken with the Councils Assets Team, and are not material planning considerations. The Case Officer has not been part of these discussions, which have no bearing on the decision recommendation. Due to this aspect of the proposal the decision will be taken by planning committee in the public arena rather than at officer level in line with the approved scheme of delegation.

Conclusion:

The application has been revised several times, and the current design has overcome the earlier objections from Heritage and Landscape. The use of traditional materials would help the development to assimilate into the surrounding built landscape, and Officers are satisfied that the proposal would not harm the immediate landscape or wider AONB setting. Details such as lighting, method of construction, and materials finishes can be addressed through the recommend planning conditions, and as such, the application is considered to be acceptable and recommended for conditional approval.

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.

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes

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

Neighbourhood Plan

The site is within the Dartmouth Neighbourhood Plan area, although this plan is not yet at an advanced enough stage that it can be given weight in the decision-making process.

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.

Recommended 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 the Site Location Plan (3439.50.A) received on 17th December 2018, and drawing numbers 3439.20.F, 3439.21.D, 3439.40.D, 3439.41.D, 3439.42.D, and 3439.43.D received by the Local Planning Authority on 16th December 2020

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 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) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to

13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

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

(j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site 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, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

Reason: In the interests of public amenity and highway safety.

4. Prior to the installation of the lift car, details of any external lighting (including security lighting) on the bridge, and lighting on or within the lift car shall be 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 under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the area.

5. The lift car hereby approved shall be programmed as to return to the lower level of the site (as shown on drawing number 3439.41.D) when it is not actively in use.

Reason: To minimise the impact of the proposal on the amenity of Manor Gardens and the local landscape.

6. Details of the proposed bridge access gate, including materials, finishes, and design, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect the appearance of the public gardens.

7. Prior to their installation details and samples of all external 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.

8. Any works to the boundary wall of Manor Gardens to the west of the site shall be carried out in natural stonework to match the existing walling. The stonework shall be maintained in its natural state and shall not be rendered, colourwashed or otherwise treated without the prior consent in writing of the Local Planning Authority.

Reason: In order to retain the character of the gardens.

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PLANNING APPLICATION REPORT

Case Officer: Kate Cantwell

Parish: Ugborough **Ward:** Ivybridge East & Ermington and Ugborough

Application No: 3703/18/OPA

Agent/Applicant:

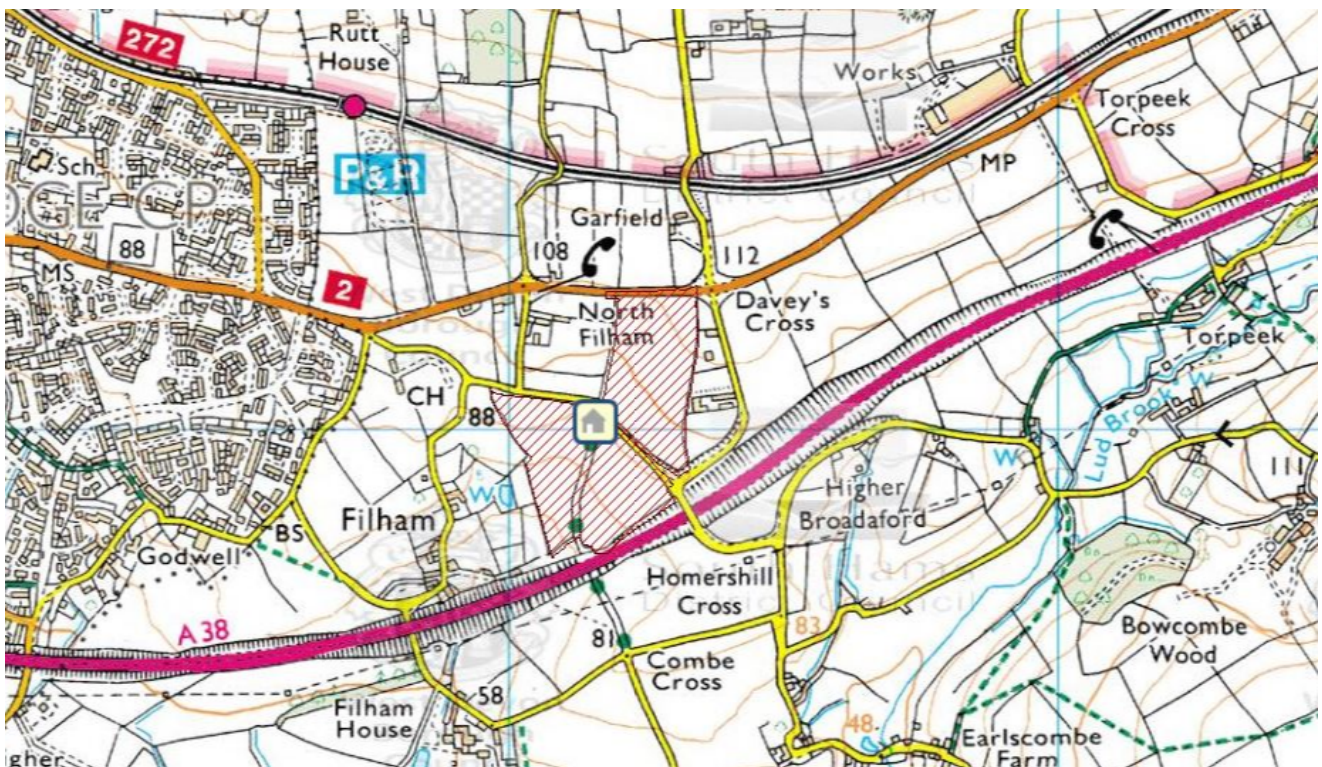
Mr Robin Upton - WYG
Hawkridge House
Chelston Business Park
Wellington, Somerset
TA21 8YA

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: Subject to the results of the ongoing archaeological site investigations and pending any updated advice from Devon County Council Historic Environment Team,

that the Committee 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

Full Planning Permission

1. Standard commencement timeframes
2. Development in accordance with the plans
3. Development in accordance with 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. Accompanying the LEMP shall be 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. PRIOR TO COMMENCEMENT submission of a Construction Management Plan
19. Prior to construction submission of details of all infrastructure details including roads, cycleways, footways, and verges
20. No mud, stones or debris on the highway
21. PRIOR TO COMMENCEMENT submission of Phasing/Timing Plan for highway works
22. Stage 2 Safety Audit prior to highway works.
23. Prior to occupation, delivery of site access works.
24. Delivery of Exeter Road crossing point.
25. PRIOR TO COMMENCEMENT submission of a Written Scheme of Investigation

26. Submission of site lighting details in accordance with submitted strategy.
27. Unsuspected contamination.
28. Provision of parking and garages before occupation.
29. 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.
30. Removal of permitted development rights
31. Reserved Matters shall be accompanied by details to address requirements of DEV32

Outline planning permission

1. Reserved matters shall include: access, appearance, landscaping, layout and scale
2. Timeframe for submission of reserved matters.
3. Development in accordance with plans
4. Reserved matters to be accompanied by a phasing plan
5. Details of the play provision, including details of equipment, bins and benches.
6. Reserved matters for layout to be accompanied by a scheme for electric car charging points
7. Reserved matters for layout to be accompanied by an updated noise assessment.
8. Highways England shall be consulted on the proposed design, construction and future maintenance requirements of any acoustic mitigation measures adjacent to its land.
9. Highways England to be consulted on landscaping and planting.
10. Highways England to be consulted on boundary treatment plan.
11. PRIOR TO COMMENCEMENT 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.
12. With each subsequent Reserved Matters application, full landscape details
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. All dwellings shall meet Nationally Described Space Standards.
17. Reserved matters shall demonstrate adherence to accessibility criteria – DEV9.
18. PRIOR TO COMMENCEMENT submission of LEMP.
19. Adherence to impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018).
20. 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.
21. PRIOR TO COMMENCEMENT submission of Construction Environment Management Plan to include ecological impact avoidance and mitigation measures
22. Accompanying reserved matters application for layout, the design of the proposed permanent surface water drainage management system to LPA in consultation with DCC.
23. PRIOR TO COMMENCEMENT full results of a groundwater monitoring programme, undertaken over a period of 12 months required
24. PRIOR TO COMMENCEMENT full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management required.
25. 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.

26. PRIOR TO COMMENCEMENT detailed design of the proposed surface water drainage management system during construction required.
27. Prior to construction submission of details of all infrastructure details including roads, cycleways, footways, and verges
28. PRIOR TO COMMENCEMENT submission of a Construction Management Plan
29. No mud, stones or debris on highway
30. Submission of a Stage 2 Safety Audit prior to offsite highways works.
31. In event of closure of David's lane to traffic – submission of lighting scheme
32. No dwelling to be occupied before provision of parking and garaging.
33. Submission of detailed lighting strategy.
34. 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.400m², 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 = $A \times £329$ capital. Maintenance = $A \times B \times C$, where:
 - A = number of occupants (based on number of dwellings x 2.25).
 - B = 12.7 (m²/person requirement for playing pitches)
 - C = £10.20 (20 year cost/m² 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.

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.

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 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 chose 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 reserve 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 Councils 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 / 11,331m²) 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 2,000m², 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 .900m²), 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 4,775m²

Phase 2 south-east area – 2.25 acres = 0.91 ha or 9,105m²

Total Phase 2 = 1.39ha or 13,880m²

Rough measurements taken from the concept masterplan shown the northern public open space to be c.4,370m² in size c.1,780m² to the east of the lane (excluding a 400m² play area) and c.2,590m² to the west (excluding a 380 m² attenuation feature). This largely meets

the policy requirement of 4,555m² 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 recommending 3 planning conditions which have been included in the outline consent as they relate to the southern part of the site only.

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.”

The Highways Authority requested that a Traffic Regulation Order (TRO) be used to close part of Davids Lane to vehicular traffic when Phase 2 is commenced. A TRO has to be approved by Devon County Council HATOC committee which is separate to the planning process. Therefore, in the event that the TRO is not approved, an alternative scheme has been agreed by the Highways Authority and the Applicant to design the junction at Davids Lane such that traffic from the proposed development will not be able to turn left or right on to Davids Lane. This will retain Davids Lane as a safe and low trafficked route for pedestrians and cyclists to use.

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 is it is satisfied form 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.

At the time of writing the LPA has been advised that some ground investigations are being undertaken on site to inform the drafting of the WSI. Devon County Council Historic Environment Team have advised that they will review their advice pending the outcome of that work. Accordingly the recommendation of this report refers to the outcome of this work and enables the consent to be amended if necessary to take into account the advice received.

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.

Conditions

Full planning permission

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 be inserted].

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 development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the proper development of the site.

PRIOR TO COMMENCEMENT

4. 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 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 Flood Risk Assessment (Rev. 4 dated 8th October 2018) and the relevant sections of the letter titled LLFA and Highway Consultation Response (dated 29th October 2019). Details shall include location of manhole covers and the detailed design of the above ground SUDS features including slope gradient, drainage inlets and outlets. The development shall be implemented in accordance with the approved details only.

Reason: Given the size of the structures, to reduce the extent of visible concrete and improve the appearance of the structures in the interests of visual amenity.

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.

5. Groundwater shall be monitored in the south-western and south-eastern parcels during the construction of the northern parcel. Upon completion of the construction phase, the full results of this groundwater monitoring programme shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. If groundwater is noted to rise close to ground level during the construction phase, then all construction must stop until the detailed design of the alternative surface water drainage strategy has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

PRIOR TO COMMENCEMENT

6. 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.

PRIOR TO COMMENCEMENT

7. 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.

8. Prior to their construction, details of the facing materials of all retaining walls (except where they form part of a garden boundary wall) shall be submitted to the LPA and approved in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity.

9. Within 3 months of the date of this consent or prior to commencement of development above slab level (whichever is sooner), an amended Landscape Concept Plan shall be submitted to and approved in writing by the Local Planning Authority. The amendments shall include the clarification of all planted areas in the first phase of the development and the inclusion of trees in locations shown on the suite of Bloor Homes layout plans (prefix SW124) and shall include additional link pathways to the northwest of plot 94 and to the east of plots 37 and 58. The development of Phase 1 shall thereafter be carried out in accordance with the approved Landscape Concept Plan.

Reason: To address inconsistencies between the submitted Landscape Concept Plan and the site layout plans. To address some details which are not clear such as

planting where obscured by a tree. To provide better connectivity reflecting pedestrian desire lines within the site.

10. Prior to development above slab level in Phase 1, full soft landscape proposals (the Landscape Scheme) in accordance with the approved Landscape Concept Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- arrangements for stripping, storage and re-use of top soil;
- arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- details of new ground profiles including retaining bunds and banks;
- 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;
- maintenance schedules for the establishment of new planting and its ongoing management;

All elements of the Landscape Scheme shall be implemented in the first planting season following reasonable completion of the development, or first occupation of the dwellings in that phase (whichever is sooner) 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.

PRIOR TO COMMENCEMENT

11. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid and manage the risk of pollution or waste production during the course of the development works.

12. The Reserved Matters application for layout shall be accompanied by 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.

13. All gates that lead to rear gardens shall match the same height and robust construction as the adjoining boundary treatment and gates shall be capable of being locked from both sides to ensure that rear gardens can be secured regardless of access or egress. The shared access to gardens of plots 23 & 24 and 40 & 41 shall be gated with access controlled for only the residents served by that access and shall be fitted without creating recesses or concealed areas.

Reason: To reduce crime and fear of crime, fear of crime and in the interests of visual amenity.

PRIOR TO COMMENCEMENT

14. Prior to the commencement of the development (Phase 1), 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.

PRIOR TO COMMENCEMENT

15. Accompanying the LEMP shall be details of the specification and locations of inbuilt bird and bat boxes.

Reason: In the interests of biodiversity and wildlife conservation.

16. The impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018) shall be adhered to at all times.

Reason: In the interests of biodiversity and wildlife conservation.

17. There shall be no removal of Dormouse habitat unless the Local Planning Authority has first been provided with and acknowledged receipt of a copy of the licence issued by Natural England permitting those works or alternatively a statement from the licensed bat ecologist to the effect that a licence is not needed.

Reason: In the interests of biodiversity and wildlife conservation.

PRIOR TO COMMENCEMENT

18. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
 - (o) Details of an AA route signage plan

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

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

This needs to be a pre-commencement condition to ensure the interests listed above are protected from the outset of development.

19. The proposed estate roads, cycleways, 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.

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

Reason: In the interests of highway safety.

21. Prior to commencement of any part of the site a Phasing/Timing Plan identifying the proposed specification of highway works shall be submitted with specific reference to the closure of David's Lane and satisfactory completion (To Part 1 road completion - Reference - Highways in Residential and Commercial Estates Design Guide) of the internal access roads and cycle link. The agreed plan shall be adhered to unless otherwise agreed by the Local Planning Authority.

Reason: To ensure safe and suitable access is available from the houses to Davids Lane.

22. Prior to commencement of any of the off site highway works an independent Stage 2 safety audit and designer's response shall be submitted to the Planning Authority for approval.

Reason: In the interests of highway safety.

23. Prior to occupation of any part of the site the off site highway works shown on drawing 173396_G_03 Rev H 'Proposed Access Arrangement' dated 9.11.19 shall be completed unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety.

24. In the event that the highways improvement works associated with the application 57/2472/14/O are not implemented before development commences, then prior to the occupation of any part of the site, the off-site highway works shown on drawing 173396_G_10 Rev D 'Ivybridge Railway Station Pedestrian Network Improvements' dated 21.8.18 shall be completed, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety.

25. 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.

26. Prior to its installation, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include 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 an isolux contour plan and measures necessary to contain light within the curtilage of the site. The scheme shall demonstrate conformity with the recommendations of the Ecology Solutions Ltd. Ecological Assessment October 2018 572.EcoAss.vf1, and shall be produced in accordance with relevant guidance from the Institute of Lighting Professionals with reference to the Lighting Assessment October 2018 by WYG. The development shall be built and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, residential amenity, the conservation and enhancement of the local landscape character including dark night skies, and to avoid adverse lighting impacts on sensitive ecological receptors.

27. 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.

28. 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.

29. 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.

Reason: In the interests of amenity.

30. 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, Classes A, B C, D, E a), F a) and G (development within the curtilage of a dwellinghouse);
 - (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.

32. Development shall take place strictly in accordance with the measures set out in the submitted Energy Strategy Statement Version 1 dated August 2019 by Briary Energy and those measures shall be implemented in full prior to the occupation of the dwelling to which they relate.

Reason: To ensure the development contributes toward delivering a low carbon future for West Devon and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

Outline planning consent conditions

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 development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the proper development of the site.

4. The details hereby approved shall in all respects accord strictly with drawings numbers ... [to be inserted].

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.

5. Accompanying any reserved matters application for landscaping shall be details of the play provision, including details of equipment and location of benches and bins in the public open space.

