

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

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

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

**Agent:**

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

**Applicant:**

Mr S Stone Poppy Developments  
C/O Agent

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

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



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

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

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

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

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

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

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

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

**Key issues for consideration:**

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

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**Site Description:**

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

The site lies within the Harbertonford Conservation Area.

**The Proposal:**

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

**Consultations:**

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

Recommendation:

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

- Environmental Health Section: contaminated land conditions.

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

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

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

The Parish Council also wish to make the following comments

- The presented plans are vague without information and detail regarding the dimensions which raise serious concerns as to the viability of the garages and parking shown on the site. There are issues outstanding regarding the ownership, rights and site boundaries.
- Flooding and run off of water has already caused damage to neighbouring properties and has yet to be resolved.
- The council believe the footprint is too large and needs to be reduced by 25% on the end next to the existing cottages. This would resolve the parking and access issues and allow for better mitigation for flood run-off and neighbourliness. The site plan is the same as the withdrawn plans that the parish council had commented on previously.
- The Parish Council would respectfully request that this should be brought to development planning committee for review and comment.
- If any permission is granted on the site in future: suitable planning conditions in place to ensure privacy; specialist contractors appointed for the decontamination and asbestos removal; and is professionally supervised at every stage; flood and drainage plans to ensure no run-off or flooding is caused to neighbouring properties and to mitigate existing problems within the area.  
The Parish Council would also like it noted that it is an industrial building and not a barn.
- South West Water: No objection
  - Drainage: Recommendation – No Objection  
Based on the information provided we would support the current proposal. Suggested condition
  - DCC education : Seeking The contribution sought is £13,652.00 (based on the DfE extension rate of £13,652 per pupil). This will relate directly to providing education facilities for those living in the development. We will also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from King Edward VI Community College. The costs required are as follows: -1 Secondary pupil, £3.95 day x 1 pupils x 190 academic days x 5 years = £3,752.00
  - Landscape: Initially, the landscape officer had strong objections to the development with concerns about: the design, scale, proportions and detailing of the windows to both the north and south elevations, and the proposed materials (particularly the use of 'timber effect cladding', and the lack of any use of stone or slate). The proposed elevations lacks any reference to the local character; either the agricultural character of the locality, the existing

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

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

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

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

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

### **Representations:**

Comments have been received and are summarised as follows:

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

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

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

#### Objections: (7 letters)

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

#### **Relevant Planning History**

23/0540/89/4: COU

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

Site Address :Harbertonford Mills Harbertonford.

Decision :Refusal: 21 Jun 89

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

23/0422/93/3: FUL

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

Site Address: The Old Mill Harbertonford.

Decision: Conditional approval: 18 Aug 93

23/0808/93/7: LBC

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

Site Address: The Mill Harbertonford.

Decision: Conditional approval: 15 Sep 93

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

Decision: Withdrawn 4/ 4/2018

## ANALYSIS

Principle of Development/Sustainability:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Design/Landscape:

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

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

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

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

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

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

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

#### Neighbour Amenity:

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

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

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

#### Highways/Access:

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

#### Other Matters:

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

#### Height

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

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

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



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

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

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

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

Impact on Conservation Area and listed building. The site does lie within the Conservation Area and the adjacent Mill is a listed building, so clearly there is a need to address these material considerations. Policy DEV21 in the JLP relates to development affecting the historic environment. The aim of the policy is *“Development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance.”*

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

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

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

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

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

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

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

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

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

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

*ii. Maximising the energy efficiency of fabric.*

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

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

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

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

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

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

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

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

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

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

#### Planning Balance and conclusion

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

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

#### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Conserving the historic environment  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV37 Managing flood risk and Water Quality Impacts

#### **Neighbourhood Plan**

There is currently no Neighbourhood Plan for Harbertonford.

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

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

### **Proposed planning conditions:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

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

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

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and

the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

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

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

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

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

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

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

Reason: In the interests of Highway Safety.

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

Reason - In the interests of highway safety.

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

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

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

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

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

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

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

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