

# PLANNING APPLICATION REPORT

**Case Officer:** Rob Heard

**Parish:** Ivybridge **Ward:** Ivybridge West

**Application No:** 3216/19/FUL

**Agent/Applicant:**

Mrs C Colling  
Enteridge Farm Barn  
Diptford  
TQ9 7NQ

**Applicant:**

Mr B T Perring  
Foxgloves  
Moreleigh  
Devon  
TQ9 7JN

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

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



**Reason item is being put before Committee:**

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

Highways (access).

## **Recommendation:**

### **Planning Permission Granted**

#### **Conditions:**

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

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

- **Principle of Development**
  - **Design**
  - **Highways**
  - **Residential Amenity**
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#### **Site Description:**

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

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

#### **The Proposal:**

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

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

### **Consultations:**

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

### **Representations:**

#### **Representations from Residents**

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

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

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

#### **Representations from Internal Consultees**

Drainage Engineer; support subject to conditions.

### **Relevant Planning History**

Adjacent site:

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

### **ANALYSIS**

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

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

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

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

Policy DEV8 (Meeting local housing need in the Thriving Towns and Villages Policy Area) seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The proposals will provide a modest 3 bed house that will be suitable for a small family or couple and will contribute towards the provision of a balanced community by providing housing that is a little different to the existing housing stock whilst remaining affordable. The proposal is considered to meet the requirements of Policy DEV8 and the principle of development is considered acceptable.

#### Design/Landscape:

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

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

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

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

#### Neighbour Amenity:

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

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

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

#### Highways/Access:

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

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

#### Drainage:

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

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

#### Letters of Representation:

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

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

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

Other Matters:

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

## **Planning Policy**

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV20 Place shaping and the quality of the built environment  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

## **Neighbourhood Plan**

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

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

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

## **Conclusion**

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

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

## **Conditions**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan (1061/19/10), Location Plan Layout (1061/19/17), Site Survey Plan (1061/19/9), Block Plan (1061/19/8), Existing Elevations South East and North West (1061/19/2), Proposal Elevations South West and North East Elevations (1061/19/6), Proposed Ground and First Floor Plan (1061/19/4), Existing Ground Floor Plan (1061/19/1), Existing Elevations South West and North East (1061/19/3), Proposal Elevations South East and North West Elevations (1061/19/5) received by the Local Planning Authority on 2/10/2020.

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

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

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

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

Reason: In the interests of highways safety.

4. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

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

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

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

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

- 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- 2. SuDS to be designed for a 1:100 year event plus 40% for climate change.



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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.