Reason: To ensure appropriate play provision and quality of public realm spaces in accordance with JLP policy DEV10.

6. The Reserved Matters application for layout shall be accompanied by 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.

7. Prior to occupation of any part of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment in accordance with BS4142:2014 in order to evaluate the noise impact on future dwellings from operations and activities in association with the pumping station(s). The noise assessment shall be undertaken by an acoustic consultant with membership of a relevant professional body (e.g. Institute of Acoustics). All mitigation works, as approved, shall be completed prior to the occupation of any dwellings.

Reason: In the interests of amenity.

8. Prior to the commencement of the development hereby permitted, an acoustic assessment including full details of the design, construction and future maintenance of any acoustic mitigation shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England).

Reason: To ensure satisfactory acoustic mitigation from the A38 trunk road is provided and to safeguard the integrity of the Highways England estate and its assets.

9. Prior to the commencement of the development hereby permitted, a Landscaping Plan including a Planting Schedule shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). All works and future maintenance shall be carried out in accordance with the Plan.

Reason: To ensure the protection of the Highways England soft estate.

10. Prior to the commencement of the development hereby permitted, a detailed Boundary Treatment Plan for the site boundary with the A38 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England).

Reason: To ensure satisfactory visual mitigation from the A38 trunk road is provided and to safeguard the integrity of the Highways England estate and its assets.

11. Prior to the commencement of development, a revised Tree Protection Plan showing a road layout which avoids tree T961, an updated Arboricultural Impact Assessment and details of the planting of a succession oak shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate tree protection and mitigation and in the interest of public amenity and the conservation and enhancement of the local landscape character.

12. With each subsequent Reserved Matters application under this outline consent, full landscape details (the Landscape Scheme) for the site area covered by that application shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- arrangements for stripping, storage and re-use of top soil;
- arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- details of new ground profiles including retaining bunds and banks;
- 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;
- maintenance schedules for the establishment of new planting and its ongoing management;

All elements of the Landscape Scheme shall be implemented in the first planting season following reasonable completion of the development, or first use of the building (whichever is sooner) 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.

13. 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.

14. 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 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.

15. Prior to commencement of development 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.

16. All dwellings shall meet, as a minimum, National Space Standards.

Reason: In the interests of good place making and amenity.

17. 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) and that at least 2 percent meet national standards for wheelchair user homes (Category M4(3) of Building Regulations).

Reason: In the interest of equality and in accordance with JLP policy DEV9.

18. 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.

19. The impact avoidance and mitigation measures for protected species detailed in the Ecological Assessment (Ecology Solutions, October 2018) shall be adhered to at all times.

Reason: In the interests of biodiversity and wildlife conservation.

20. There shall be no removal of Dormouse habitat unless the Local Planning Authority has first been provided with and acknowledged receipt of a copy of the licence issued by Natural England permitting those works or alternatively a statement from the licensed bat ecologist to the effect that a licence is not needed.

Reason: In the interests of biodiversity and wildlife conservation.

21. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. The scheme shall also 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.

Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid and manage the risk of pollution or waste production during the course of the development works.

22. 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 Flood Risk Assessment (Rev. 4 dated 8th October 2018) and the relevant sections of the letter titled LLFA and Highway Consultation Response (dated 29th October 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.

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

23. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

24. 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.

25. 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.

26. 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.

27. The proposed estate roads, cycleways, 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.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) Details of an AA route signage plan

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.

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

Reason: In the interests of highway safety.

30. Prior to commencement of any of the offsite highway works an independent Stage 2 safety audit and designer's response shall be submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of highway safety.

31. In the event of and prior to the closure of David's Lane to vehicular traffic, a scheme to light the section of David's Lane between the site and Godwell Lane to the west shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed by the developer prior to occupation of the 10th dwelling.

Reason: In the interests of highway safety and to ensure any lighting scheme does not adversely affect landscape character and visual amenity.

32. 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.

33. 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 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.

34. 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.

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PLANNING APPLICATION REPORT

Case Officer: Rob Heard

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 3216/19/FUL

Agent/Applicant:

Mrs C Colling
Enteridge Farm Barn
Diptford
TQ9 7NQ

Applicant:

Mr B T Perring
Foxgloves
Moreleigh
Devon
TQ9 7JN

Site Address: Former chapel of rest /garage off of Zion Place, rear of Western Road, Ivybridge, PL21 9AN

Development: READVERTISEMENT (Clarification of site address) Demolition of existing shed and replace with one dwelling house



Reason item is being put before Committee:

At request of Cllr Lance Austen due to objections on following material planning grounds:

Highways (access).

Recommendation:

Planning Permission Granted

Conditions:

1. Time Limit
2. Approved Plans
3. Construction Management Plan
4. Removal of PD1
5. Removal of PD2
6. Drainage
7. Highways – parking and turning
8. Unexpected Contamination
9. Boundary Treatment
10. Materials

Key issues for consideration:

- **Principle of Development**
 - **Design**
 - **Highways**
 - **Residential Amenity**
-

Site Description:

The site is located to the rear of the existing period properties on Western Road (B3213). It is currently hard surfaced and contains a single storey garage that appears to have been in operation previously as a small scale commercial garage. It is a relatively flat site, with a gentle fall from north to south, and is surrounded mainly by residential development, although there is a Public House (The Imperial) to the south west of the site that fronts onto Western Road. Immediately adjacent to the west of the site there is a small 2 storey residential development (Heather Mews) and adjacent to the west is the rear garden to one of the properties that faces onto Western Road.

The site is sustainable, being located within the settlement of Ivybridge and with good access to local services and amenities. It is not affected by any restrictive planning policies or land designations and is accessed from a rear service lane off Western Road and Zion Place.

The Proposal:

It is proposed to demolish the existing building and erect a 2 storey detached 3 bed dwelling. The proposal comprises of a contemporary design with a flat roof which will face onto the rear access lane. It provides 2 off road car parking spaces at the front of the site and a small rear

garden. It will have a back to back relationship with 27 Western Road and be sited between Heather Mews and the pub garden of the Imperial.

Consultations:

- County Highways Authority; support subject to conditions.
- Environmental Health Section; support subject to conditions.
- Town/Parish Council; object.

Representations:

Representations from Residents

Six letters of representation received, all in objection to the application. The following points are raised:

- Overshadowing of Heather Mews
- Construction traffic could be obstructive
- Loss of light to Heather Mews
- Poor access
- Access from Western Road owned by residents of Heather Mews
- Proposed dwelling would be overlooked by Heather Mews and the properties on Western Road
- No legal right of way exists to use the access lane

The points raised above in the letters of representation received are analysed in detail below in the main analysis section of this report.

Representations from Internal Consultees

Drainage Engineer; support subject to conditions.

Relevant Planning History

Adjacent site:

27/0908/09/F; Resubmission of 27/0262/09/F for redevelopment of existing garage workshop to 6 one bedroom flats at 23 Western Road Ivybridge Devon PL21 9AN. **Granted Condiitonally 15/7/2009.**

ANALYSIS

Principle of Development/Sustainability:

The Joint Local Plan (JLP) identifies Ivybridge as a centre capable of accommodating new growth. The application site is within the former settlement boundary and located close to local

services and amenities, in fact it is a short walk from the main Ivybridge town centre. It is thus in accordance with policies SP1 (Delivering sustainable development) and SP2 (Sustainable linked neighbourhoods and sustainable rural communities) as it is a sustainable brownfield site located within a centre that has been allocated for growth in the JLP.

The site is identified as one of the six main towns in the JLP, with a high level of services and amenities, and the application also accords with Policy TTV1 (Prioritising growth through a hierarchy of sustainable settlements) which sets out the principles to be used to distribute new employment and housing across the Thriving Towns and Villages Policy Area.

Policy DEV8 (Meeting local housing need in the Thriving Towns and Villages Policy Area) 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. The proposals will provide a modest 3 bed house that will be suitable for a small family or couple and will contribute towards the provision of a balanced community by providing housing that is a little different to the existing housing stock whilst remaining affordable. The proposal is considered to meet the requirements of Policy DEV8 and the principle of development is considered acceptable.

Design/Landscape:

The proposed dwelling has been positioned so that it has a back to back relationship with the existing development that fronts onto Western Road. It therefore faces north with its south elevation forming the rear elevation. This is in keeping with the general pattern of development in the area, where some of the long rear garden spaces of the properties on Western Road have been developed either for separate residential accommodation or ancillary outbuildings.

The proposed dwelling has a contemporary appearance, being flat roofed and 'box' like in appearance. It has a recessed porch area and is finished in modern materials, the palette containing render, weather boarding and powder coated aluminium. It is considered to be an appropriate response to the constraints of the site.

The internal layout is traditional with lounge, kitchen/diner and restroom at ground floor and 3 beds and a bathroom at first floor. There are no windows proposed in either side elevation at first floor level due to proximity to the neighbours and to reduce overlooking. The main views in and out of the dwelling are therefore at the front and rear at first floor level.

It is considered that there is no prevailing local character in this area, and the proposed development is an appropriate response to the constraints of the site and local context. It is thus in accordance with policy DEV20 (Place shaping and the quality of the built environment) of the JLP.

Neighbour Amenity:

There are existing residential properties to the rear (south) of the site on Western Road and to the west (Heather Mews). The lack of windows at first floor level on both side (east and west) elevations mitigates any overlooking concerns and the potential for adverse amenity impacts to the residents of Heather Mews and the garden of the Imperial Pub. Whilst there is a first floor window proposed in the rear (south) elevation at first floor level, the separation distance and existing boundary treatment help to eliminate any potential for overlooking and significant amenity harm.

There are no properties in close proximity to the front (north) of the site. Therefore the nearest residential property is the Heather Mews apartment building to the west of the site. As stated above, there are no windows in the west (side) elevation of the proposed dwelling at first floor level so there is no overlooking created from the site into Heather Mews.

Heather Mews itself is a backland infill development like that proposed within this application and has been designed to fit onto a restricted brownfield site. The proposed development will sit comfortably alongside the existing Heather Mews development without significantly affecting the occupiers residential amenities. There is an adequate separation distance between the proposed and existing with the existing first floor windows at Heather Mews at an angle so that there is no direct overlooking of the proposed development. The two sites are also separated by an access pathway and whilst they are relatively close in distance, which is a common theme with regards to infill plots, there are no significant amenity impacts created as a result of the development proposed. The application is therefore in accordance with Policy DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

The site is accessed from an existing service lane from Western Road and Zion Place. This provides adequate vehicular access to the site, which contains 2 off street car parking spaces. The County Highways Officer has stated that the applicant has provided written confirmation that the existing shed/yard has been used for classic car rentals for weddings and special events. It is considered the number of traffic movements for a dwelling would be roughly comparable and therefore the Highway Authority is removing its concerns subject to conditions.

The trip generation associated with the proposal is considered to be similar to that of the previous use at the site and also consistent with the existing surrounding residential uses. There are no adverse highways related impacts associated with the proposal, which is in accordance with policy DEV29 (Specific provisions relating to transport) of the JLP.

Drainage:

Sufficient information has been provided within the application documents to demonstrate that a workable scheme can be provided at the site to mitigate concerns with regards to surface water disposal, although the final design will need to be agreed with the LPA.

The Councils Drainage Engineer has been consulted and stated that he is supportive of the application, subject to the inclusion of conditions to secure technical details of the drainage design. The proposal is thus considered acceptable and in accordance with policy DEV35 (Managing flood risk and water quality impacts) of the JLP.

Letters of Representation:

Six letters of objection have been received. The material planning issues raised are all addressed in the relevant sections above in the main Analysis part of the report. However, it can be confirmed that:

The separation distances between the site and existing nearby development are acceptable and in keeping with the level of existing amenity in the immediate context. The proposal will be adjacent to the existing development known as Heather Mews, which is the closest building to the site and similar to the proposal in that it was also formerly an infill plot that was redeveloped following the approval of an application to demolish the existing garage at the site and replace it with a new residential development of six 1 bed flats. This application (27/0908/09/F) is listed above in the Planning History section.

With regards to other issues raised, disruption during the construction process is not a reason to refuse the scheme and this can be mitigated and controlled through the attachment of a Construction Management Condition. The issues raised about the access not being of a suitable standard are not considered to be accurate as the County Highways Officer has stated support for the scheme and the proposed access lane is suitable to provide adequate access to a single dwelling and capable of accommodating the small increase in trips associated with the proposals.

Other Matters:

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
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).

Neighbourhood Plan

The proposals do not conflict with the policies in the neighbourhood plan. In relation to policy INP6, the proposals are in general accordance with the minimum national guidance re housing standards.

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.

Conclusion

This application proposes to demolish an existing garage and replace it with a single detached dwelling. The site is located in one of the South Hams main settlements and the location is considered highly sustainable, there is excellent access to both services and amenities within walking distance of the site. The proposals thus accord with the development strategy for the thriving towns and villages and are acceptable in principle.

The County Highways Officer has stated support for the scheme and the proposals are considered acceptable with regards to visual and residential amenity impacts. Sufficient information has been submitted with regards to the provision management of drainage and surface water and the application is thus recommended for approval subject to conditions.

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 number(s) Site Location Plan (1061/19/10), Location Plan Layout (1061/19/17), Site Survey Plan (1061/19/9), Block Plan (1061/19/8), Existing Elevations South East and North West (1061/19/2), Proposal Elevations South West and North East Elevations (1061/19/6), Proposed Ground and First Floor Plan (1061/19/4), Existing Ground Floor Plan (1061/19/1), Existing Elevations South West and North East (1061/19/3), Proposal Elevations South East and North West Elevations (1061/19/5) received by the Local Planning Authority on 2/10/2020.

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 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) 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;

The development shall thereafter be carried out strictly in accordance with the approved CMP.

Reason: In the interests of highways safety.

4. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 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 amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting, or further amending that Order), no gate, fence, wall or other means of enclosure shall be erected or constructed between the buildings and the access road unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

6. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 1. 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.
- 2. SuDS to be designed for a 1:100 year event plus 40% for climate change.

3. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate. If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

4. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. A pre-commencement condition is considered necessary due to the presence of application site within CDA.

7. No part of the development hereby approved shall be commenced until the parking and turning facilities have been provided approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

8. 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.

9. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

10. Prior to their installation details / samples of facing materials, and of 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.

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Ugborough

Parish: Ugborough **Ward:** Ermington and

Application No: 2188/19/VAR

Agent/Applicant:

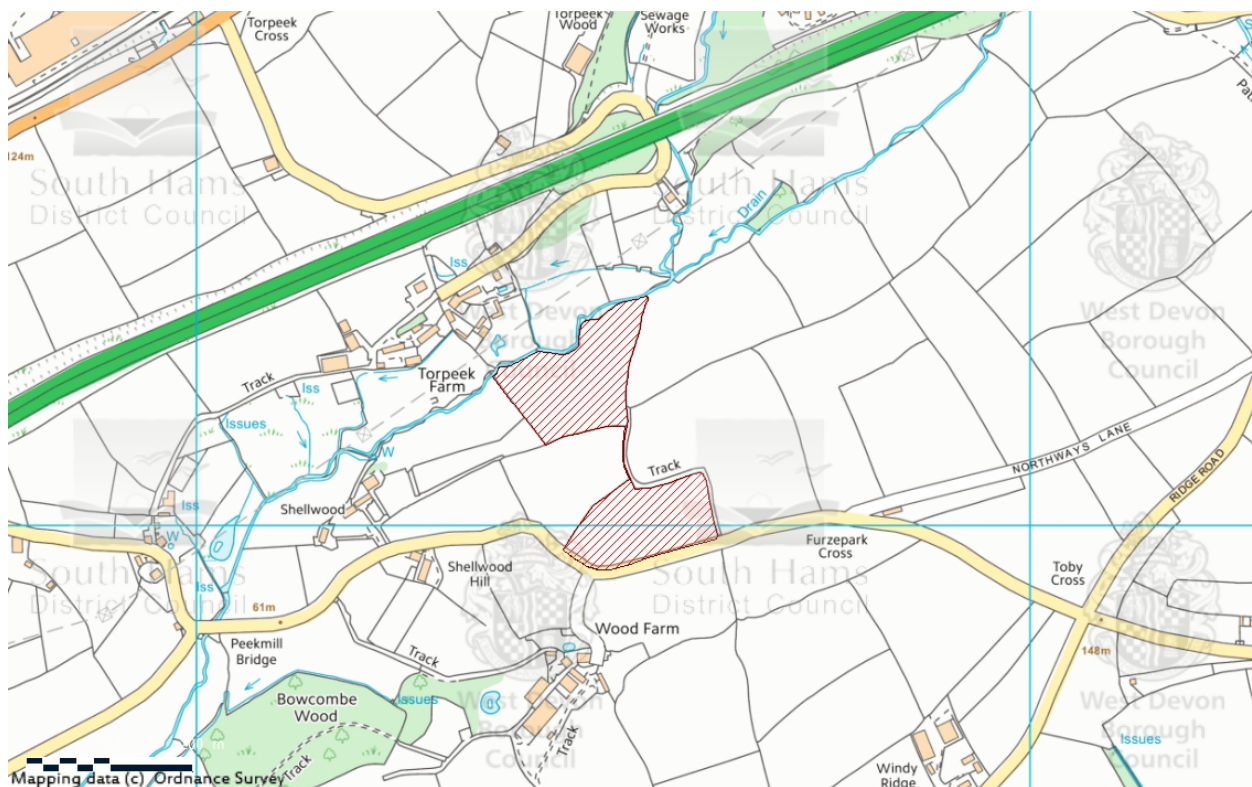
Miss Lizzie Burton - West Country Rural
Ltd
Moor Park
Cheriton Bishop
Exeter
EX6 6JL

Applicant:

Miss A Bonnage
Little Pinmoor
Moretonhampstead
Newton Abbot
TQ13 8QA

Site Address: Land at Sx 666 559, Upper Lordswood Stables, Ugborough, Ivybridge, PL21 0LA

Development: Variation of conditions 4 & 5 of planning consent 57/1308/11/F (Change of use of land to provide all weather sand school, erection of barn and creation of hard standing and storage area) to use as private business property providing therapy and training to equines



Reason item is being put before Committee

On request of Ward Councillor – disagrees with the advice of the Highway Authority

Recommendation: Refusal

Reasons for refusal

1. The geometry of the access, the increase in use in traffic proposed along with the change in character of traffic is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 108 and 109 of the National Planning Policy Framework; and Policies DEV15 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Whether the proposed variations to conditions 4 and 5 of planning consent 57/1308/11/F would meet the relevant tests for planning conditions as set out in the NPPG and whether the use of the stables for business purposes would result in an unacceptable increase in traffic to and from the site.

