

## PLANNING APPLICATION REPORT

**Case Officer:** Kate Cantwell

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

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

**Applicant:**

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

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

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



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

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

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

### **Conditions**

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

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

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

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

Design quality, visual and general amenity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Conditions**

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

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

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

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

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

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

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

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

## Consultations:

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

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

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

### Open Market

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

### Affordable

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

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

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

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

In summary those changes included:

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

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

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

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

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

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

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

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

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

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

Reason: The proposals will

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

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

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

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

#### **Representations:**

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



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

obtained during an unrealistic low peak traffic period.

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

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

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

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

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

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

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

The level of noise we generate would be accepted as normal for an Industrial Estate with PSV or HGV transport tenants.

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

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

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

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

### Relevant Planning History

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

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

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

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

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

28/0508/15/O

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

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

**Approved** 27 July 2015.

## ANALYSIS

### Principle of Development/Sustainability:

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

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

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

### Play and open Space

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

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

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

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

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

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

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

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

#### Play

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

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

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

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

#### Design & Landscape:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Neighbour Amenity:

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

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

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

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

#### Highways/Access:

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



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

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

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

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

Overall, the proposed layout does meet criteria 3 of policy DEV29 which requires developments to *“Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.”*

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

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

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

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

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

### Historic Environment

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

### Economic Impacts

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

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

### Biodiversity

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

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

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

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

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

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

#### Drainage

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

The LLFA specifically notes that:

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

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

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

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

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

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

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

### Housing mix/affordable housing

The proposed housing mix is summarised as follows:

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

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

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

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

### Low Carbon Development

Condition 22 of the outline consents reads:

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

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

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

The applicant has not applied to discharge this condition alongside the reserved matters submission but the requirement still remains to do so 'prior to construction of any of the dwellings above slab level'. Policy DEV32 of the Joint Local Plan places slightly different requirements on new developments with the aim of delivering a low carbon future for Plymouth and South West Devon and in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. To do this DEV32 sets out certain criteria as follows:

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

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

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

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

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

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

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

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

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

#### Other Matters

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

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

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

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

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

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

#### Conclusion

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

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

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

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

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

## **Planning Policy**

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

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

whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT4 Provision for employment floorspace  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

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



planning documents are also material considerations in the determination of the application: National Design Guide, South Devon AONB Management Plan.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

### **Conditions**

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates (i) the expiration of three years from the date of the grant of outline planning permission or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

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

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

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

Reason: In the interests of character and biodiversity.

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

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

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

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

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

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

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

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

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

9. Prior to their installation details and samples of all facing materials and roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

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

Reason: in the interest of community safety.

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

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

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

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

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

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

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

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

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