Site Description:

The site comprises an existing complex of equestrian development to the west of Furzeparck Cross, to the north west of Ugborough. There is an existing access from the rural lane to the south which opens into a parking area with buildings beyond including six stables within a large barn, Olympic sized manege and a 5 bay horse walker. The landholding extends northwards towards Torpeek Farm. The surrounding area is largely open countryside.

The site is not subject to any specific landscape designations and is located within Flood Zone 1.

The Proposal:

Planning permission was granted in 2011 for “Change of use of land to provide all weather sand school, erection of barn and creation of hard standing and storage area” which has been implemented (LPA ref. 57/1308/11/F). Conditions 4 and 5 of this consent state:

“4. The stables hereby permitted shall not be used for business or commercial uses.

Reason: To restrict the character and volume of traffic attracted to the site.

5. The manege hereby permitted shall only be used by people with horses grazing at the site and shall not be used for any business or commercial uses.

Reason: To restrict the character and volume of traffic attracted to the site.”

The current application seeks to amend the above conditions as follows:

Condition 4 – The stables hereby permitted shall only be used for personal use of for the housing of equines in training and/or rehabilitation for commercial purposes.

Condition 5 – The manege hereby permitted shall only be used by equines grazing at the site or by equines in training and/or rehabilitation for commercial purposes.

The Applicant is a specialist equine trainer and “*therapist of mentally disturbed and physically limited equines*”. They have developed a business in this area which is currently operating from alternative premises which are no longer considered sufficient, and the proposal is to move the business to the site at Upper Lordswood. It is suggested the use would generate very limited traffic movements with equine patients remaining on site for an average of 8-16 weeks at a time.

Consultations:

- County Highways Authority – Objection
- Ugborough Parish Council – Support

Representations:

None received.

Relevant Planning History

- 1359/19/FUL Erection of timber clad hay barn. Upper Lordswood Stables, Ugborough. Conditional approval: 24 Jun 19
- 57/1920/12/F Retrospective application for change of use of land to equestrian use and erection of security storage unit and horse exercising unit. Field At Sx665 559, Nnw Of Toby Cross, Ugborough. Conditional approval: 6 Nov 12
- 57/2138/11/DIS Discharge of conditions (3,7,8,9,10 and in part 6) for change of use planning consent 57/1308/11/F (to provide all weather sand school, erection of barn and creation of hard standing and storage area). Field North West Of Toby Cross, Ugborough. Discharge of condition Approved: 30 Aug 11
- 57/1308/11/F Change of use of land to provide all weather sand school, erection of barn and creation of hard standing and storage area. Field North West Of Toby Cross, Ugborough. Conditional approval: 26 Jul 11
- 57/1439/10/F Permission to replace extant planning consent for 57/0957/07/F for the erection of barn containing three stables, storage & wash down point. Field At Sx665 559, N/Nw Of Toby Cross, Ugborough. Conditional approval: 3 Sep 10
- 57/0957/07/F Erection of barn containing three stables, storage & wash down point. Field At Sx665 559, N/Nw Of Toby Cross, Ugborough. Conditional approval: 18 Jul 07

An application to amend a condition pursuant to 57/1920/12/F, which similarly restricts the use of equestrian facilities to personal use only, has been submitted concurrently (LPA ref. 2190/19/VAR).

ANALYSIS

Principle of Development/Sustainability:

Advice to Local Planning Authorities on the imposition of planning conditions is set out with the National Planning Practice Guidance (NPPG) and within the National Planning Policy Framework (NPPF). In particular the NPPG gives advice on the application of tests in paragraph 55 of the NPPF which states:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Conditions 4 and 5 of the original consent this application seeks to vary sought to control the character and volume of traffic attracted to the site. Visibility at the site access is restricted and the surrounding rural lanes are not ideally suited to large vehicles. The conditions were considered to meet the relevant tests at the time they were imposed. The merits of the proposed variation and whether the proposed new condition would meet the 6 tests (NPPF paragraph 55) are set out below.

The principle of supporting the rural economy is supported by local and national planning policies and guidance. Policy DEV15 includes the following: *“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”* Provisions include: *“Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.”*

Paragraph 83 of the NPPF states, inter alia that:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;”*

The principle of facilitating the proposed rural business is therefore in accordance with local and national planning policy subject to all other material planning considerations including assessment of residual adverse impacts. The key issue in the consideration of the current application, having regard to the original reasoning behind the imposition of the conditions in question, is the impact on character and volume and traffic attracted to the site and whether this can be acceptably managed.

Highways/Access:

Policy DEV15 states proposals in the countryside should: *“Demonstrate safe access to the existing highway network.”* Policy DEV29 states development proposals should *“Provide safe and satisfactory traffic movement and vehicular access to and within the site.”*

The NPPF requires at paragraph 108 in relation to specific applications that *“safe and suitable access to the site can be achieved for all users”*. It goes on to states at paragraph 109:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

There has been lengthy dialogue involving the Applicant/Agent and the Highway Authority (DCC Highways) prior to determination of this application. The Applicant/Agent advised the following in terms of likely vehicle trips associated with the proposal:

“It is proposed that all vehicles will arrive from east to west and leave from west to east which will remove any consolidation of traffic along the lane to the west of the property. The cross roads to the east is 0.3 miles away with two substantial passing places along route. There would be no instance where anybody would arrive without prior arrangement and therefore it would be entirely possible to instruct all arrivals on the correct route of access prior to them commencing their journey.

Traffic movements are predicted to be 5 to 10 visits per week (including all clients, vets, other equine professionals etc) by car and 2 – 5 horses being delivered per month and 2 – 5 horses leaving the facility each month, i.e. 1 – 2 movements per week on average.”

There was discussion around how much control the LPA could exercise by condition around the route that customers took to the site and the numbers of vehicle trips the business generated.

The Highway Authority made the following more detailed comments:

“The route required for clients coming from Plymouth or a westerly direction is quite convoluted. I.e if coming from the west generally clients would need to slip off the A38 at Ivybridge, drive through Ivybridge then through Bittaford, then Wrangaton, then cross over the A38 drive down to Ugborough and then drive through Ugborough Village to get to the site from the east. If clients could arrive from the west (if the site access allowed) they would be able to turn towards the site just after Ivybridge via Davey’s Cross. This seems much more realistic and I think the Planning Authority should be requesting the access is re-designed by a highway engineer following a topographical survey.”

The Applicant/Agent with their Highway Consultant queried the likely vehicle usage of the lane and whether the likely increase in vehicle trips would create a significant highways safety issue. A re-design of the vehicle access prepared by the highway engineer as not been submitted. The Highway Authority made the following final comments:

“I note already the lane is very quiet and do not disagree with this statement, however I do think that the type of driver this particular use will attract inevitably is likely to be drivers that are potentially unfamiliar with the site, where as the previous use would have attracted drivers not of that nature. Inevitably the road safety implications will be made worse. In practical terms when drivers discover they can’t turn left into the site they will be likely to proceed east to the junction of Seldons Close where they will try and turn around in the junction. This arguably is

a second reason for refusal as this would give rise to additional reversing and manoeuvring at an existing junction. I am afraid regardless of the levels of traffic using the lane any increase in the above type of movements will be likely to have a detrimental effect on road safety hence my previous suggested reason for refusal.”

It is acknowledged that the site has a lawful use for equestrian purposes, but that this is for private use only. In considering an on another equestrian site in the South Hams were a proposal to remove a similar condition to that being considered under this application to allow for an equestrian business use were refused and dismissed on appeal (Farleigh Meadows, Moreleigh. APP/K1128/W/15/3004816), the Inspector made the following observations:

“At present the stables and sand school cannot be used for business or commercial purposes. As a result, these facilities can only be used privately....

Whilst use of the site access and the C43 junction may have been acceptable for existing levels of use, a point is reached where the risk to highway safety is no longer acceptable. In my judgement, a business use of the stables would allow the level of use to increase beyond this safe point.”

The Highway Authority have maintained their position that the proposal raises a highway safety issue. This is an overriding consideration in the planning balance. The possibility of a temporary consent was suggested by the Applicant/Agent, but this is not considered an appropriate way to overcome a highways safety objection.

Officers have some concerns regarding the revised condition wording suggested within the application, and consider additional conditions would likely be needed to ensure control over the use of the site was suitably robust. However this does not overcome the fundamental objection raised by the Highway Authority regarding the impact of additional traffic associated with the proposed business use.

Design/Landscape:

The proposed variation of the condition to allow commercial use for training and/or rehabilitation will have no visual impact on the site.

Neighbour Amenity:

The proposed business use would have no material impact on neighbour amenity, there being no residential properties within close proximity to the site.

Other Matters:

The application was advertised as affecting a Public Right of Way – the nearest route runs across land the north of the application site and would not be compromised by the proposed development.

The Planning Balance:

The principle of the establishment of rural businesses in existing buildings is supported by local and national planning policy.

The key concern with regard to the proposed business use of Upper Lordswood is ensuring that there will be safe and suitable access for all users of the highway. Despite lengthy discussions the Highway Authority has maintained a highways safety objection which is considered to be an overriding consideration, and the application is recommended for refusal on this basis.

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
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
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11, 55, 108, and 109 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Ugborough Neighbourhood Development Plan 2017-2032

UG3: Traffic flow

UG15: Rural businesses

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Ugborough

Parish: Ugborough **Ward:** Ermington and

Application No: 2190/19/VAR

Agent/Applicant:

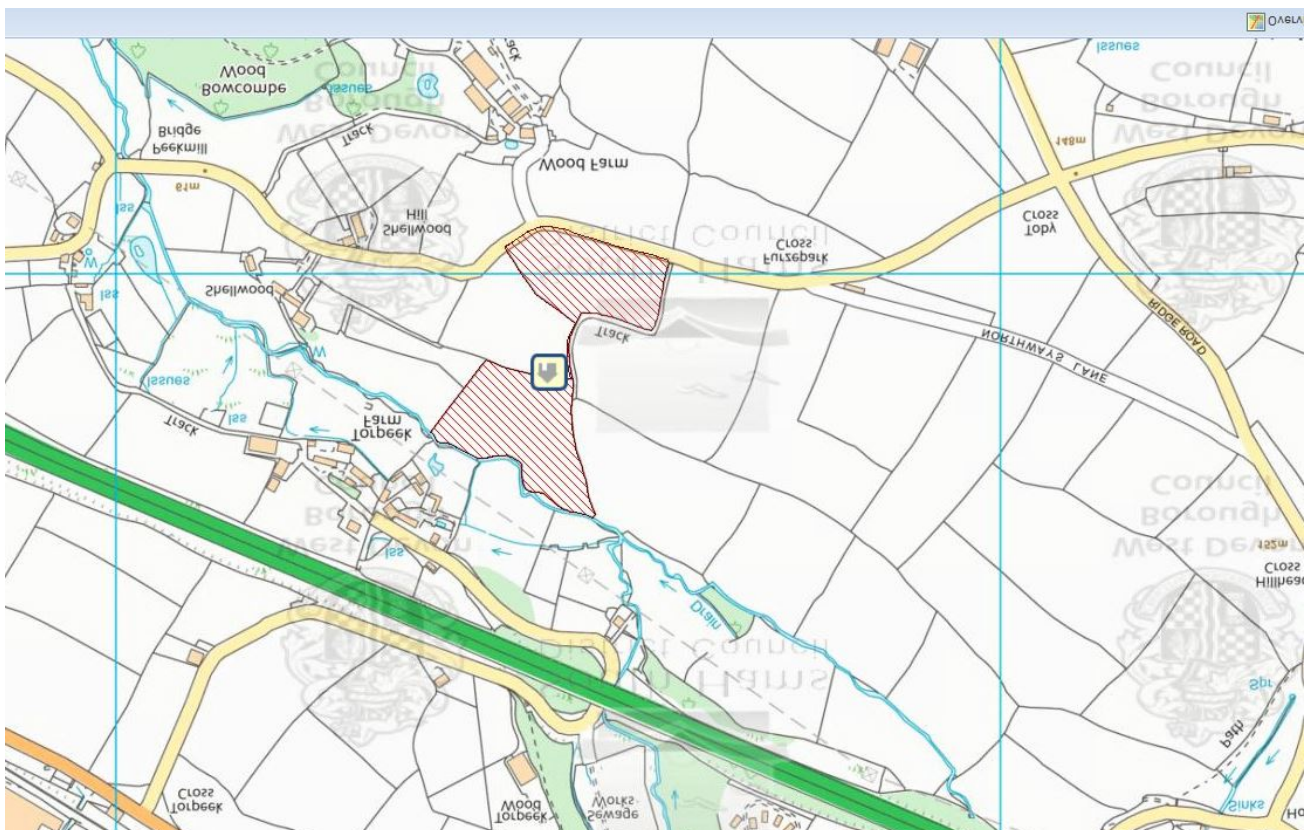
Miss Lizzie Burton - West Country Rural
Ltd
Moor Park
Cheriton Bishop
Exeter
EX6 6JL

Applicant:

Miss A Bonnage
Little Pinmoor
Moretonhampstead
Newton Abbot
TQ13 8QA

Site Address: Land at Sx666 559, Upper Lordswood Stables, Ugborough, Ivybridge, PL21 0LA

Development: Variation of condition 2 on approved application 57/1920/12/F (Retrospective application for change of use of land to equestrian use and erection of security storage unit and horse exercising unit) to use as private business property providing therapy and training to equines



Reason item is being put before Committee

On request of Ward Councillor – disagrees with the advice of the Highway Authority

Recommendation: Refusal

Reasons for refusal

1. The geometry of the access, the increase in use in traffic proposed along with the change in character of traffic is likely to result in unacceptable manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 108 and 109 of the National Planning Policy Framework; and Policies DEV15 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Whether the proposed variations to condition of planning consent 57/1920/12/F would meet the relevant tests for planning conditions as set out in the NPPG and whether the use of the stables for business purposes would result in an unacceptable increase in traffic to and from the site.

Site Description:

The site comprises an existing complex of equestrian development to the west of Furzepark Cross, to the north west of Ugborough. There is an existing access from the rural lane to the south which opens into a parking area with buildings beyond including six stables within a large barn, Olympic sized manege and a 5 bay horse walker. The landholding extends northwards towards Torpeek Farm. The surrounding area is largely open countryside.

The site is not subject to any specific landscape designations and is located within Flood Zone 1.

The Proposal:

Planning permission was granted in November 2012 for the following "*Retrospective application for change of use of land to equestrian use and erection of security storage unit and horse exercising unit.*" (LPA Ref. 57/1920/12/F). Condition 2 of the consent states:

"The horse exercising unit hereby approved shall not be used for business or commercial purposes.

Reason: To restrict the character and volume of traffic to the site. "

The current application seeks to amend the above condition as follows:

"The horse exercising unit hereby approved shall only be used for personal use of for the housing of equines in training and/or rehabilitation for commercial purposes."

The Applicant is a specialist equine trainer and "*therapist of mentally disturbed and physically limited equines*". They have developed a business in this area which is currently operating from alternative premises which are no longer considered sufficient, and the proposal is to move the business to the site at Upper Lordswood. It is suggested the use would generate very limited traffic movements with equine patients remaining on site for an average of 8-16 weeks at a time.

Consultations:

- County Highways Authority – Objection
- Ugborough Parish Council – Support

Representations:

None received.

Relevant Planning History

- 1359/19/FUL Erection of timber clad hay barn. Upper Lordswood Stables, Ugborough. Conditional approval: 24 Jun 19
- 57/1920/12/F Retrospective application for change of use of land to equestrian use and erection of security storage unit and horse exercising unit. Field At Sx665 559, Nnw Of Toby Cross, Ugborough. Conditional approval: 6 Nov 12
- 57/2138/11/DIS Discharge of conditions (3,7,8,9,10 and in part 6) for change of use planning consent 57/1308/11/F (to provide all weather sand school, erection of barn and creation of hard standing and storage area). Field North West Of Toby Cross, Ugborough. Discharge of condition Approved: 30 Aug 11
- 57/1308/11/F Change of use of land to provide all weather sand school, erection of barn and creation of hard standing and storage area. Field North West Of Toby Cross, Ugborough. Conditional approval: 26 Jul 11
- 57/1439/10/F Permission to replace extant planning consent for 57/0957/07/F for the erection of barn containing three stables, storage & wash down point. Field At Sx665 559, N/Nw Of Toby Cross, Ugborough. Conditional approval: 3 Sep 10
- 57/0957/07/F Erection of barn containing three stables, storage & wash down point. Field At Sx665 559, N/Nw Of Toby Cross, Ugborough. Conditional approval: 18 Jul 07

An application to amend conditions pursuant to 57/1308/11/F, which similarly restrict the use of equestrian facilities to personal use only, has been submitted concurrently (LPA ref. 2188/19/VAR).

ANALYSIS

Principle of Development/Sustainability:

Advice to Local Planning Authorities on the imposition of planning conditions is set out with the National Planning Practice Guidance (NPPG) and within the National Planning Policy Framework (NPPF). In particular the NPPG gives advice on the application of tests in paragraph 55 of the NPPF which states:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Condition 2 of the original consent this application seeks to vary sought to control the character and volume of traffic attracted to the site. Visibility at the site access is restricted and the surrounding rural lanes are not ideally suited to large vehicles. The conditions were considered to meet the relevant tests at the time they were imposed. The merits of the proposed variation and whether the proposed new condition would meet the 6 tests (NPPF paragraph 55) are set out below.

The principle of supporting the rural economy is supported by local and national planning policies and guidance. Policy DEV15 includes the following: *“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”* Provisions include: *“Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.”*

Paragraph 83 of the NPPF states, inter alia that:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;”*

The principle of facilitating the proposed rural business is therefore in accordance with local and national planning policy subject to all other material planning considerations including assessment of residual adverse impacts. The key issue in the consideration of the current application, having regard to the original reasoning behind the imposition of the conditions in question, is the impact on character and volume and traffic attracted to the site and whether this can be acceptably managed.

Highways/Access:

Policy DEV15 states proposals in the countryside should: *“Demonstrate safe access to the existing highway network.”* Policy DEV29 states development proposals should *“Provide safe and satisfactory traffic movement and vehicular access to and within the site.”*

The NPPF requires at paragraph 108 in relation to specific applications that *“safe and suitable access to the site can be achieved for all users”*. It goes on to state at paragraph 109:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

There has been lengthy dialogue involving the Applicant/Agent and the Highway Authority (DCC Highways) prior to determination of this application. The Applicant/Agent advised the following in terms of likely vehicle trips associated with the proposal:

“It is proposed that all vehicles will arrive from east to west and leave from west to east which will remove any consolidation of traffic along the lane to the west of the property. The cross roads to the east is 0.3 miles away with two substantial passing places along route. There would be no instance where anybody would arrive without prior arrangement and therefore it would be entirely possible to instruct all arrivals on the correct route of access prior to them commencing their journey.

Traffic movements are predicted to be 5 to 10 visits per week (including all clients, vets, other equine professionals etc) by car and 2 – 5 horses being delivered per month and 2 – 5 horses leaving the facility each month, i.e. 1 – 2 movements per week on average.”

There was discussion around how much control the LPA could exercise by condition around the route that customers took to the site and the numbers of vehicle trips the business generated.

The Highway Authority made the following more detailed comments:

“The route required for clients coming from Plymouth or a westerly direction is quite convoluted. I.e if coming from the west generally clients would need to slip off the A38 at Ivybridge, drive through Ivybridge then through Bittaford, then Wrangaton, then cross over the A38 drive down to Ugborough and then drive through Ugborough Village to get to the site from the east. If clients could arrive from the west (if the site access allowed) they would be able to turn towards the site just after Ivybridge via Davey’s Cross. This seems much more realistic and I think the Planning Authority should be requesting the access is re-designed by a highway engineer following a topographical survey.”

The Applicant/Agent with their Highway Consultant queried the likely vehicle usage of the lane and whether the likely increase in vehicle trips would create a significant highways safety issue. A re-design of the vehicle access prepared by the highway engineer as not been submitted. The Highway Authority made the following final comments:

“I note already the lane is very quiet and do not disagree with this statement, however I do think that the type of driver this particular use will attract inevitably is likely to be drivers that are potentially unfamiliar with the site, where as the previous use would have attracted drivers not of that nature. Inevitably the road safety implications will be made worse. In practical terms when drivers discover they can’t turn left into the site they will be likely to proceed east to the junction of Seldons Close where they will try and turn around in the junction. This arguably is a second reason for refusal as this would give rise to additional reversing and manoeuvring at an existing junction. I am afraid regardless of the levels of traffic using the lane any increase in the above type of movements will be likely to have a detrimental effect on road safety hence my previous suggested reason for refusal.”

It is acknowledged that the site has a lawful use for equestrian purposes, but that this is for private use only. In considering an on another equestrian site in the South Hams were a proposal to remove a similar condition to that being considered under this application to allow for an equestrian business use were refused and dismissed on appeal (Farleigh Meadows, Moreleigh. APP/K1128/W/15/3004816), the Inspector made the following observations:

“At present the stables and sand school cannot be used for business or commercial purposes. As a result, these facilities can only be used privately.... Whilst use of the site access and the C43 junction may have been acceptable for existing levels of use, a point is reached where the risk to highway safety is no longer acceptable. In my

judgement, a business use of the stables would allow the level of use to increase beyond this safe point.”

The Highway Authority have maintained their position that the proposal raises a highway safety issue. This is an overriding consideration in the planning balance. The possibility of a temporary consent was suggested by the Applicant/Agent, but this is not considered an appropriate way to overcome a highways safety objection.

Officers have some concerns regarding the revised condition wording suggested within the application, and consider additional conditions would likely be needed to ensure control over the use of the site was suitably robust. However this does not overcome the fundamental objection raised by the Highway Authority regarding the impact of additional traffic associated with the proposed business use.

Design/Landscape:

The proposed variation of the condition to allow commercial use for training and/or rehabilitation will have no visual impact on the site.

Neighbour Amenity:

The proposed business use would have no material impact on neighbour amenity, there being no residential properties within close proximity to the site.

Other Matters:

The application was advertised as affecting a Public Right of Way – the nearest route runs across land the north of the application site and would not be compromised by the proposed development.

The Planning Balance:

The principle of the establishment of rural businesses in existing buildings is supported by local and national planning policy.

The key concern with regard to the proposed business use of Upper Lordswood is ensuring that there will be safe and suitable access for all users of the highway. Despite lengthy discussions the Highway Authority has maintained a highways safety objection which is considered to be an overriding consideration, and the application is recommended for refusal on this basis.

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.

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UG3: Traffic flow

UG15: Rural businesses

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: Adam Williams
Littlehempston

Parish: Littlehempston **Ward:** Marldon and

Application No: 3647/19/FUL

Agent/Applicant:

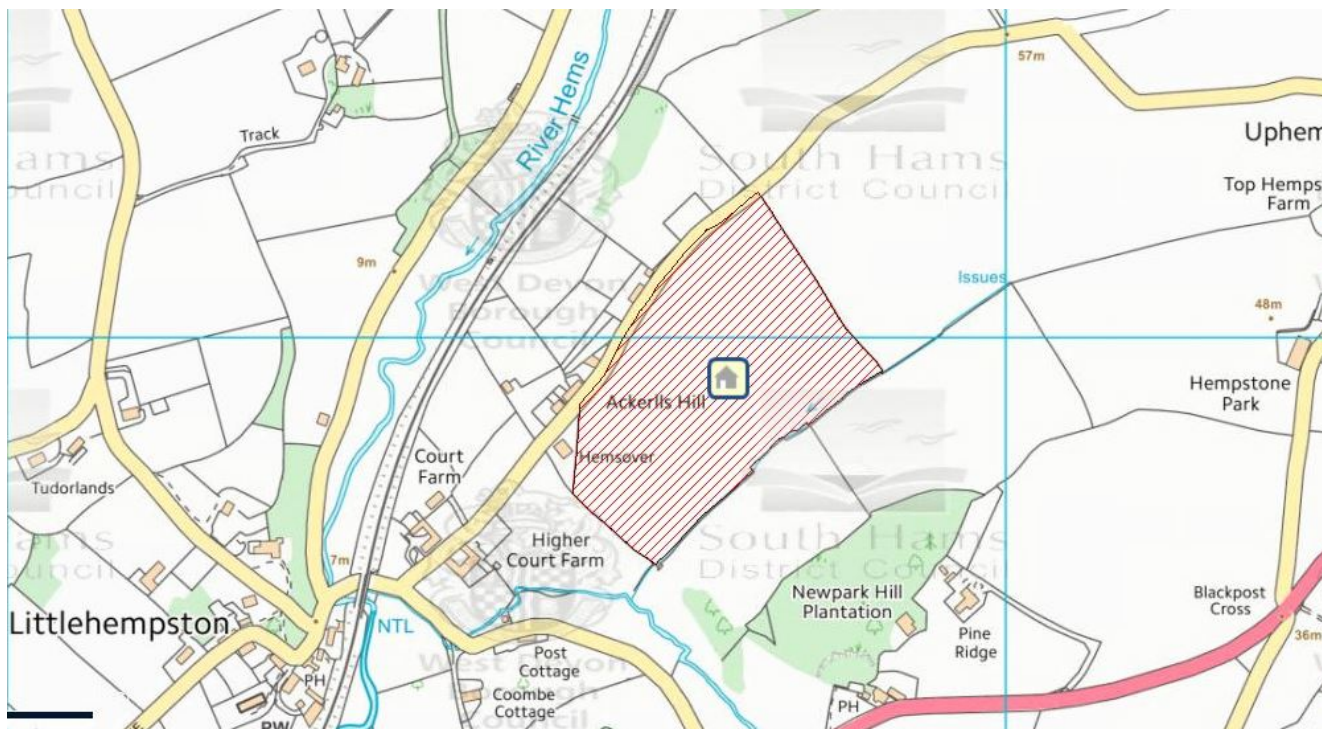
Mr Stephen Munday
Little Cottage Farm
Plymouth Road
Totnes
TQ9 5LH

Applicant:

Mr & Mrs Richard and Jacqueline
Hodgson
9 Argyll Terrace3
Totnes
TQ95JJ

Site Address: Field at Ackrells Hill, Ackrells Hill, Littlehempston, Devon

Development: Erection of 2 linked agricultural sheds and green houses, a livestock shelter and hen coup, creation of parking area and provision of drainage facilities in order to establish an organic smallholding.



Reason item is being put before Committee *Applicant is a councillor*

Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Surface water drainage scheme
4. Agricultural/horticultural use only
5. Remove after no longer use for intended purposes
6. No external lighting

7. There shall be no use of internal artificial lighting within the new Agricultural Building from 15 minutes after sunset to 15 minutes before sunrise from April to October (inclusive).
8. The recommendations (section D) of the Updated Ecological Assessment (DWV, Nov 2019) shall be followed before and during construction.
9. Prior to commencement full landscaping details shall be provided including planting specifications, plan for establishment and ongoing management of the proposals.
10. No more than 12 visitors at any time
11. No overnight stays
12. Hours of visits Mon – Sat 9am – 6pm
13. Details of visibility splay

Key issues for consideration:

Principle, landscape, access, amenity

Site Description:

The site is a single field of 5.93 hectares located outside of the village of Littlehempston, north east of Higher Court Farm and opposite a row of dwellings. An unclassified road runs along the North West field boundary which is defined by a Devon Hedgebank. Access is taken from the road into the upper corner of the site via a field gate.

The field slopes quite steeply from North West to south east.

The site is not within a designated landscape

The Proposal:

The proposals comprise the following structures

- A pair of timber framed and panelled customised shed measuring 5m x 5m (3m to ridge) each with a 3m ridged roof between them
- Pair of greenhouses attached to the timber sheds of 5m x 3m each (2.5 max height lean to)
- Livestock field shelter 6m x 5m
- Poultry shed 2.4m x 6m

Also part of the application are some re-instated hedgerow (following former historic field division lines. Bee hives, low density native parkland trees, wildflower and water meadow and growing area for organic grape vines, figs, soft fruit and hops

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council – objection, concern regarding traffic, visual impact and potential residential use
- SHDC Landscape Specialist – no objection subject to landscape condition

- SHDC Drainage – no objection subject to condition
- SHDC Ecologist – no objection subject to condition
- Agricultural Consultant - Support

Representations:

17 letters of objection were received raising the following material planning concerns

- No need/justification for the development
- Other sites that are more suitable for re-wilding
- Traffic increase if allotment take up was popular/uptake of study groups and random visits
- Visually prominent
- Missing detailed landscape plan (this has since been provided)
- Ecology report sect 1.2 states 'barn & residential dwelling', sect 4.2.3 states 'residential dwelling'
- having floor to ceiling windows is unusual & inappropriate in a livestock shelter
- In the Ecology Report August 2018, page 8, section 1.2 states..'the proposal of a barn and residential dwelling'
- Page 16 section 4.2.3 repeats the above.
- page 17 section 4.3 advises on the grass for the residential garden.
- says these will be for residents use, but as the majority of properties in Littlehempston have gardens, take up will be limited.
- Their position will cause maximum impact on nearby houses
- Visually prominent
- Littlehempston is a village with a small population and no permanent educational facility and so has no need for an educational site.
- other less productive areas of land in Littlehempston and the South Hams which are either too steep, north facing or susceptible to flooding which would be more suitable to rewilding
- This is productive farm land that, in my view, should be used as such
- increase in traffic in the narrow lane and the danger to pedestrians, walkers with dogs and horse riders, clarity is needed on this proposal

5 letters of support stating

- Climate declaration, any plan which features increasing biodiversity and conserves nature in Devon is very welcome
- food security coupled with locally grown food and teaching horticultural techniques will undoubtedly be the most important skills for the future. In addition there are serious losses to British Wildlife at present and re-wilding is of crucial importance.
- sympathetic to the area - with emphasis placed on the use of existing public footpaths and buildings kept to a minimal & practical level

Relevant Planning History

1607/18/AGR Mr & Mrs R & J Hodgson

Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay and farm equipment (resubmission of 1114/18/AGR) Ag Determination details required

Ackrells Field Littlehempston Devon TQ9 6LX 14 May 2018

1114/18/AGR Mr & Mrs R & J Hodgson

Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay, wood and farm equipment Withdrawn

Ackrells Field Littlehempston Totnes TQ9 6LU 25 April 2018

ANALYSIS

Principle/Sustainable Development

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture.

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

The site is in open countryside but would be associated with agricultural activities. Policy TTV26 states that:

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or

ii. Secure the long term future and viable use of a significant heritage asset; or

iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or

iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or

v. Protect or enhance the character of historic assets and their settings.

2. Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

*iii. **Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.***

*iv. **Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.***

v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. 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

Policy DEV15 is also relevant which seeks to support the rural economy, specifically DEV15.6 states that development will be supported which meets the essential needs of agriculture or forestry interests.

TTV26.2 iv follows a similar line stating where proposals in the countryside should respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

In this instance, advice was sought from the council agricultural consultant who surmised that the whilst the structures are not designed typically, they do reflect a different business proposition, and whilst there is no existing business need, the buildings are needed to start the business and of an amount to suit the justification, overall he supports the development.

The development in principle would therefore respond to a proven agricultural need and complementary to is, supporting the needs of agriculture.

Design/Landscape:

The field is currently undeveloped, so the imposition of new buildings and change in field character arising from the various planting and horticultural type uses proposed will invariably alter the prevailing landscape

The proposed business is based on sound principles and is a proportionate development in terms of establishing a new agricultural/horticultural enterprise and is supported by adequate justification demonstrating a need for the building

The main proposed building is relatively large, measuring 8m x 13m and 3m high, it is proposed upon the hill and will be highly visible, particularly visible from a public right of way that runs to the south west of the site, the councils Landscape Specialist was consulted on the proposals and made the following observations

The proposed development as set out above will be located within the upper, northern corner of an agricultural field close to Littlehempston. The Landscape Character and Visual Impact Statement (2020.01.20) is noted (non-standard).

The baseline character is that of a pastoral field, within a strongly undulating, rural landscape. Local valleys are steep and narrow, with rounded hills and limited tree cover. Views are relatively short and contained, often focused on round hills and along rivers which define the sense of place. It has high scenic quality where development is sparse, giving a strong sense of tranquillity. New development should be small scale, and within the historic pattern, conserving views across and along valleys. Woodland should be conserved and enhanced, with historic mapping identifying division of the modern, larger fields with hedgerows.

Overall, the landscape strategy for the LCT seeks to: protect the settled but rural character of this area and the landscape's function as a setting for adjacent river valleys. New development should reflect the small scale, historic settlement pattern and vernacular character. The landscape pattern of mixed pasture and arable fields with hedgerows, narrow lanes and woodland is conserved and enhanced and opportunities for green infrastructure links to settlements and appropriate recreation opportunities are sought.

The proposed development broadly accords with the landscape character, which would be conserved with the introduction of agricultural small-holding buildings and positive reinstatement of historically removed hedgerows. Whilst all the buildings are not entirely agricultural in appearance - large glazed elements within the greenhouses, and various non-traditional roof finishes, they would be of a limited scale, and accompanied by more traditional livestock buildings. Reinstated landscape features are welcomed and should be appropriately detailed and implemented. These enhancements are noted within the planned layout, with the introduction of new Devon hedgerows (sought within the LCT – Landscape guidelines) and should further conserve the overall character, mitigating some views and retaining the agricultural nature of this landscape. Internal and external lighting should be minimised and controlled.

On this basis, officers are satisfied it accords with DEV23 so the proposal is supported subject to landscape conditions.

The proposal contain glazed elements which are not typical of agricultural structures, however the proposals feature horticultural elements and it's not uncommon to see glazed structures in that context

Ecology

The application was supported by an ecology survey from 2018 and an update for 2019. The councils ecologist was consulted and provided the following observations

The proposal is supported by an Updated Ecological Assessment (dated 10th December 2019) from Devon Wildlife Consultants which was based on a walkover assessment by the ecologist.

The site is described as single field of semi-improved grassland bounded by species-rich hedgebanks with some blackthorn scrub encroachments from the boundaries. The site slopes towards a stream on the SE boundary.

It is noted that the site falls within the South Hams SAC Landscape Connectivity Zone, a zone which recognises the role that the wider landscape around key foraging 'sustenance zones' plays in terms of commuting and connectivity for greater horseshoe bats between the designated roosts of the SAC. The site itself provides potential for foraging and commuting bats, including the grassland, hedgebanks and stream corridor. Notwithstanding the likely use of the site by greater horseshoe bats, (and with reference to the South Hams SAC HRA Guidance, 2019) the proposal will not result in loss, damage or disturbance, at a landscape scale, to a network of potential Commuting Routes – the proposal will not have a likely significant effect on the South Hams SAC and detailed HRA is not required.

The site is within 1km of Cirl Bunting breeding territories, and the site has suitable habitat to support breeding and summer foraging. There is good potential for use of the hedgebanks by dormice and reptiles. Reptiles are also likely to use the grassland.

A previous survey (in 2018 by the same ecologist) noted that bat activity surveys, dormice and Cirl Buntings may be required, however caveated by this being subject to the detail of the proposal. Namely that if hedgebanks were retained (and unlit), and habitat creation could result in a gain for these species, that additional surveys would not be required.

Broadly I am supportive of this approach, and consider that the proposal satisfies this requirement – namely that the hedgerows will be retained, and that proposals include habitat creation which will benefit the protected species mentioned.

I note that the Ecological Assessment recommends that construction is limited to daylight hours during the active season avoiding the need for artificial lighting, and that no exterior lighting will be erected – this I support. I further note however that the proposed Agricultural Building (which includes an office) comprises glazing on a number of elevations (notably N and E). Accordingly, I consider that the suggested limit to construction during daylight hours during active bat season is extended to the operational phase as well (as reflected in the proposed condition). Otherwise, use of the office/Agricultural Building in the evening after sunset under artificial light could impact on bat use of the hedgebanks. If this was not acceptable, light modelling would be required for the Agricultural Building to demonstrate that the proposal would not cause unacceptable levels of light at the hedgebanks.

The other aspect to this proposal in terms of biodiversity is the comparison of the proposed versus the existing. The existing site has wildlife value, this is evident from the Ecological Assessment, and would undoubtedly be validated if detailed Phase 2 protected species surveys were carried out. The proposal is removing a small area of habitat only to facilitate the buildings and associated parking. Accordingly, to ensure the proposal secures enhancement for biodiversity the LPA need to have confidence that the proposals within the Drawing Number 006. D&Ag 1:2,500 will be undertaken and must condition the delivery of these proposals and appropriate subsequent management (reflected in

the suggested condition for landscaping details). Subject to the proposals being delivered there is undoubtedly scope for this scheme to deliver significant and meaningful gain for biodiversity, in terms of hedgebank creation, traditional orchards, wildflower planting and other features for wildlife.

The council's ecologist recommended 4 conditions, two pertaining to lighting, external and internal, accordance with the ecology survey recommendations and the submission of a detailed landscaping scheme. These conditions will be applied to ensure the site secures the biodiversity gain that has been set out

Neighbour Amenity:

The nearest dwellings are adjoining the nearby county lane to the north. The site and dwellings are separated by trees and mature hedgerows and a busy road, the buildings are not considered to significantly affect the amenity of these dwellings in terms of overbearingness, loss of light or privacy and therefore do not conflict with policy DEV1 in this regard.

Highways/Access:

DCC highways officers have raised no objection to the proposals. Access to site will continue to be provided to the site via a gateway on the green lane that is currently in use. From visiting the site and observing the access, given the expected slow speeds of traffic, the set back of the access, enough room is available for waiting and sufficient visibility is available looking both directions and its possible that a suitable visibility splay could be provided here. Standing advice requires a 2.5m X distance but 2m can be acceptable in areas which are lightly trafficked such as this. The Y values for this location (the visibility from the nearest point of the access and the highway) should be around 20m, travel speeds are expected to be around 15-20mph, given then straight nature of the lane, the presence of an existing access, officers considered that it would be possible to achieve a 2m set back and Y values in both west and east directions of over 20m, a condition will be applied to seek this details prior to development above slab level

There is a quantity of recycled stone in the gateway to provide stable access and reduce mud travelling. From officers own observation on site the access has suitable visibility in both directions and providing users of the road are following due care, will be able to react to emerging traffic.

The applicants wish to provide opportunities for educational visits, the proposed floor space of all the buildings is 104m² for the larger building, 22.75m² for the livestock shelter and 14.4m² for the poultry shed. The limited floor space will limit the numbers of people who are able to visit. Officers considered that limited business hours to run from 10am to 6pm Monday to Saturday would be more appropriate to protect amenity, the number of visitors should be no more than 12 at any time as the parking area is understood to be able to accommodate 6-8 vehicles, accounting for likely car sharing arrangements to occur. The applicant stated to officers that it is envisaged that bookings will be taken for visits no more than twice per month and vehicular movements will be monitored through booking and encouraging visitors to arrive by bus and walking via the public foot path running from the bus stop near the Pig and Whistle. In combination with alternative means of accessing the site by bus and bike, officers consider that there are enough travel options available compared with other rural locations in the South Hams.

Planning Balance

The proposal would provide a number of benefits, notably supporting a new rural business; biodiversity enhancements through wildlife restoration. The business would also be located with access to a range of services and residences and as a rural location, is quite well connected by car, bus and cycle.

On the other hand, the development would have an impact upon nearby living conditions of occupants through an increase in visitors but can be mitigated for with appropriate conditions. These factors do not weigh heavily against the proposal however. The totality of the harms balanced against the benefits with the conditions proposed indicates that the scheme would be sustainable development and an appropriate use for existing buildings.

In assessing the proposals against Joint Local Plan Policies, and the policies in the Revised Framework taken as a whole, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

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
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
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

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;

Site location plan – received by the Local Planning Authority on 13/12/2019

Plans and Elevations Proposed Outline Drawings RH: 002 2 - received by the Local Planning Authority on 13/12/2019

Plans and Elevations Agricultural Buildings RH:001 1 - received by the Local Planning Authority on 13/12/2019

Plan 6 Map New Field Boundaries & Farm Development plan - received by the Local Planning Authority on 17/01/2020

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 drainage scheme shall be installed in strict accordance with the approved plans (drawing no. 278/18/500), maintained and retained in accordance with the agreed details for the life of the development. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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. The buildings hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area where there is a policy of restraint.

5. Where the development hereby permitted ceases to be used for agricultural purposes within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out under the above condition within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason: For strict control of development in the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

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

Reason: To protect the countryside from intrusive development

7. There shall be no use of internal artificial lighting within the new Agricultural Building from 15 minutes after sunset to 15 minutes before sunrise from April to October (inclusive).

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 details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the recommendations set out in the Updated Ecological Assessment (DWV, Nov 2019) with strict adherence to the measures in section D 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

9. Notwithstanding the submitted details, within one month of commencement a detailed landscape hard and soft Landscape Scheme shall have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- materials, heights and details of hedgebanks, fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- 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;
- details of lighting including function, location, design and intensity;
- 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 planting shall be implemented within the first planting season following practical completion. If within a period of five years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All work shall be completed in accordance with the timetable agreed.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character, taking account of the particular landscape characteristics of the site and its setting, in accordance with Development Plan Policies.

10. No more than 12 visitors (excluding deliveries/maintenance) on any occasion and there shall be no more than two booked visits per calendar month unless otherwise agreed in writing by the Local Planning Authority. Up to date records of visits shall be kept at all times and shall be available for review by the Local Planning Authority at any time.

Reason: To safeguard the amenities of nearby residents and in the interests of highway safety.

11. There shall be no overnight stays within the buildings or in camper vans or caravans on the site in association with the use of the premises at any time

Reason - In the interests of local amenity.

12. No visits associated with the business, other than the site owners, shall take place outside the hours of 9 a.m. and 6 p.m. on Monday to Saturday and any time on Sundays and Bank Holidays

Reason: To ensure that the proposed development shall not prejudice the amenities enjoyed by the occupants of properties in the neighbourhood.

13. Access and visibility splays shall be provided in accordance with a plan to be provided to the Local Planning Authority prior to development above slab level. The visibility splays shall provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 20 metres in both directions in so far as the application site is affected. The access and visibility shall be then laid out and maintained for that purpose at the site access

Reason: To provide adequate visibility from and of emerging vehicles.

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PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Totnes **Ward:** Totnes

Application No: 3818/19/FUL

Agent/Applicant:

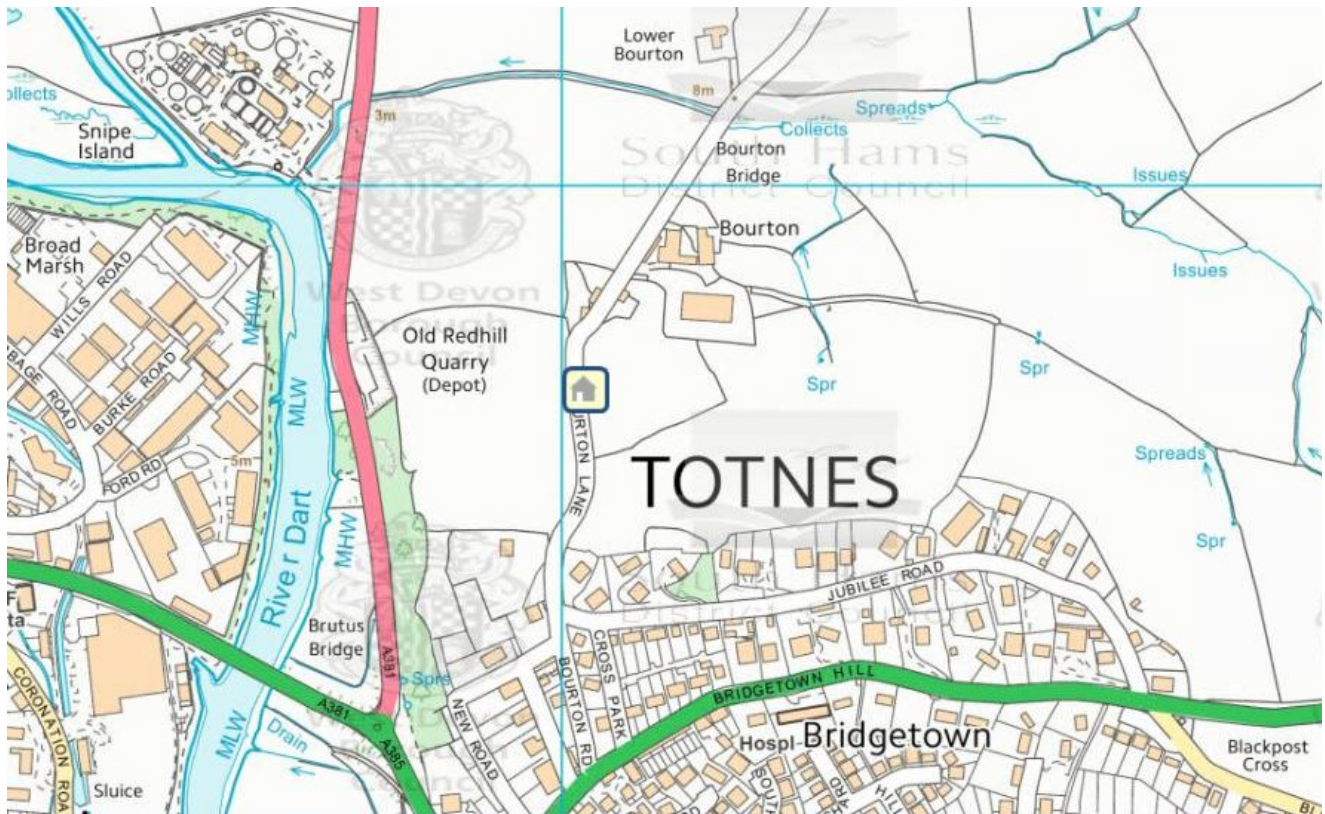
Mr Mark Evans - Mark Evans Planning Limited
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

The Trustees of Lord Seymours 1971
The Estate Office
Shadrack
Totnes
TQ9 6LR

Site Address: Bourton Linhay, Bourton Lane, Totnes, TQ9 6LA

Development: Conversion of redundant agricultural barn to dwelling plus extension



Reason item is being put before Committee Cllr Sweett

The proposal development will detrimentally alter the visual environment and also visually impact the John Musgrave trail.

Recommendation: Conditional Approval

Conditions

1. Time limit for commencement

2. Accord with plans
3. Surface water
4. Foul drainage
5. Unexpected contamination
6. Joinery
7. Materials
8. Stone work
9. Boundary planting
10. Accord with ecology report

Key issues for consideration:

Principle of residential development; impacts upon the character of the site and surrounding area; residential amenity; highways

Site Description:

Bourton Linhay is a stone built barn adjacent Bourton Lane and is approximately half a mile from Totnes town centre. The barn occupies a large area of agricultural land and is located adjacent to the entrance gate alongside Bourton Road. The existing barn is constructed from stone with blocked up openings. The roof is a 'lean-to' corrugated sheet roof with open roof lights. The surrounding landscape is characterised by open field and mature hedging with residential dwellings on the approach to the site.

The Proposal:

The proposal amounts to a partial conversion and new build of the existing stone barn. The roof is to be replaced with a similar corrugated style roof. A single storey extension is proposed to the north side of the existing barn

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council - Support, but the Planning Committee would prefer to see natural slate used as a roofing material, as it is more in keeping with neighbouring properties.

Representations:

8 letters of objection were received raising the following materials planning issues

- Building has been used to shelter lambs, planning should include leanto for lambs
- doesn't support essential needs or agriculture or forestry interests
- It doesn't meet the essential and exceptional local development needs of a settlement which cannot be met within development boundaries
- It is not redundant as it provides shelter for lambs and sheep in stormy weather
- The application does not conserve or enhance the character of the landscape
- It doesn't demonstrate in detail what's been done to address the sequential approach and secure economic reuse

- Its not well related to an existing farmstead or group of buildings . It is on land of a tenant farmer but the proposal is for a separate residential building which has no links to the farm
- creates unneeded traffic to rural setting

some other letters were received from those have already commented correcting the policies they were referring to i.e swapping LDF policies with Joint Local Plan policies

Relevant Planning History

2064/18/FUL

Conversion of existing redundant agricultural barn to new dwelling Withdrawn
Bourton Linhay Bourton Lane Totnes Devon TQ9 6LA 22 June 2018

ANALYSIS

Principle of Development/Sustainability:

For the purposes of Joint Local Plan Policies, the site is outside a settlement boundary but within a hamlet of dwellings supported by no services. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states

The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:

- 1. Have 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 includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better understand the area.*
- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and*

the protection and enhancement of the natural and historic environment.

11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.

12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy.

Outside of the sustainable settlements listed in Policy TTV1, a site is deemed as being within the countryside where Policy TTV26 applies

TTV26.1 relates to isolated development, applying the ordinary dictionary meaning of the word isolated, the site cannot be said to be isolated given the existence of other barns and farm building immediately nearby.

TTV26.2 would otherwise apply to this proposal in this location then, it states

Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. 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.

Here, the proposal seek to re-use a traditional building, Here, the proposal seeks to re-use a traditional building, from officers own observation, it is believed to be structurally capable of conversion without significant enhancement or alteration, albeit one with a more modern addition, which is evaluated below.

Design/Landscape:

Rural buildings must capable of conversion and/or re-use without significant alteration or rebuilding or an increase in the use of surrounding land for ancillary purposes. In considering what is 'significant' the overall aim is to conserve and enhance the character of the landscape, whilst retaining as far as possible the rural character and appearance of the building itself and the setting within which it is located. In this instance the proposals do feature alterations in the form on an extension, however there is a visual break between the two elements in the form of a glazed link which will both preserve the character of this Non Designated Heritage Asset (consistent with Policy DEV21) and also provide legibility between the old and new.

Within the context of policy TTV26 'significant' alterations are taken in the context within the aims to 'conserve and enhance the character of the landscape' together with policy DEV23. It

is considered that the alterations complement the appearance of the existing barn and would therefore not detriment the landscape in that regard. In terms of materials, the proposals feature new stone to enclose open sections, It is proposed to replace the existing mono pitched corrugated roof with a new insulated corrugated roof to reflect its present form, maintaining the existing ridge and eaves levels at their highest point. The extension will sit lower than the barn and comprise dark corrugated cladding material which will respect its agricultural setting. In principle these materials are acceptable however a condition will be attached to seek samples and detail to ensure an appropriate finish.

There will be changes to landscape through domestication with its domestic paraphernalia and curtilage however the boundary treatments proposed in the form of new hedgebanks are befitting of the area and a condition will be used to ensure the boundary treatments are carried out in accordance with the details shown on the proposed site plan. A condition will be applied to seek landscaping details and a maintenance and management scheme.

The overall finished form will appear proportionate and be read as a fairly modest dwelling on this site and retain design features of the original vernacular style of a Devon barn and will retain the appearance of the barn from the road frontage. Travelling north of the site along Bourton Lane other examples of farm dwellings and converted barns become noticeable, these exhibit a variety of the styles and massing, the newly converted barn of Bourton Barn at Lower Bourton for instance is relatively large within the context of the surrounding landscape, its primarily finished in stone and the building has extension features, namely its round house barn design projection

Overall, the proposals will preserve the character of the surrounding area through the use of high quality materials, vernacular design features and improved landscaping. The building will be read in its landscape context among other converted buildings nearby.

Neighbour Amenity:

Due to its size, design and location in relation to neighbouring properties it is considered that the proposal would have no significant impact upon the residential amenities of the occupiers of these properties through any overbearing relationship, overshadowing or overlooking.

Highways/Access:

The proposals seek to use an existing access which has sufficient visibility. The site will include ample area to allow for park and turning to ensure vehicles can enter and exit the lane in forward gear, the proposals will not run contrary to policy DEV29.

Other Matters:

The site is just outside the boundary of South Hams SAC - Greater Horseshoe Bat, the ecology report has assessed the impact and the design includes bat tube, although the report is dated July 2017, it concluded that No bats or evidence of bats was found by the survey, and no potential roost features (prf's) for bats were identified, the barn does not appear to be suitable for roosting bats. As It had no roost features or deemed to be suitable, given the character of the building, its unlikely this would have changed.

Conclusion

Principally the proposals relate to the conversion of a traditional building in a non-isolated location and as such policy TTV26 supports such proposals, the proposals do not feature any new unsympathetic openings or alterations. The proposals feature the removal of part of a modern structure attached to the traditional barn which will better reveal its character and amounts to a benefit in this regard. Overall on balance the proposals are recommended for

approval and there are no significant impacts which would otherwise lead officers to recommend refusal.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
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 numbers

1578 / 01B – received by the Local Planning Authority on 10/01/2020

1578 / 05C – received by the Local Planning Authority on 10/01/2020

1578 / 06C – received by the Local Planning Authority on 10/01/2020

1578 / 07C – received by the Local Planning Authority on 10/01/2020

1578 / 08C – received by the Local Planning Authority on 10/01/2020

1578 / 09C – received by the Local Planning Authority on 10/01/2020

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 full details of drainage scheme for the surface water must be submitted to and approved in writing by the LPA. The drainage scheme should follow the drainage hierarchy with soakaways as the first choice. Only if soakaways are not feasible will an alternative scheme be considered. Design steps as below

- Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate.
- Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)
- If the ground conditions are not suitable then a controlled discharge to a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If the site is within a Critical Drainage Area then any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
- If discharging to the sewer written permission from SWW will be required and produced to the Local Planning Authority.

- a. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority prior to installation.
- b. 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. Notwithstanding the submitted details, Prior to the installation of any part of the foul drainage scheme details of the works for the disposal of sewage must be submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include written permission from SWW if connecting to public sewer or a completed FDA1 form and justification for private foul system, please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

5. 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.

6. Prior to the occupation of the development hereby approved, details of the hedgerow as shown on Site Plan 1578 / 05C and received by the Local Planning Authority on 10/01/2020 must be submitted and approved in writing by the Local Planning Authority. Details shall include;

- a) the location, number, species, density, form and size of proposed hedge and shrub planting;
- b) the method of planting, establishment and protection of tree, hedge and shrub planting;
- c) maintenance schedules for the establishment of new planting and its ongoing management

Reason: in the interest of protected species and the enhancement of wildlife features in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

7. Prior to their installation full details of all new joinery shall 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, rooflights, 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.

8. Prior to their installation details / samples of materials, including facing materials, roofing materials; joinery details and rainwater goods 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.

9. All alterations and repairs to the existing walls shall be carried out to match the existing stonework with any repairs in lime mortar to match the colour and texture of the existing. New stone walls shall be constructed to match the existing stone walling of the development. The 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 finishes and colours are appropriate to the locality.

10. 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 Preliminary Ecological Appraisal by Green Lane Ecology Report #07517/GLE dated July 2017 with strict adherence to the measures in section 4.0 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

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PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Staverton

Parish: Staverton **Ward:** Dartington and

Application No: 3677/19/FUL

Agent/Applicant:
Ms Mary Elkington - Figura Planning
Limited
9 Market Steet
Newton Abbot
TQ12 2RJ

Applicant:
Mr & Mrs Hanlon
c/o agent
Wash House
Wash
Buckfastleigh

Site Address: Wash House, Buckfastleigh, TQ11 0LD

Development: Erection of single storey dwelling in garden



Reason item is being put before Committee Cllr Hodgson: *I think this is a marginal case when it comes to the building in the countryside policy, as it is clearly within a hamlet, which is the traditional system of development in rural South Hams.*

Staverton has a housing allocation under the TTV element of the JLP and its Neighbourhood Plan is well under way. I am well aware that they struggle to find viable site (i.e. ones where there is a landowner and developer willing to take the site forward).

This application comprises a house with a high eco-specification and also caters for disabled use.

Recommendation: Refusal

Refusal Reason

1. the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

Key issues for consideration:

Principle, siting, design, landscape, highways and access

Site Description:

The proposed development is in a large domestic garden associated with Wash House in the rural Hamlet of Wash in the parish of Staverton. The existing dwelling is a large (307m²) 5 bedroom traditional home, extended over the years.

The area of land where the dwelling is proposed to sit is relatively flat however the land dips to the east towards Middle Wash

Riverford Farm is located to the south and is a highly visible feature from public vantage points further south

The Proposal:

2 bedroom, wheelchair-adapted bungalow, proposed to be built to near zero carbon / passivhaus standards, to be constructed in the garden of Wash House in Staverton parish

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council - support
- SHDC Drainage – Standing Advice
- SHDC Tree Officer – no objection

Representations:

1 letter of objection was received stating

If planning is granted for this building in such a small hamlet will it set a precedent for further similar applications in the future? if this is the case there could be at least a further 4 more properties 'allowed'. This would have a serious impact on traffic generation, the nature of the quiet rural hamlet and the environment and the resources of the hamlet ie water & electric.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

For the purposes of Joint Local Plan Policies, the site is outside a settlement boundary but within a small hamlet of dwellings supported by no services. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states

The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:

- 1. Have 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 includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better understand the area.*
- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
- 11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
- 12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.*

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy. As the site falls outside of any settlement named in Policy TTV1, it therefore by default falls under TTV1.4 of the JLP, the lowest level in the settlement hierarchy of policy TTV1, which relates to smaller villages, Hamlets and the Countryside

Policy TTV26 concerns development in the countryside, as a site outside a settlement boundary for the purposes of policy the site is deemed as countryside. However, TTV26 relates to isolated development, whilst the site is not isolated from other built development it is isolated from services by safe walking or cycling, however this is more of an accessibility issue. For sites in locations such as these a sustainability test applies, the site is not in a sustainable settlement, not very near or adjoining a settlement but also cannot be said to be isolated. Turning back to SPT2, the site does not have 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 includes where appropriate dual uses of facilities in community hubs

The agent has positioned a number of benefits which could be considered to outweigh its countryside location, not least the accessibility standard of the dwelling, the energy efficiency, the provision of a 2-bed bungalow and the provision of self-build home and that the impact of 1 new home in this location would not significantly undermine the spatial strategy. As a two bedroom home the proposal would accord with Policy DEV8 which seeks to address housing imbalances (Staverton has few 2 bedroom homes)

There is a suggestion that we as an LPA are not delivering sufficient S&CB plots as required by 2016 Housing & Planning Act. In meeting our duties in regard of enabling S&CB dwellings, the consideration is not only in regard to the release of serviced plots of land, again in our view we don't consider this is a tangible benefit when you consider the multitude of windfall development such as class q conversions/replacements which could easily be classified as self build.

The NPPF at paragraph 77 does make some dispensation for proposals in rural areas to be considered slightly differently in terms of sustainable transport than proposal in urban areas. However, this proposal site will create an almost complete dependency on the private car, and this is contrary to the spatial strategy, settlement hierarchy and policy DEV29.10. The siting of the dwelling does not follow policy SPT2, the policy is intended to locate new development in locations that are well served with existing services and facilities which this does not.

The authority is able to demonstrate a 6+ housing year land supply, the argument is made that the JLP includes a windfall delivery assumption, which is correct, but this is for both South Hams and West Devon, not just South Hams. In addition, the windfall assumption is not a target – the anticipation is that the majority of housing delivery comes forward in our most sustainable locations, we do not rely upon windfall development to meet our housing supply requirements.

The proposals are sought on the basis that the occupiers can downsize into a DDA compliant home but also stay in the area and an offer is made to age restrict the property. The LPA has permitted a significant number of homes that are age restricted for over 55s, most of which are located within or adjoining sustainable settlements – the benefits of building this type of development within or adjoining settlements with existing services and facilities are self-evident, as they afford good access to support services, amenities and facilities without relying on the private car. The JLP requires a certain proportion of dwellings to be delivered to M4(2) and M4(3) standard as part of policy DEV10, and these are being delivered across the JLP area. DEV10.4(i) makes provision 20% of dwellings on schemes of 5 or more to be M4(2) compliant, and this will ensure that accessible homes can come forward on smaller

schemes in smaller sustainable settlements across the plan area, enabling people who already live in rural areas to remain close to friends, family and established support networks.

The proposals are for a highly sustainable home which does follow the principles of policy DEV32, the plan does have policies that require homes of a high thermal efficiency that promote an increase in smaller dwellings and encourage self and custom build. Despite this Joint Local Plan relies upon a spatial strategy to direct development to our most sustainable locations. So the combined benefits of this proposal do not outweigh the harm to the spatial strategy, because every single dwelling proposed in an unsustainable location will contribute to the cumulative impact on undermining the spatial strategy and this is not something that officers can support. On this basis the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

Principally, the adopted development plan (JLP) resists the creation of new dwellings in unsustainable locations that does not follow the spatial strategy and on that basis the proposal is considered unacceptable.

Design/Landscape:

Wash is a small Hamlet of dwellings comprising mostly traditional building styles and constructed of stone. The area of land where the dwelling is proposed to sit is relatively flat however the land dips to the east towards Middle Wash

Riverford Farm is located to the south and is a highly visible feature from public vantage points further south from the highway, here it's possible to see the Riverford Farm complex and some dwellings which form the Hamlet, although the site is largely screened by trees

The large rear garden of Wash House is presently comprised of lawn with a planted copse, and significant rich borders comprising trees, a wooded pond area, hedges and a garage. Based on Tithe Maps, it is understood that parts of Wash House were present in the early to mid-1800s.

The proposal is for a modest 1 bedroom bungalow with a sympathetic materials palette featuring a natural slate roof, small amounts of timber cladding with coloured high build wood stain finish and natural stone walls. Accounting for the proposal scale and materials the proposals are considered acceptable from a design point of view which will read well against the existing buildings in Wash, it will have a similar scale to Middle Wash and present an acceptable impact on the Landscape and the immediate built environment.

A new Devon Bank will be created in and along the northeast edge of the new plot to create enclosure and privacy for the proposed dwelling and those living in Middle Wash and Wash House and to introduce biodiversity gains

The proposal sets out significant gains in the natural environment, specifically the creation of new 15 m of new Devon Bank with native species hedging, 500m² planting of woodland, fruit and nut trees (ca 100 trees) and an afforestation/orchard project of more than 2500m² with up to 1000 new trees to be planted which responds to policy desires DEV29 and NPPF paragraphs 118 and 170

Neighbour Amenity:

The plot is in close proximity to Wash House and Middle Wash. In terms of the Middle Wash, this is a long single storey property, it sits lower than the site with its roof visible from the site, and the proposal will be 12.5m away to the closest elevation. The only windows facing north and east will serve a hall, bathroom and ensuite, as these are not primary habitable rooms it is considered the proposal will not result in overlooking to the properties to the north. A new hedgebank is proposed to enclose the site which will act as a suitable buffer for a bungalow.

In terms of impacts to Wash House, this property is 23m away, as aforementioned, a new Devon Bank will be created in and along the northeast edge of the new plot to create enclosure and privacy for both dwellings.

The separation distances to the nearest properties are acceptable, taking account of the fact the proposal are for a bungalow and a new soft boundary is proposed, on this basis the proposals are not considered to be overbearing or result in a significant loss of sunlight

Overall the proposals are compliant with policy DEV1 of the Joint Local Plan

Highways/Access:

The proposed development does not require a new access, the site has a garage with direct access from the lane and a gravelled hardstanding for several cars, while the main house has a separate access from the lane and independent hardstanding for 3-4 cars.

The lane approaching the site from the south is a straight wooded rural lane with good forward visibility where visibility of the existing access can be achieved

Planning Balance

Although the biodiversity gains, sustainability merits of the building itself and disability access elements of the building amount to benefits in the planning balance the combined benefits of this proposal do not outweigh the harm to the spatial strategy, because every single dwelling proposed in an unsustainable location will contribute to the cumulative impact on undermining the spatial strategy and this is not something that officers can support. On this basis the proposal for an open market dwelling outside a sustainable settlement and disconnected from essential services and facilities, it would result in a new dwelling in the countryside where occupiers would rely on a private vehicle, resulting in increased trips by car, constituting an unsustainable form of development contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV26 policy of Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, notably but not limited to paragraphs 8 and 78

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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
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:

Emerging Staverton 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.

PLANNING APPLICATION REPORT

Case Officer: Jeffrey Penfold
Staverton

Parish: Staverton **Ward:** Dartington and

Application No: 3808/19/FUL

Agent/Applicant:
Mr Tom Lowry
2 Well Cottages
Caddaford Cross To Well Cottages
Buckfastleigh
TQ11 0JU

Applicant:
Mr Tom Lowry
2 Well Cottages
Caddaford Cross To Well Cottages
Buckfastleigh
TQ11 0JU

Site Address: 2 Well Cottages, Buckfastleigh, TQ11 0JU

Development: Application for replacement dwelling



Reason item is being put before committee:

- a) *Further to the applicants request I have sought a meeting with yourself and the applicant to see whether a reasonable acceptable compromise can be achieved for this application and*
- b) *The PC are in favour of this application and*
- c) *There are no local objections.*

Recommendation: Refuse Planning Permission

Reasons for refusal:

- 1. The proposed development, by virtue of its proposed size, scale and increase in internal volume and Gross Internal Area (GIA) of 343% would fail to represent a policy compliant replacement dwelling which when compared to the existing, lawful fallback position of a single storey, 1-bedroomed (1B1P) dwelling with a GIA of 46sqm would constitute a significant increase in internal volume and GIA.*

In addition, the proposed justification for the resiting of the replacement dwelling is not supported given this is based on an incorrect interpretation of pre-application advice which did not confirm the council's acceptance of an initial two-storey replacement dwelling on the same footprint of the single storey fallback position.

The resultant, combined effect is an unacceptable replacement dwelling that unnecessarily consumes countryside land given a policy compliant replacement dwelling could be achieved within the same footprint of the fallback property that is responsive of the fallback position and relevant JLP Policies.

As a consequence, the proposal results in a net gain of dwellings within the site therefore failing to accord with the broad principle of replacement dwellings in the countryside which seeks to avoid unnecessary countryside development which would otherwise fall to be considered under JLP Policy TTV26. If considered under this policy the proposal would fail on grounds of unsustainable development giving rise to greater reliance upon the car. As such, the proposal fails to accord with JLP Policies TTV26, TTV29, SPT1 and SPT2.

Key issues for consideration:

Principle / Sustainable Development
Design and Visual Impacts
Neighbouring Amenity
Drainage / Flooding
Highways / Access
Ecology / Biodiversity
Waste / Recycling
Low-Carbon Development.

Site Description:

The application site comprises an existing, two-storey residential property: No. 2 Well Cottages which forms one of two semi-detached properties forming the group of

properties known as Well Cottages near Riverford. The subject property has a generous sized rear garden, within which a number of outbuildings and structures exist.

Immediately to the east of the subject property lies an existing, single storey studio and shed to its rear. This element of the subject property has recently been permitted a change of use from office (B1) to residential (C3) use. It is noted that this permission is yet to be implemented.

Further to the east of this structure lies a large, single story barn in residential use.

No. 2 Well Cottage is served with off-street car parking for two vehicles. The rear of the application site is landscaped with steps leading down to an immediate rear garden and with access to an area of extended garden / amenity space.

The site is relatively flat with little topographical change and has been landscaped.

The application is also sited within the countryside, a SSSI Impact Risk Zone and the Staverton Parish Area. The site has an AGLV of 3.

The Proposal:

The application proposes the demolition and replacement of an existing C3 dwellinghouse which is currently in the form of a detached, single storey ancillary studio which serves the host dwelling No. 2 Well Cottages. It is noted that this structure is illustrated on the plans as comprising a studio / shed. In addition, the structures to the far rear of the garden are proposed to be demolished (outbuilding, shed and summer house).

The proposed replacement dwelling would be a large, two-storey, 3-bedroomed, detached property with roof accommodation seeking to mirror the design of a typical agricultural barn / building. The replacement dwelling would include 3no. car parking spaces and also include an additional outbuilding to serve the proposed dwelling. The siting of the replacement dwelling would not be in an identical nor similar location / footprint as the existing dwelling it seeks to replace, instead, the proposed replacement would be sited to the far rear of the rear garden space.

Consultations / Representations:

Two letters of support have been received in response to the public consultation exercise.

Statutory Consultees:

Staverton Parish Council: *Support.*

Natural England – *No objections.*

DCC Highways: *No highways implications.*

Internal Consultees:

Internal Drainage – *Standing advice applies.*

Trees – Appraisal

1. *The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.*
2. *Review of the submitted information has been undertaken and it is considered that accurate description of the site and level of constraint posed by the trees is made. The supporting tree protection methodologies have been prepared to most recent industry best practise and if undertaken in their entirety will appropriately preserve and/ or enhance the constraining arboricultural features present.*

Recommendation: *No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows.*

Landscape:

The proposed development is for a new two storey dwelling house in the residential garden of 2 Well Cottages. Officers understand it is replacing a cluster of small garden buildings described as a shed, summer house and outbuilding (former office) on plan GA 006 Rev PL3. The submitted LVIA is noted and is broadly sound.

The baseline landscape character is strongly rural, with a sense of remoteness and sparsely settled. It is however actively farmed, both grazing and arable, with Riverford Organics a prominent local neighbour – this has led to impacts on its character with more traditional pasture and orchards replaced by further arable and market crops. The site sits on a narrow, rising section of the character type with the more visually distinct small rounded hills with mixed woodland and farmland extending to the north and to a smaller degree, to the south.

Here it is more akin to the Lower rolling farmland and settled valley slopes LCT. Whilst not a protected landscape (Dartmoor National Park 2km to the NW), there is a strong visual connection across hills to it. The landscape is particularly valued for its remote character, lightly settled nature, and high levels of tranquillity – but noting the local impacts of Riverford Organics.

Within this context, the proposed development would see some limited change, with the scale of the isolated nature of the current cottages increased, noting the “replacement” dwelling would be more prominent than the exiting garden buildings. However, this would be principally at close quarter from adjacent public rights of way (byway and FP12).

The renewed management of the boundary Devon hedgerows around the residence makes for a positive enhancement and will provide some mitigation; there are opportunities to enhance this further with selective planting of trees – perhaps even

orchard species within the garden. The form and scale of the dwelling is moderate, with a more modernist style which differs from the more traditional, stronger vernacular of local stone and slate. However, this is broadly acceptable given the building will adopt natural grey tones as the WRC shingles weather, and with an overall agricultural tone combined with the sheet steel finishes.

Overall the proposed development will result in slight change by increasing the presence of a residential building but close to existing ones. The landscape character will be conserved, and there are opportunities for enhancement through boundary management and new planting. The scenic and visual quality is similarly conserved given the moderate scale and more widely constrained visual envelope; with views from sensitive receptors using the public rights of way reading the new dwelling in the context of the existing cottages and residential curtilage, with thickening of the hedgerow through more traditional management, further contributing to screening. On this basis, the proposal accords with current landscape policy so is supported.

Recommendation: No objection

Suggested Conditions:

Within one month of commencement a detailed landscape hard and soft Landscape Scheme shall have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- *details of lighting including function, location, design and intensity;*
 - *materials, heights and details of hedgebanks, fencing and other boundary treatments;*
 - *materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;*
 - *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;*
- 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 planting shall be implemented within the first planting season following practical completion. If within a period of five years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All work shall be completed in accordance with the timetable agreed.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character, taking account of the particular landscape

characteristics of the site and its setting, in accordance with Development Plan Policies.

DCC Historic Environment:

I refer to the above application. The proposed development site lies in an area of high archaeological potential. The Historic Environment Record shows the presence of four prehistoric or Romano-British ditched enclosures within 500m of the application area. The closest, what appears to be a triple ditched square or rectangular enclosure, lies less than 50m to the north west of the application area and may extend into the area of the proposed development.

However, the information submitted in support of this application does not consider the impact upon this heritage asset and, as such, is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the high potential for survival and significance of below ground archaeological deposits associated with the known prehistoric and Romano-British activity within the application area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraphs 189 and 190 of the National Planning Policy Framework (2019).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation.

The results of this work would enable the presence and significance of any heritage assets present to be understood along with the impact upon such assets. It would also enable an informed and reasonable planning decision to be made by your Authority.

Revised position:

The Historic Environment Team have now received a copy of the report setting out the results of a programme of archaeological investigation at this site. These works have demonstrated that the prehistoric or Romano-British enclosure to the north of Well Cottages does not extend southward into the proposed development site and the development of the site will not have an impact upon any heritage assets. As such, I would like to withdraw the Historic Environment Team's previous objection and do not consider there to be any requirement for further archaeological mitigation here.

The Historic Environment Team has no further comments to make on this planning application.

Relevant Planning History:

Ref: 1587/18/POD - Notification for prior approval (Class O) for a proposed change of use of a building from Office Use (Class B1(a)) to Dwellinghouse (Class C3) – Prior Approval Given – 4 July 2018.

Ref: 0694/18/CLE - Lawful development certificate for existing building works and change of use to B1 (office) – Cert of Lawfulness (Existing) Certified. Conditional Approval - 26 February 2018.

ANALYSIS:

Principle / Sustainable Development:

The principle of a residential dwelling within the site has been established under the site's planning history Ref: 1587/18/POD - Notification for prior approval (Class O) for a proposed change of use of a building from Office Use (Class B1(a)) to Dwellinghouse (Class C3) – Prior Approval Given – 4 July 2018.

The above planning permission therefore permitted the erection and use of a single storey, detached C3 dwellinghouse with a GIA of 46sqm. As such, at best, the approved dwelling could provide accommodation (compliant with both national and local planning policies for space standards) for a 1 bedroomed 1 bedspace dwelling over a single floor. The approved plans of Ref: 1587/18/POD are reflective of this level of accommodation (1B1P).

Following the officer's site visit it was confirmed that the approved dwellinghouse is not currently in operation as per the approved plans. The applicant is of the view that the fact the approved C3 dwellinghouse proposed to be replaced is not in operation can still be treated as an existing dwelling and therefore a material consideration in planning. This, the applicant states has been established under case law reference: Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314. The court found that where development under the General Permitted Development Order was a 'realistic prospect' it was a material consideration in planning. As such, the development of a dwelling (Class C3) on this site is a legitimate 'fall back' position and a material consideration for this application.

The council agrees that the approved development under Ref: 1587/18/POD constitutes a fallback position and that fallback position is considered to be a single storey, one bedroomed (1B1P) dwelling which is used as the baseline / dwelling to be replaced when applying JLP Policy TTV29.

The proposal is for a replacement dwelling in the countryside and therefore JLP Policy TTV29 is considered relevant, which states:

Policy TTV29:

Residential extensions and replacement dwellings in the countryside
Proposals to extend or replace existing dwellings in the countryside will be permitted provided:

- 1. The existing dwelling has a lawful use for permanent residential use and*

has not been abandoned.

2. The size of the new replacement dwelling will not be significantly larger than the original house volume.

3. The number of new dwellings is no more than the number of dwellings to be demolished and replaced.

4. Any new replacement dwelling should be positioned on the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity, or other environmental grounds a more appropriate location can be agreed.

5. The extension is appropriate in scale and design in the context of the setting of the host dwelling.

In response to JLP Policy TTV29 (1), the fallback property has a lawful use and this confirmed via the planning history as discussed above.

In response to sub-paragraph (2) of TTV29, as a general rule of thumb, it is recommended that in the interests of maintaining a supply of homes that meet the needs of households living within the TTV Policy Area and in keeping with the aims of DEV8, replacement dwellings should not increase the gross internal floorspace (GIA) of the previous dwelling by more than 20%. It is noted that this figure is referred to in the council's SPD which is not yet formally adopted, yet weight is attached to this document given its existence.

The existing GIA equates to approximately 46sqm when taken from approved plan Ref: WC_L_11 at Scale: 1:50 @ A3, dated: April 2018.

The proposed GIA equates to approximately 83sqm (ground floor) + 75sqm (first floor) = 158sqm (total proposed GIA).

A 20% increase upon the existing GIA would therefore equate to (20% of 46sqm = 9.2sqm). The recommended GIA in this instance would be approximately (46 + 9.2) 55.2sqm.

As such, the proposed GIA of 158sqm would equate to a **343%** increase upon the existing 46sqm GIA - this is not considered acceptable.

It is considered that in this instance the proposal would represent a significant increase upon the existing floorspace and would in essence, likely fail to be considered as a replacement dwelling. However, although this is the case, a balanced approach is undertaken to appreciate whether the proposal is broadly acceptable.

In addition, when considering the overall scale, massing and internal arrangements of the replacement property compared to the existing dwellinghouse (a single storey, one-bedroomed property with limited living accommodation (a relatively small kitchen area, living room and small en-suite) the replacement dwelling will feature:

- a large, two-storey, 3-bedroomed property
- Large open-plan kitchen / dining / living room
- Utility room
- Plant / Boot room
- Study.

The proposal fails to resemble the existing dwelling and is not considered to constitute a replacement of a similar property in terms of size, scale, massing and internal features.

The rationale for the resiting of the dwellinghouse is that of amenity grounds whereby if a two-storey dwellinghouse was to be erected upon a similar footprint to that of the fallback property, the proposal would likely harm the amenity of the neighbouring property No. 2 Well Cottages in erecting a flank wall in too close a proximity to habitable windows.

However, in reviewing pre-application advice and following discussions with its author, it is the officer's view that the pre-application advice did not clearly confirm that a two-storey dwelling in the location of the existing fallback dwelling would be permitted and this relates to the increase upon the fallback position. The author of the pre-application advice has agreed with the above statement (Clare Stewart 14 February 2020).

It appears that an initial assumption has been made by the applicant that a two-storey dwelling would be approved (notwithstanding amenity impacts) and that following the advice, the applicant had progressed the design / proposals of a dwelling (as proposed) to the far rear of the garden area.

However, in light of said discussions and analysis of the fallback position, it is not considered that this two-storey dwelling which has acted a gateway *per se* to propose a much larger dwelling to the rear of the property and in countryside land, would be permissible development.

The pre-application advice issued to the applicant is provided for below:

*"I can only apologise the lack of responses to your emails on the above. I can confirm receipt and that your comments **broadly reflect** the matters we discussed when we met on site. I'm not clear from your sketches whether you are **proposing a single or two storey dwelling – in terms of the floor space of the new dwelling I would be concerned if this were to [be] significantly greater than the existing. Some increase in size as part of a well-designed dwelling that does not result in adverse landscape impact would be acceptable.***

I would want to consult Katherine Jones on any formal application submission. Also the existing dwelling to be demolished needs to be within the red line site area (it appears to be on the access options drawing). I recall we also discussed the need for a condition to secure the demolition works prior to occupation of the new dwelling".

It is clear from the advice which was emailed to the applicant that a two-storey dwelling would not be permitted as a replacement of the fallback property.

It is also clear that the officer voiced concerns if the proposed increase in floorspace were to be significantly greater than the existing. The proposed 300% increase in GIA is considered a significant increase and as such, the applicant appears to have gone against the pre-application advice in more than one area.

As such, it is not felt that the officer's advice specifically confirmed that the proposed increase in size, scale and GIA is acceptable nor that a two-storey dwelling is an acceptable replacement of the fallback property.

It is felt that the pre-application advice has been misconstrued and the existing fallback position ignored as the fundamental basis in which the replacement dwelling should be based upon for a proposed replacement dwelling. It is the officer's interpretation that TTV29 should be used for proposals that seek to replace dwellings and that the fallback position should be fully explored before consideration can be given to other viable sites / positions.

Had a proposal come forward that responded to TTV29 correctly, then this would comprise of either a single or 1.5 storey property with up to a 20% (or thereabouts) GIA increase in floorspace which could be accommodated within the existing footprint with little amenity impacts and acceptable parking and garden space for a proposal that responds to the existing 1B1P property's tenure. There is a distinct difference from such a property to that being proposed.

It is therefore felt that the replacement dwelling on the site / positioning of the fallback property could be achieved and the proposed dwelling to the rear of the property is not policy compliant.

In light of the above, it is considered that the pre-application advice was informal and in-light of a recent appeal decision dated 7 January 2020 Ref: APP/Q1153/W/19/3238088 – paragraph 19, informal pre-application advice is offered limited weight:

"I have also noted the details of the pre-application advice that was generally supportive of a dwelling on the site. However, this was based on the adopted and emerging planning policy situation at that time and the advice refers to a possible local need requirement for the dwelling. As it was informal officer advice, I attach the information limited weight".

Further Increases upon the Fallback Property under PD / Prior Approval:

The applicant has confirmed that there is the potential for the fallback property's GIA and size to be increased under PD / Prior Approval. As such, it is clear that the existing fallback position and the existing footprint can accommodate for an increase in GIA that would meet or slightly exceed the 20% GIA allowance under TTV29 (2) which to an extent undermines the applicant's initial argument that a replacement dwelling within the fallback property's footprint is not possible and therefore removes the need to provide for a replacement dwelling to the rear of the site.

As such, it is felt that the proposed two-storey dwelling, which the applicant deems to give rise to significant detrimental amenity impacts, could be lessened in scale, size and therefore GIA so as to deliver an acceptable development within the existing fallback site that is in accordance with TTV29 and therefore policy compliant.

The result of which then avoids a significantly larger property being proposed to the far rear of the garden area, away from existing built form and which would result in an unnecessary loss of countryside land and a net gain in properties; going against the principle of a 'replacement' policy such as TTV29.

It is the officer's view that the applicant's justification for providing a larger dwelling to the rear of the property on design / amenity grounds is not justified given an acceptable and policy compliant dwelling can be achieved on site that acknowledges the fallback position / allowance.

The applicant does not wish to propose such a replacement dwelling, however, in resisting this offer, this would not permit a proposal located far away from the fallback footprint at a significantly greater size, scale and GIA simply because the proposal introduces betterment / improvements / improved design on the basis of the grounds mentioned in TTV29 (4). To be specific on this matter, the proposed dwelling has been based on replacing a dwelling that would not be deemed permissible by the council. As such, it is the officer's view that the proposal should fall to be considered as development in the countryside TTV26.

Further, had the proposal been hypothetically permitted then this would leave the fallback property still in operation or at least, the potential for a new application to come forward for a new development within the footprint of the fallback property. The point being is that a replacement dwelling is exactly that: the proposal must seek to use the original footprint first to avoid a net gain which is felt is not the case in this instance and the application can be deemed as circumventing JLP Policies concerning development in the countryside.

It is stressed that permitting this application would set a very damaging precedent whereby landowners would have material considerations in potential applications to build small single storey garage structures, convert these to office B1 use and then achieve prior approval for residential use to then be used as springboard to develop significantly larger dwellings on countryside land resulting in unsustainable development and amongst other things, increase greater reliance on the car which is against the broad aims of JLP Policies SPT1 and SPT2.

It has been clearly discussed above that the proposal has significant detrimental aspects when considered in the context of TTV29, SPT1 and SPT2 and proposing a replacement dwelling that would exceed the fallback position 'allowance' as a single-storey, one-bedroomed property.

The applicant states that the proposal would have some benefits in the form of:

- An improved proximity between the two buildings

- no overlooking or direct relationship between habitable room windows in the proposed location
- Improved design / amenity
- new driveway, additional parking; and
- improved outdoor amenity space.

However, when considering the matters discussed above, the proposed benefits would be outweighed by:

- Its excessive increase GIA floor space by approximately 300%;
- Its excessive size and scale going from a single storey, one-bedroomed property to a large two-storey, 3-bedroomed property;
- Broad non-compliance with TTV29, SPT1 and SPT2 and the use of fallback position;
- The proposed net gain;
- The unnecessary loss of countryside land.

The resultant effects would be an unacceptable development in the countryside, contrary to JLP Policy TTV29, SPT1 and SPT2. As detailed above, the likely harm the proposal could give rise to could also be mitigated by the fact that a proposal within the original footprint of the fallback property could be achieved that is in accordance with JLP Policy TTV29.

The applicant has also made reference to other planning decisions made as replacement dwellings. It is noted that in the instance of Ref: 3281/19/FUL this application is considered the most relevant given the Joint Local Plan is adopted and the council has a 5 Year Housing Land Supply. This means that the tilted balance no applies for planning applications and the JLP Policies are afforded full weight. This is not the case in references to application Refs: 2846/15/FUL and 31/0306/15/F permitted in 2016 and 2015 respectively.

With regard to Ref: 3281/19/FUL it is noted that the proposal would seek to replace an existing dwelling and utilise the existing footprint. The dwelling the proposal seeks to replace is of a similar size and scale being broadly two-storey. It is noted that this proposal seeks to increase the GIA by a significant amount, yet each case is based on its own merits.

There are little comparisons to be made between the two applications. The proposed development would not be sited on the existing footprint and would see a much greater increase in terms of increase in size / scale of the buildings bulk / massing when considered against the fallback position.

Ref: 3281/19/FUL could be deemed to be, **on-balance**, a more policy compliant proposal given the clear efforts to respond positively to TTV29. The applicant in the instance of this application being considered has failed to consider the importance of the requirements of TTV29 which has led to an unacceptable development being proposed. It must also be remembered that other examples may have a more suitable fallback position in terms of size and scale that would, on balance, allow for significant increases in GIA etc which is not the case in this instance.

A similar situation occurs with regard to Ref: 0601/19/FUL.

DEV8:

As the proposal seeks to replace an existing dwelling and increase upon its size, footprint, number of bedrooms and GIA, it is considered that JLP Policy DEV8 is relevant in this instance, which states:

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 ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:

1. A mix of housing 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.

2. Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.

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.

In response to JLP Policy DEV8, the proposal seeks to provide for a two-storey, 3-bedroomed property.

The proposal would meet local housing needs in providing for a 3-bedroomed, detached property and would therefore accord with JLP Policy DEV8.

No concerns are raised in respect of the proposal meeting national space standards and a suitable amount of rear amenity space is provided for. As such, the proposal accords with JLP Policy DEV10.

Design and Visual Impacts:

No concerns are raised in respect of the proposed design and / or visual impacts the proposal would likely give rise to and this is supported by the council's landscape officer.

Suitable conditions will be attached to any planning permission granted for the submission of further details / samples of the proposed materials given the site's prominent, countryside location.

As such, the proposal accords with JLP Policies DEV20 and DEV23.

Neighbouring Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF 2018.

Drainage / Flooding:

No concerns are raised in respect of surface water drainage. The proposed drainage plan shows the siting of a suitable surface water soakaway at a suitable distance away from the proposed dwelling. No other site specific circumstances exist that raise concerns in respect of flooding / drainage. A suitable condition shall be attached to any planning permission granted to ensure the implementation of the drainage plan.

The applicant proposes to use an existing non-mains foul drainage system in the form of an existing package treatment plant and this will be maintained accordingly with neighbouring parties via an existing agreement. The applicant has provided an FDA1 form and officers are satisfied with its content.

As such, the proposal accords with JLP Policy DEV35.

Highways / Access:

No concerns are raised in respect of highways / access to and from the local highway. The proposal provides for sufficient car parking provision to serve the dwelling and the proposals are supported by DCC Highways team.

Ecology / Biodiversity:

The accompanying ecology report confirms the following:

Bats:

A bat licence is not required and the impacts on bats as a result of the proposal will be negligible and there will be no interruption to or impact on suitable greater horseshoe habitat. There will be no interruption to or impact on suitable greater horseshoe habitat. Further survey work is not required. Further recommendations are provided which concern: Hedgerow management, external lighting, enhancement: bat boxes.

Nesting Birds:

Some potential nesting birds habitats and nest locations were identified. The report recommends that potentially disturbing works must not be carried out during the bird season unless a bird survey has confirmed that no nesting birds are present. If nesting activity is observed then the nest site(s) must be left undisturbed until all fledglings have left the nest(s).

Barn Owls:

There were no suitable sites for roosting or nesting barn owls on site. No recommendations.

Badgers:

No evidence of badger activity in the proposed development site. No recommendations.

Dormice:

The boundary hedge (mainly hazel) on the east side of the site has recently been laid, but there were no signs of dormice in the hedge. Although the presence of dormice is highly unlikely, a precautionary approach should be adopted when clearing vegetation as dormice have occasionally been recorded nesting in very unusual places.

Reptiles and amphibians:

No reptiles or amphibians were found on site during the survey, but the plot was noted to include typical habitat for reptiles such as **slow worms**.

Recommendations: No further surveys to establish presence / absence are necessary. Given the presence of favourable habitat, an assumption has been made slow worms are present.

Before the commencement of development, the site should be carefully cleared by hand, removing all features / habitat where **slow worms** might be found – e.g. vegetable beds, Terram / ground cover membrane, sheet materials, rockeries / stone walls, shrubs and rough grass. Clearance of the long grass should take place in two stages; first preliminary strimming of vegetation to 10-15cm height, then following a further inspection to ensure no reptiles present, a low-cut close to the ground immediately afterwards. If there is a delay between clearing the site of 'cover

objects', vegetation cutting and the commencement of building works, vegetation and grass areas should be kept mown short, to discourage any re-colonisation by reptiles in the meantime. If this is done in the winter months (i.e. while slow worms are still in hibernation), then the ground can be kept 'clean' until development starts, discouraging slow worms from being present.

The pond should be carefully emptied, and the contents transferred to the large pond on the west side of the garden, below the orchard.

A suitable condition shall be attached to any planning permission granted to ensure the proposal is constructed in accordance with the ecology report. As such, subject to conditions, the proposal accords with JLP Policy DEV26.

Waste / Recycling:

The proposed outbuilding would likely provide for suitable provision to store waste bins and recycling for collection from the local highway which is in close proximity.

As such, the proposal accords with JLP Policy DEV31.

Low-Carbon Development:

A suitable condition shall be attached to any planning permission granted requiring the submission of a low-carbon management plan. As such, the proposal accords with JLP Policy DEV32.

Planning Balance:

The proposal would provide for some social benefits in the form of providing for a 3-bedroomed property that meets local housing needs with some economic benefits in the form of providing construction work to local trade businesses, yet this is somewhat limited.

The proposal would also protect the local landscape and provide a degree of betterment through the landscaping plan.

However, the proposal is considered unacceptable development as a replacement dwelling given its failure to wholly accord with JLP Policies. The resultant effect is a proposal that unnecessarily consumes countryside land that would otherwise fail to be supported under the relevant countryside policies for new dwellings.

In addition, the proposal would result in a net gain of dwellings effectively circumventing important countryside considerations. As such, it is considered that the proposed environmental impacts by virtue of the unnecessary loss of countryside land outweighs any positive landscape enhancement delivered by a proposal that is not wholly policy compliant and the impacts of introducing unsustainable development would outweigh any other social and economic benefits the proposal may deliver, mainly due to a greater reliance upon the car.

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

Planning Policy

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
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
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV31 Waste management
DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts.

Neighbourhood Plan: Staverton Parish Council: All that is indicated at this stage is that it is the intention of a community to prepare a plan – there is unlikely to be any content to take into consideration and detailed proposals have not been widely consulted on or endorsed by the community. No weight can be given to the NP at this stage.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 3994/19/HHO

Applicant:

Mr K Luscombe
17 St Dunstons Road
Salcombe
TQ8 8AL

Site Address: 17 St Dunstons Road, Salcombe, TQ8 8AL

Development: (Revised plans) Householder application for loft conversion with rear facing dormer window (Resubmission of 0964/19/HHO).



Reason item is being put before Committee:

The applicant is employed by South Hams District Council.

Recommendation: Conditional approval

Conditions

Time limit
Adherence to plans

Key issues for consideration:

Scale, massing and design, impact on South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within a well established residential area of Salcombe, c. 800m west of Salcombe town centre. The site hosts a two storey, mid-terraced dwelling of simple form and proportions, set

under a tiled roof and finished with painted render. The house has been extended to the rear at ground floor level. There are gardens to the front and rear, connected by an external passageway at the centre of the terrace. The site is located within South Devon Area of Outstanding Natural Beauty.

The Proposal:

The applicant wishes to construct a single flat roofed dormer within the rear (west) elevation of the roof, finished with grey wood-effect composite cladding and UPVC windows to match the main dwelling.

Consultations:

- County Highways Authority (original plans) No highways implications
- Town Council (original plans) No comments to make

Representations:

Representations from Residents

Comments have been received and cover the following points:

None received.

Relevant Planning History

Planning Application Reference	Description	Site Address	Decision
0964/19/HHO	Householder application for conversion of loft space to living space and installation of rear facing dormer window	17 St Dunstons Road, Salcombe, TQ8 8AL	Withdrawn

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts an existing residential dwelling; the principle of development is therefore established.

Design and Materials

Officers considered that the dormer as shown on the original plans was excessively large within the roof slope and as such, appeared overly dominant in the context of the host dwelling. After discussion with the applicant, revised plans were received, these show a reduced dormer which is clearly subordinate to the main dwelling, with fenestration broadly aligned with the first floor windows below.

The applicant has proposed the use of cladding within the scheme. Cladding is not part of the local vernacular in Salcombe and where its use is proposed, each case will be considered on its own merits. In this instance, the area to be clad is comparatively small relative to the whole building, is not widely visible within the street scene and having regard to the general architectural quality of the surrounding area, it is not considered that the use of cladding is so significantly harmful as to warrant refusal.

It is acknowledged that while the revised dormer represents a simple and functional approach to design, it is considered that the proposal is acceptable in the context of the host dwelling and surrounding area. As such, the proposal is considered to accord with the provisions of DEV2, DEV10, DEV20, DEV23, SALC ENV1 and SALC B1.

South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued

attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25.

Neighbour Amenity

It is accepted that the new dormer will result in additional opportunities for overlooking from the new windows within the rear (west) elevation of the roof. However, this overlooking will be associated with the use of a bedroom only and as such, is unlikely to result in a significantly harmful impact on neighbour amenity. It is noted that no objections have been received from neighbouring occupants on this basis. As such, it is considered that the proposal accords with the provisions of DEV1.

Highways

The proposal does not include any changes to parking or vehicular access; it is not considered that the proposal will result in any increased risk to highway safety and on this basis, accords with the provisions of DEV29.

Drainage

The proposal does not result in an increase in the number of bedrooms, bathrooms or an increase in the area of impermeable surfacing within the site. As such, the continued use of existing drainage arrangements is considered acceptable and compliant with the provisions of DEV35.

Biodiversity

The Preliminary Ecological Appraisal submitted as part of the application did not reveal the presence of protected species or any other ecological constraints to development. As such, the proposal is considered to accord with the provisions of DEV26 and DEV28 and is acceptable on this basis.

Conclusion

On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Draft Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2019; South Devon AONB Management Plan (2019-2024).

Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
SALC B1 Design Quality and safeguarding Heritage Assets

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;*

Site Location Plan

Block Plan

Received by the Local Planning Authority on 02 January 2020

Site Plan and Ground Floor Plan As Proposed SMD0004

First Floor Plan and Loft Plan As Proposed SMD005
Section AA and BB As Proposed SMD006
Section CC As Proposed SMD007
East and West Elevation As Proposed SMD009
North Elevation As Proposed SMD010
South Elevation As Proposed SMD011
Received by the Local Planning Authority on 13 February 2020

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

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South Hams District Council **Agenda Item 7**
DEVELOPMENT MANAGEMENT COMMITTEE 11-Mar-20

Appeals Update from 31-Jan-20 to 27-Feb-20

Ward Allington and Strete

APPLICATION NUMBER : **0869/19/FUL** APP/K1128/W/19/3235270
APPELLANT NAME: Mr C Grigg
PROPOSAL : Associated operational development to allow for conversion of stone barn to flexible use (cafe) as consented under prior approval 0189/19/PAU, including change of use of land to provide extended curtilage for associated access, parking, turning and landscaping
LOCATION : Old Stone Barn With Land At Sx778426 Frogmore
APPEAL STATUS : Appeal decided
APPEAL START DATE: 15-October-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 07-February-2020

Ward Dartmouth and Kingswear

APPLICATION NUMBER : **2731/19/VAR** APP/K1128/W/20/3245718
APPELLANT NAME: Mr Mike Griffiths
PROPOSAL : Variation of condition 2 (approved plans) of planning consent 2191/18/FUL for proposed garage and driveway extension
LOCATION : Moonraker The Keep Gardens Dartmouth Devon TQ6 9JA
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER : **1383/19/FUL** APP/K1128/W/19/3235854
APPELLANT NAME: Mrs E Perraton
PROPOSAL : Associated operational development to allow for change of use of building to flexible use (C1), following 0565/18/PAU (resubmission of consent 0271/19/FUL)
LOCATION : Redundant Barn Gratton Farm Loddiswell Devon TQ7 4DA
APPEAL STATUS : Appeal decided
APPEAL START DATE: 15-October-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 07-February-2020

Ward Marldon and Littlehempston

APPLICATION NUMBER : **1548/19/OPA** APP/K1128/W/20/3244829
APPELLANT NAME: Mr D G Webber
PROPOSAL : Outline application (all matters reserved) for construction of a single storey dwelling with garage, and alterations to existing vehicular access
LOCATION : Land adjoining Westerland Dale Westerland Marldon Devon TQ3 1RU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Newton and Noss

APPLICATION NUMBER : **2326/19/HHO** APP/K1128/D/19/3242955
APPELLANT NAME: Mrs Annie Glancy
PROPOSAL : Householder application for provision of Garden Room above existing Boat Store
LOCATION : The Smithy 61 Stoke Road Bridgend Noss Mayo Devon PL8 1DX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 10-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2466/19/HHO** APP/K1128/D/20/3245226
APPELLANT NAME: Mr & Mrs Nigel Sobey

PROPOSAL : Householder application to replace front porch with two storey extension
LOCATION : Rowan Orchard Bridgend Noss Mayo Devon PL8 1DX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 10-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER : **2624/19/HHO** APP/K1128/D/19/3242545
APPELLANT NAME: Mr & Mrs N Jones
PROPOSAL : Householder application for replacing existing sheds with parking space and summer house
LOCATION : The Retreat Riverside Road West Newton Ferrers Devon PL8 1AD
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Malborough

APPLICATION NUMBER : **1676/19/HHO** APP/K1128/D/20/3244334
APPELLANT NAME: Ms Lucinda Davies
PROPOSAL : Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO)
LOCATION : Summerleaze Drake Road Salcombe Devon TQ8 8EG
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **4015/18/FUL** APP/K1128/W/19/3243018
APPELLANT NAME: Salcombe Park Ltd
PROPOSAL : READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road
LOCATION : Salcombe Retreat Lane To Soar Mill Motel Malborough Devon TQ7 3DS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Wembury and Brixton

APPLICATION NUMBER : **3413/18/OPA** APP/K1128/W/19/3243854
APPELLANT NAME: Mr Brian Santillo
PROPOSAL : Erection of 3 no detached dwellings
LOCATION : Wembury Cottage Bovisand Lane Down Thomas PL9 0AE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 05-February-2020
APPEAL DECISION:
APPEAL DECISION DATE:
