

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 16th March, 2016										
Time:	2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Steer</p> <p style="text-align: center;">Vice Chairman Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Bramble</td> <td>Hodgson</td> </tr> <tr> <td>Brazil</td> <td>Holway</td> </tr> <tr> <td>Cane</td> <td>Pearce</td> </tr> <tr> <td>Cuthbert</td> <td>Rowe</td> </tr> <tr> <td>Hitchins</td> <td>Vint</td> </tr> </table>	Bramble	Hodgson	Brazil	Holway	Cane	Pearce	Cuthbert	Rowe	Hitchins	Vint
Bramble	Hodgson										
Brazil	Holway										
Cane	Pearce										
Cuthbert	Rowe										
Hitchins	Vint										
Substitutes:	Named substitutes are not appointed										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Senior Case Manager 01803 861185										

1. Minutes

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To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 17 February 2016

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

4. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

5. Public Participation

7 - 8

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

6. Site Inspections

9 - 10

the site inspection deferred from the meeting on 17 February 2016 will be considered under agenda item 7.

7. Planning Applications

Members are requested to raise any queries they may have with the respective case officer before the meeting

(a) 48/2450/15/F

11 - 16

Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office

Proposed development site at SX 773 400, Prowse Barn, South Pool, Kingsbridge

For Letters of Representation and further supplementary information select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=48%2f2450%2f15%2fF>

(b) 27/1859/15/F

17 - 32

Erection of 77 dwellings, including all associated public space, landscaping and all other associated external works
Proposed Development site at sx 6203 5630, Woodland Road, Ivybridge

For Letters of Representation and further supplementary information select the following link:

<http://apps.southhams.gov.uk/planningsearch/default.aspx?shortid=27%2f1859%2f15%2fF>

(c) 2659/15/FUL

33 - 38

Conversion of part of redundant premises to form two new dwellings
Crooked Spire Inn, The Square, Ermington, Devon

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=150099>

8. Planning Appeals Update

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
17 FEBRUARY 2016**

Members in attendance

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr P W Hitchens	Cllr R C Steer (Chairman)
	Cllr R J Vint

Apologies

Cllr R J Foss

Other Members in attendance

Cllr Wright

Officers in attendance and participating

Item No:	Application No:	
All agenda items		Planning Officers, Solicitor and Senior Case Manager

DM.55/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Pearce declared a disclosable pecuniary interest in application **55/2213/15/VAR**: Variation of conditions 3 (approved plans), 9 (landscaping) and 11 (boundary enclosure) of planning consent 55/2134/12/RM to allow resiting and screening of air source heat pump and revisions to boundary treatment – 8 Whimbrels Edge, Thurlestone, by virtue of being a neighbour to the application site, as declared at the time of submission of the application, and she left the meeting for the duration of the debate and vote on this item;

Cllr Hodgson and Cllr Vint both declared a personal interest in application **14/1424/15/VAR**: Variation of condition 5 (parking restriction) of planning consent 14/2278/14/F – Lower Allerton Farmhouse, Dartington, by virtue of knowing the applicant in a personal capacity and through work with Transition Town Totnes and the Neighbourhood Plan process. They remained in the meeting and took part in the debate and vote thereon.

DM.56/15 MINUTES

The minutes of the meeting of the Committee held on 20 January 2016 were confirmed as a correct record and signed by the Chairman, subject to an amendment to the reason for Cllr Pearce declaring a disclosable pecuniary interest being corrected in the minutes to read:

‘..... by virtue of being a neighbour to the application site, as declared at the time of submission of the application’.

DM.57/15 PUBLIC PARTICIPATION

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.58/15 PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the Planning Case officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**55/2213/15/VAR 8 Whimbrels Edge, Thurlestone
Parish: Thurlestone**

Variation of conditions 3 (approved plans), 9 (landscaping) and 11 (boundary enclosure) of planning consent 55/2164/12/RM to allow re-siting and screening of air source heat pump and revisions to boundary treatment

Officer's Update: Revised plan had been submitted showing the block wall at a greater height and a further condition was recommended requiring the block wall to be built to the height as shown on the revised plan.

Comments from EH Officer were presented, as were comments from the applicants in response to questions asked at the site visit.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accords with plans
2. External materials and finishes to be retained as approved
3. Implementation and maintenance of landscaping scheme
4. PD removed
5. Boundary treatment to be constructed in accordance with approved details
6. Parking areas within boundary wall to be retained in perpetuity

7. Privacy screen to be retained
8. No access to sedum roof
9. Wicker screen to be retained in accordance with approved details unless otherwise agreed.
10. Planting forward of and within 1m either side of the ASHP shall not be pruned to a height below 1.5m, should planting die or become diseased replanting shall occur in accordance with details to be agreed.

**48/2450/15/F Proposed development site at SX773 400,
Prowse Barn, South Pool, Kingsbridge
Parish: South Pool**

Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office

Speakers included: Parish Council representative – Cllr Peter Wotton

Officer Update: The number of representations was amended to 20 supporting and 14 objecting. Members were updated on the late letters of objection, and a late DCC Highways response of no objection.

Recommendation: Conditional Approval

Committee Decision: Site Inspection

**14/1424/15/VAR Lower Allerton Farmhouse, Dartington, Totnes
Parish: Dartington**

**Variation of condition 5 (parking restriction) of planning consent
14/2278/14/F**

Speakers included: Objector – Ms Tina Dean; Supporter – Mr Robert Tee; Ward Member – Cllr Hodgson

Officer's Update: Additional letters of support and objection related to parking issues on site

Recommendation: Refusal

During discussion, Members asked a number of questions to ensure clarity over exactly where the proposal intended for parking to be allowed. Members also clarified that this was for overflow parking. The Ward Member noted that this application represented an example of using the planning system to resolve neighbour issues. The Ward Member also advised that on a recent visit to the application site with the Case officer there was only one vehicle movement and there seemed to be plenty of space.

Another Member suggested that the applicant park in the proposed areas and then see if the planning authority tried to take enforcement action. He added that this was an unsolvable problem. Other comments included disappointment with the plans which were inadequate and inaccurate, and the different perspective provided by the photographs. The Ward Member reiterated that this proposal was for overspill parking; the Case officer confirmed that it would be legitimate to park there all the time.

Committee Decision: Conditional Approval

Reasons:

Space did exist for turning, there was access in and out to the neighbouring property and the proposal was felt to be reasonable.

Conditions:

1. Parking in accordance with original parking plan or wholly within identified pink areas on new plan

DM.59/15 **PLANNING APPEALS UPDATE**

Members noted the presented list of appeals.

(Meeting commenced at 2.00pm and concluded at 3:45 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 17 February 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
55/2213/15/VAR	8 Whimbrels Edge, Thurlestone	Conditional Approval	Cllrs Hodgson, Holway, Brazil, Cane, Steer, Vint (6)	Cllrs Cuthbert, Bramble, Hitchins (3)	Cllr Pearce by virtue of declaring a DPI (1), Cllr Rowe by virtue of not attending the site visit (1)	Cllr Foss (1)
48/2450/15/F	Proposed development site at SX773 400, Prowse Barn, South Pool	Site Inspection	Cllrs: Steer, Holway, Bramble, Hodgson, Vint, Brazil, Cuthbert, Pearce, Hitchins, Cane (10)	Rowe (1)		Cllr Foss (1)
55/1424/15/VAR	Lower Allerton Farmhouse, Dartington, Totnes	Approval	Cllrs Rowe, Bramble, Brazil, Hodgson, Vint, Holway (6)	Cllrs Steer, Hitchins, Cuthbert, Pearce, Cane (5)	(0)	Cllr Foss (1)

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**South Hams
District Council**

Public Participation at Development Management Committee

What is the Development Management Committee?

The Development Management Committee is served by 25 District Councillors who make decisions on all applications and enforcement matters affecting the South Hams, which are published in the agenda for that meeting.

What is the Public Participation Scheme?

The scheme encourages interested parties to come together to express their views on planning matters, by providing you with the opportunity to speak directly to the Councillors at their Development Management Committee Meetings. One objector and one supporter may speak directly to the Committee on a planning application listed on the agenda (published 5 working days before the meeting).

How do I register my wish to speak at a Development Management Committee meeting?

You must telephone, email or send a fax to Member Support Services (contact details below), indicating your request to speak, the planning application number and whether you are objecting to, or supporting the application. (You must provide your name and address).

Any such requests must be received by 12 Noon on the Monday before the Development Management Committee meeting held on the Wednesday of the same week (12 Noon on the preceding Friday if the Monday is a Bank Holiday). If there is more than one objector or supporter, you will be asked to agree amongst yourselves a spokesperson.

If you email your request to speak, you will be sent an acknowledgment that your name has been placed on the list for the next Committee. Member Support Services Tel: **01803 861234** Email: member.support@southhams.gov.uk

For how long may I speak?

For how long may I speak?

One objector of the planning application and one supporter may each speak for a maximum of 3 minutes. The order in which the planning applications are considered will follow the running order of planning applications listed in the published agenda for the meeting.

Major Applications

One objector of the planning application and one supporter may each speak for a maximum of 5 minutes

Joint Planning and Listed Building/Conservation Area Consent applications

objector of the planning application and one supporter may each speak for a maximum of 3 minutes. Only one set of 3 minutes, not 3 minutes for the Planning application and 3 minutes for the Listed Building/Conservation Area consent application.

Who speaks first on the planning application at the Committee meeting?

For each planning application, the order of speakers will be:

1. Planning Officer presenting report containing officer recommendation
2. Objector
3. Supporter
4. Discussion by Councillors serving on the Committee (leading to their decision over the planning application).

(There is no further opportunity to make representations at the meeting)

What may I speak about?

You can speak (in the form of making a statement only) on any of the planning applications listed on the agenda for that meeting although you must ensure that, whenever possible, your statement refers only to planning related issues (detailed below) as these are the only issues which the Committee can consider.

Members of the public will not be permitted to address questions to the Councillors serving on the Committee or the Planning Officers present. Members of the public will not be subjected to cross questioning. However, if necessary, the Chairman might ask you to clarify a point of fact in very exceptional circumstances.

What is a planning objection?

When considering whether to object, you should be aware that councils can only determine applications on the basis of their planning merits. Therefore you should ensure that the statement relates only to such matters as the proposal:

- being contrary to local or structure plan policies or Government advice
- allowing overlooking from windows, thereby resulting in a loss of privacy
- having a poor design and appearance or being out of keeping with the character of an old building, or having an overbearing impact on adjoining property
- resulting in the loss of important trees
- having an adverse effect on traffic, road, access visibility and parking
- resulting in noise and disturbance affecting local people
- Ensure that the statement is suitable to be considered ie, that it is not derogatory to this Council or relates to matters which this Council could consider confidential.
- Matters which cannot be regarded as planning considerations
- Loss of personal view from the particular property
- Loss of property value
- That the development differs from what the developer told you personally he was intending
- Disputes over land ownership
- Doubt over the integrity of the applicant
- Objections to the principle of development where an outline planning permission exists

Whom do I contact for advice on what issues are considered to be planning matters?

You may be able to find the information you are looking for in a series of information leaflets, copies of which are available in Planning Reception or on this website please click [here](#)

If you still have queries, please contact Planning Reception who may be able to help or pass your enquiry to the appropriate Case Officer.

Tel: **01803 861234**

E-mail: development.management@southhams.gov.uk

Other information:-

Copies of the agenda are available to members of the public a week before the meeting (ie, the preceding Wednesday). Copies are placed in the Council's Main Reception area at Follaton House and at its leisure centres, they are also available at public libraries within the District

Agenda Item 6

REPORT OF THE SITE INSPECTION HELD MONDAY 7 MARCH 2016

48/2450/15/F Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office – Proposed development site at SX 773 400, Prowse Barn, South Pool, Kingsbridge

Present: Cllr R Steer (Chairman)
Cllr T Holway
Cllr K Cuthbert
Cllr I Bramble
Cllr J Brazil
Cllr R Rowe
Cllr J Pearce
Cllr J Hodgson
Cllr Cane

Also in attendance: Cllrs Green and Wotton – South Pool Parish Council
Applicant, Architect, Agent
Matt Jones – Planning Case Officer
Kathryn Trant – Senior Case Manager

The Chairman began the site inspection with introductions. The Case Officer then set out the detail of the application and the proposed route for the site inspection group.

The Group proceeded up the lane to the position of the access to the site, and then travelled along the route within the site to the proposed parking area. The Group then walked the Public Right of Way away from the site, in order to assess the site from a distance.

The Group returned to the application site, and the Case Officer explained the proposal in more detail, showing plans and elevations.

The Group then crossed to the other side of the creek and proceeded to walk along to the pontoon. The site was assessed from this viewpoint, and Members looked at the site as they walked back towards the centre of the village.

The Ward Member noted that the application was in a sensitive spot and would have an impact on the AONB. The Committee would need to consider that impact.

The Chairman then concluded the site inspection. On leaving the site, the Group travelled to a final point for Members to assess the application site from a higher position away from the village.

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PLANNING APPLICATION REPORT

Case Officer: Alex Sebbinger

Parish: South Pool **Ward:** Saltstone

Application No: 48/2450/15/F

Agent/Applicant:

Type Studio Ltd
Redhill Barn
Blackawton
Totnes
Devon
TQ9 7DA

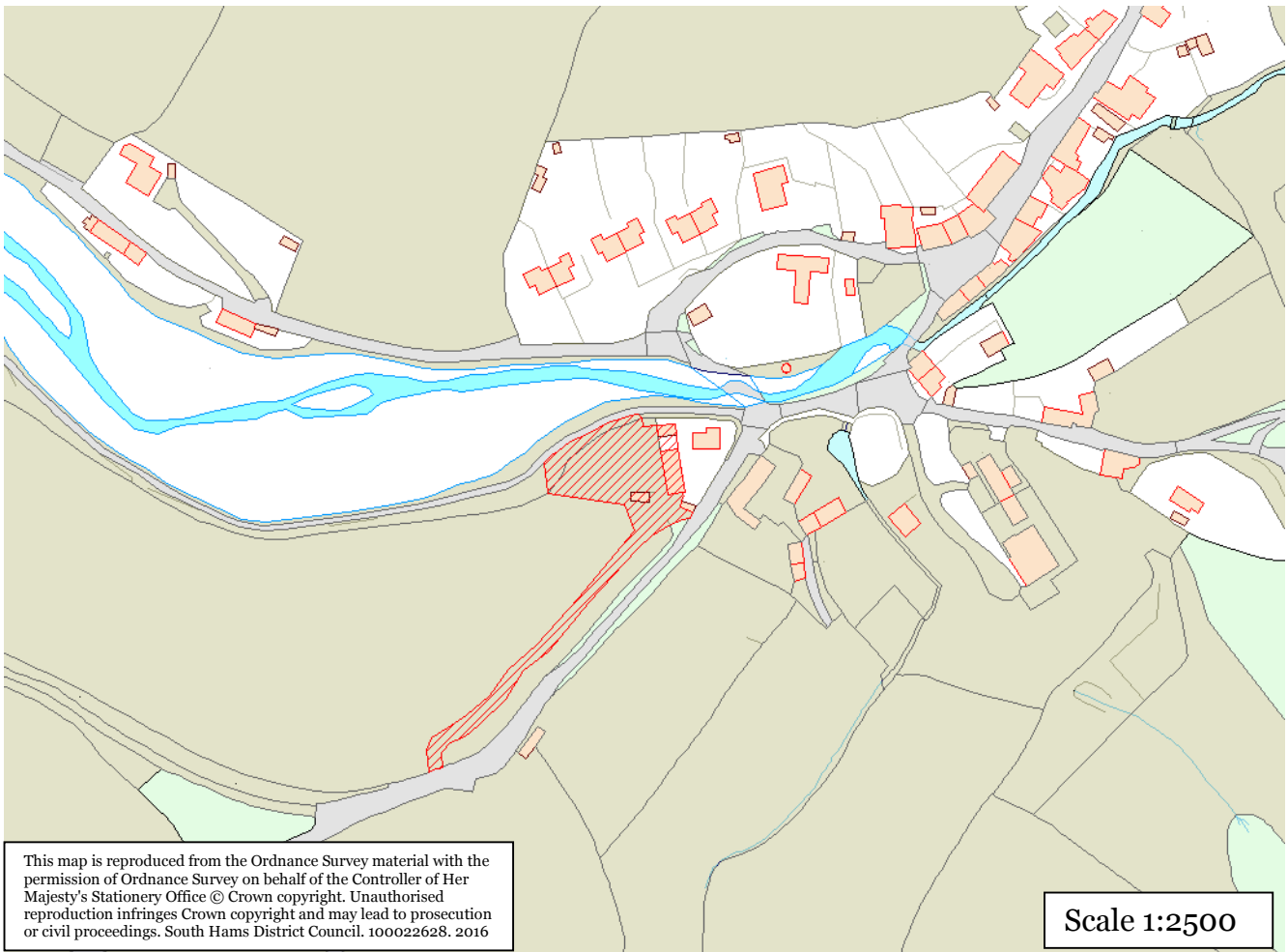
Applicant:

Mr & Mrs G Leith
Dunstone Farm
Chillington
Kingsbridge
Devon
TQ7 2LW

Site Address: Proposed Development Site At SX 773 400, Prowse Barn, South Pool, Kingsbridge

Development: Alterations, conversion and change of use of traditional stone barn to a two bedroom dwelling with detached home office

Reason item is being put before Committee *This application is before Committee at the request of Cllr. J. Brazil, mindful of the representations received.*



Recommendation:
Conditional Consent

Conditions:

Time limit for commencement
In accordance with plans
Details of materials
Submission of landscape scheme
Implementation of tree protection in accordance with Arboricultural Impact Assessment.
Submission of Arboricultural Method Statement for Track
Permitted development restrictions
Sewage treatment plan to be sited at least 30m from the Salcombe to Kingsbridge Estuary SSSI.
Unsuspected Contamination
Notwithstanding submitted plans, details of three bat and six bird boxes to be submitted
Works to be timed outside of bird nesting season, unless the site has been checked and young birds have fledged.

Key issues for consideration:

The main issues with this application are the acceptability of the principle of converting this rural building into a dwelling, the design and appearance of the conversion, any impacts upon the AONB, the character and appearance of the Conservation Area, any impact on neighbouring properties and highway issues.

Site Description:

The application site comprises a detached stone barn located on the set to the west of Albert Cottage, which is on the western side of the lane heading southwards out of South Pool. The site is located in a countryside location, outside of any development boundary and is within the AONB. The site lies close to the Creek, which is to the north of the site and also lies within the South Pool Extended Conservation Area.

The Proposal:

This application is for the conversion of an agricultural barn into a residential dwelling, with an ancillary detached home office.

Consultations:

- Natural England – No objections subject to conditions.
- Drainage – No objections.
- Environment Agency – No objections. Although the northernmost barn is in Flood Zone 3, the building is well elevated above the watercourse and would not be at risk of flooding.
- Landscape Specialist – No objections subject to landscaping condition.
- AONB Unit – Site falls below threshold for the AONB Office to be involved.
- Ecologist – No evidence of bats but some evidence of nesting birds. No objections subject to ecology conditions.

- Environmental Health – Recommend Unsuspected Contamination condition.
- Parish Council – Objection: 1) The curtilage is not defined. 2) These are not redundant agricultural buildings and have been used this year. 3) Visual impact of access road and car park will be detrimental to the whole of the village, the AONB and the conservation area. 4) Footpath was adopted in 2004; concern for walkers with vehicles using the car park and turning area. 5) Prowses Field is a Green Space of Importance contained in South Pool Area Conservation Area Appraisal Document. Whole application goes against the South Pool Conservation Area Management Plan Item 4 and Item 9. The application is within an AONB, SSSI, undeveloped coast area.

Representations:

Around 15 letters of objection and 17 letters of support received making the following broad points, presented in no particular order:

Objections:

- Overlooking of Albert Cottage and loss of privacy.
- Overshadowing of Albert Cottage.
- Impact on AONB.
- Impact on Conservation Area
- Design not in keeping
- Refusal of previous proposals to convert into a dwelling
- Land stability issues
- Increased light pollution
- Impact on ecology
- Contrary to planning policies
- Does not accord with Conservation Area Management Plan
- Impact on views from the Creek
- Impact on landscape through new drive.
- Barns are not redundant
- Contrary to SHDC's Barn Guide.
- Introduction of domestic paraphernalia into the countryside.

Support:

- There is a housing shortage
- Sympathetic restoration of derelict building
- Will not have any impact on South Pool
- Access much safer than current one.
- Will fit comfortably into the landscape
- Do not meet modern farming requirements
- Skilful design minimises visibility.

Relevant Planning History

48/0586/79/1 – Conversion of barn to dwelling.
Refused planning permission on 17/07/1979.

48/0600/84/3 – Conversion of barn to dwelling.
Refused planning permission on 15/05/1984.

48/0964/14/PREMIN – Pre-application enquiry for proposed subdivision of agricultural land and change of use from agricultural building to residential including access, landscaping, utilities and alterations to footpath.

Partial support offered on 09/06/2014.

48/1587/14/PREMIN – Pre-application enquiry for conversion of agricultural barn to dwelling with home office for business use, associated access and landscaping.

Partial support offered on 21/04/2015.

ANALYSIS

Principle of Development/Sustainability:

The application site lies within a countryside location, and Policy DP16 states that proposals for the conversion or reuse of a building within the countryside will be permitted where it gives priority to economic uses, is complementary to and does not prejudice any viable agricultural operations on a farm or existing viable uses, the form of the building is in keeping, the building is structurally sound and does not need extension or rebuilding and does not harm the fabric of any traditional building. The Policy also states that for residential use the building must be traditional of architectural or historic merit.

The existing building is of permanent and substantial construction, and the proposals for the main barn do not require any substantive alteration or extensions other than the insertion of conservation rooflights and reinstating some window openings. Other than the reinstatement of a historic “lean to”, no other additional built form is proposed on the site (with the exception of the provision of a courtyard between the existing building and an outbuilding.

Two outbuildings are to be converted (one to the north of the main barn and another to the west) into ancillary accommodation and a home office. A condition will ensure that these buildings are used for purposes ancillary to that of the main dwelling and not sub-divided or occupied separately.

It is acknowledged that (aside from the home office) no economic-based use is proposed, however it is considered that in light of the recent changes in legislation to permit the change of use of rural outbuildings into dwellings as permitted development, that the policy requirement for a sequential test is outdated when considered in light of Paragraphs 14 and 55 of the NPPF.

Overall, it is now considered that the development is acceptable in principle, and subject to other development control criteria no issues are considered to arise.

Design/Landscape:

The external appearance of the buildings will remain largely unaltered except for the insertion of conservation style roof lights and window openings. The outbuildings and existing lean to are to be converted in a similar manner and no additional footprint is to be constructed. Although concern has been raised regarding the impact upon the Conservation Area, the modifications to the building itself are not considered excessive and will not result in the creation of additional built form within this location. A condition can ensure that materials match the existing building. The conversion is considered to be proposed in a manner that is sympathetic to the character of the existing barn, and in design terms is acceptable and will not harm the character and appearance of the Conservation Area.

Although concern has been raised regarding the proposed access track, this will run parallel with the existing hedge screening on the eastern boundary of the site. Landscape Specialists state that this minimises the overall impact and the solution of a single track with grass down the centre would limit the overall impact.

In terms of the conversion itself, Landscape Specialists are of the view that this will have limited impact given the location close to the settlement of South Pool. They are content with the boundary treatments and proposed planting of an orchard.

The site is within a highly sensitive landscape, being designated AONB and a public footpath crosses the site. Landscape Specialists advise that visual receptors at this point are high sensitivity however the wider impact is limited given the surrounding topography and intervening vegetation. Overall, the design and conversion respond to the location and the wider impacts are considered as being moderate/slight and is therefore acceptable. No objections to the proposal in wider landscape terms subject to the submission of a detailed landscaping scheme and adherence to the arboricultural impact assessment.

Neighbour Amenity:

The nearest and only property likely to be affected by the development is Albert Cottage, which is to the north-east of the site. As no window openings are proposed to the building facing that property, and no extensions are proposed it is not considered that any undue impacts would occur on that property. Whilst the use of the site as a residence may increase noise in relation to the existing use, the surrounding area is residential and levels of noise would be a matter that would be very difficult to defend in the event of an appeal. Other surrounding properties opposite are considered far enough away to ensure that any impacts arising from the development are not excessive.

Highways/Access:

In terms of highway safety, the lane leading to the site is private, and will serve only the converted barn and the ancillary buildings. The new access will have satisfactory visibility and the existing entrance will be retained to allow the public footpath route to continue uninterrupted. Given the established previous agricultural use of this building it is not considered that residential use would give rise to any situations that would be unacceptable in terms of highway safety.

Flooding/Drainage:

The site lies adjacent to Flood Zone 3, however the Environment Agency raise no objections stating the fact that due to the height of the site there are very limited opportunities for the site to become flooded.

Conclusion:

The application is considered to be acceptable and is recommended for APPROVAL.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

DP15 Development in the Countryside
DP16 Conversion and Reuse of Existing Buildings in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Ivybridge

Application No: 27/1859/15/F

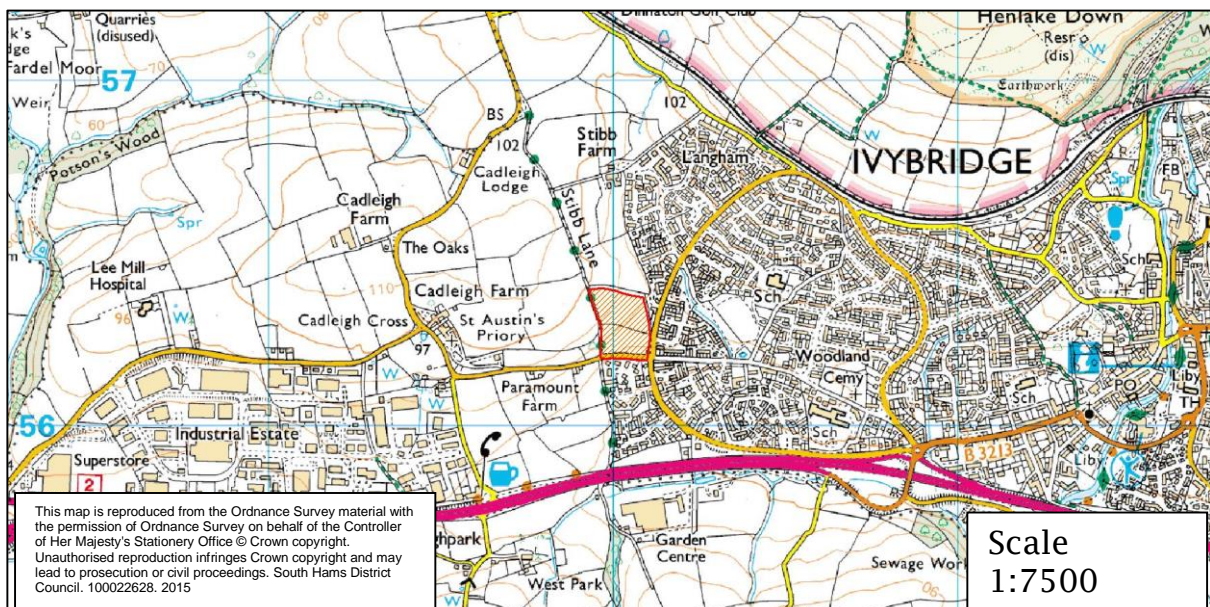
Agent/Applicant:

Persimmon Homes - South West
Mr A West
Mallard Road
Sowton Trading Estate
Exeter
EX2 7LD

Site Address: Proposed Development Site At Sx 6203 5630, Woodland Road, Ivybridge, Devon

Reason being presented to Committee: Given the substantial number of objections from local residents the Ward Member has requested that the application is considered by Committee.

Update: a decision on the application was deferred at the Development Management Committee Meeting of January 20th 2016 to allow the applicant to revise the proposals to address concerns expressed with respect to the suitability of the layout and design.



Recommendation: That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

Conditions

1. Commencement within 3 years;
2. Accord with Plans, Drawings and FRA;
3. Unsuspected Contamination;
4. On-site / off-site highway works in accordance with plans / drawings;
5. Construction Management Plan;
6. Surface water drainage layout and details to be approved prior to commencement of development and completed prior to occupation;
7. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
8. Lighting Strategy to be submitted and approved prior to the commencement of development and adhered to;
9. Archaeological investigation and reporting;
10. Security Plan;
11. Parking plan;
12. Landscape and Ecological Management Plan to be submitted and approved prior to commencement of development and adhered to; and
13. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report.

S106 Clauses

- 30% AH, 50% Social Rented / 50% Shared ownership;
- £210,683.55 for the necessary additional capacity at Ivybridge Community College;
- £94,058 for improvements to play facilities at Woodlands Park, Ivybridge;
- £155,890 should be sought for improvements to sports facilities at Filham Park, Ivybridge;
- Provision of an on-site 100m² LAP, including appropriate buffers;
- Public access and on-going management and maintenance of the on-site public open space, including the LAP, in perpetuity;
- £2,547.54 to off-set recreational impacts on SACs; and
- restrictive covenants with regards to hedgerows.

Key issues for consideration

The site is agricultural land outside the development boundary of Ivybridge. The principle of development is, therefore, contrary to Policy CS1 of the Core Strategy DPD.

The Council is not able to demonstrate a five year housing land supply. The planning application must, therefore, be considered in the context of paragraph 14 of the National Planning Policy Framework (NPPF), which requires development proposals to be approved unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Given the location and sensitivities of the site the key tests in this respect are considered to be:

- access to services and facilities;
- Affordable Housing, in the context of viability testing;
- landscape;
- drainage; and
- highway safety.

Update: at the DM Committee Meeting of 20th January concerns were expressed with respect to the following aspects of the layout and design:

- road layout and standards;
- open space and communal space;
- access to properties;
- bin storage;
- fencing / boundary treatments;
- central hedgerow;
- sustainable design; and
- security.

In this respect Councillors were not satisfied that the requirements and standards of Policy CS7, Policy DP1 and Policy DP4 of the Development Plan; and paragraph 17 and Section 7 of the NPPF had been met.

Financial Implications

It is estimated that this development has the potential to attract New Homes Bonus, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description

The application site measures 2.63ha and comprises two agricultural fields located immediately adjacent to the development boundary at the west of Ivybridge. The highest point of the site is 99.5m AOD, in the north-west, falling to 67.7m AOD in the south, with an average gradient of 1 in 8.

The site is open countryside and within the Ivybridge Critical Drainage Area. It is Grade 3 Agricultural farmland. There are, otherwise, no statutory designations that directly affect the site.

The fields are bounded by mature hedgerows with occasional mature trees and farm gates. The main entrance is found to the south of the site from Woodland Road.

A public footpath (Stibb Lane) runs to the west of the site, beyond a substantial screen of hedgerow and trees.

The site lies within Flood Zone 1, indicating that is not likely to be the subject of flooding. On site, however, infiltration rates are not sufficiently rapid to manage surface run off, which runs

into Woodland Road, to the east, before discharging into the unnamed stream some 200m to the east of the site.

A sewer main runs to the south of the site in Woodland Road. There are no records of sewer flooding, but residents have reported that this has recently occurred.

As a south facing site the opportunity exists to maximise solar gain.

The Proposal

The planning application proposes 77 houses with open space, landscaping and flood attenuation.

The mix of properties is 34 two bedroom houses, 38 three bedroom houses and 5 four bed houses. It is noted that planning permission has recently been granted for 98 residential properties in the centre of the Town at Stowford Mill, including 15 one bedroom apartments. It is considered, therefore, that the proposed mix of development is appropriate in the context of Policy DP11 of the Development Plan.

30% of the properties would be Affordable Housing (AH) with 50% of these being Social Rented. All contributions that have been requested would also be provided. This and AH would be secured through a s106 Legal Agreement, which is summarised above.

Provision would be made for parking 152 cars on site. It is proposed to relocate the nearest bus stop to improve access to buses and to provide a safe point of crossing to link the site to the local footpath and cycle path network.

Properties are proposed to be finished in brick and / or render with tile roofs.

The application is supported by the following documents:

- plans and drawings;
- Design and Access Statement;
- Ecological Assessment;
- Historic Environment Assessment;
- Statement of Community Involvement;
- Landscape and Visual Impact Assessment;
- bat and owl Survey;
- contaminated land assessment;
- arboricultural report
- tree plan;
- transport assessment; and
- travel plan

Update:

Revised plans were submitted to the Council and circulated / published on line on 16th February as part of a formal consultation. The plans illustrate changes to the layout that can be summarised as below.

Road layout / standards

All of the roadways within the development have been designed to an adoptable standard and will be offered to Devon County Council for adoption.

Key consequent changes include the repositioning of parking spaces and the creation of service margins.

A parking court of 8 bays was originally proposed to be located to the south-west of Plot 61. Concerns were expressed that this arrangement would result in a visually dominant feature at the end of the roadway.

The need for parking to be provided within the development remains unchanged and the 8 parking bays are retained, although separated into groups of 4 spaces separated by an area of planting. This will have the effect of breaking up the feature and reducing its visual impact.

Open space / communal spaces

The positioning of the areas of Public Open Space (POS) was questioned at DMC on 20th January.

The applicant has clarified that the majority of the Areas of POS are positioned at the margins rather than the centre of the site act to enhance the ecology and biodiversity of the site. The largest area that runs along the western boundary acts as both a wildlife corridor and as a buffer zone, separating the existing tree line and the public footpath beyond from the residential development.

The western area of POS would be overlooked by a number of properties. It would be accessible from both the upper and lower portion of the site with a hoggin path running through its length.

The area of Public Open Space that surrounds the existing large Oak tree would be accessible and overlooked. This area, the slightly smaller area of POS to the south of Plots 1 and 2 and the Public Open Space and attenuation basin at the southern-most extent of the development provide a variety of open space throughout the development.

Accesses to properties

The applicant has advised that it is inevitable on a site with steep topography for a number of properties to be served by stepped access pathways or via steps leading up to the front door.

The finished levels that will be present within the site have been engineered to ensure that the use of any retaining features are kept to an absolute minimum and that any retaining banking is of a height and angle that enable them to be planted in order to mitigate their appearance.

Access pathways would be compliant with Building Regulations, which requires the transition across levels to be gradual.

The applicant acknowledges that the presence of steps within access pathways could make the movement of bins challenging. The proposed solution is outlined in the 'Bin storage' section below.

The amended plans illustrate the location and routes of the rear access pathways that serve the properties. The intention of the addition of this detail is to demonstrate that the majority of units would have a clear route of access to the rear of the property and that refuse bins can be easily transported from rear gardens to the highway edge to facilitate collection.

Bin storage

The applicant has re-assessed the storage of refuse bins and the ease of movement of these to the highway edge for Plots 31-37, 38-40, 48, 50-51, 56-61 and 69-70.

The applicant considers that these issues are primarily caused by the properties being served by stepped accesses / footways. In view of the difficulty that this is likely to pose to the safe movement of wheelie bins the applicant proposes a number of measures that are detailed in the Supplementary Planning Statement. This includes the provision of bin stores and use of seagull proof sacks.

Bin stores would be located and designed so as to not impede upon the outlook of the units and to minimise visual impact when viewed from the street.

Fencing / boundary treatments

The fenceline / railings that are proposed to run along the eastern boundary of the POS to the west of the site is retained in order to ensure the security of the properties that front on to it.

The applicant notes that concern was raised at the DMC meeting regarding the suitability of the hedgerow as a boundary treatment for Plots 38, 55, 56 and 65, but proposes that the hedgeline would be retained as the boundary for these properties. The use of fencing to create a maintenance strip along either side of the hedge was considered, but the applicant considers that its retention would provide a visual pleasing element within the aforementioned plots.

In order to ensure that there are no issues associated with the maintenance of the hedgerow, it is proposed that the entirety of it is maintained by the Management Company that will be set up to deal with all of the maintenance issues associated with the site. An agreement allowing the company's contractors access to the garden areas of the aforementioned properties in order to carry out works to the hedge will be included in the relevant purchase agreements.

Central hedgerow

Persimmon Homes also notes concerns regarding the retention of the hedgerow through the centre of the site. Similarly to the western area of POS, the hedgerow has been identified as a wildlife corridor and a feature that is of ecological and biodiversity benefit that the applicant considers should be retained as an attractive, natural feature.

The cross-section plan (sk201 Rev. P1) demonstrates the relationship between the hedgeline and plots 54 and 65. The applicant considers that this illustrates that the hedgerow is not a dominant feature between dwellings and would instead form a pleasant natural break between two properties.

Sustainable design

A number of units within the development will have a southward orientation, which will maximise the solar gain that is available to them. Several other units will be orientated westwards which will still offer significant opportunities for solar gain.

The rear gardens of the vast majority of units will be orientated in such a way that they will benefit from the sun throughout the day.

The applicant also clarifies that Persimmon Homes properties are constructed using the 'Fabric First' method; and that recent testing by independent energy consultants has suggested that this type of construction is approximately 6% more energy efficient than more standard construction methods.

The Supplementary Planning Statement provides a detailed explanation with respect to the sustainability credentials of this approach, notably that this helps to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions.

Security

In response to the comments of the Police Architectural Liaison Officer the applicant advises that considerable effort has been made by Persimmon Homes to ensure that there is sufficient surveillance from the properties over roadways, footways and the areas of Public Open Space.

All areas of Public Open Space will be enclosed by 0.9 metre high railings to ensure a high level of security between these areas and the residences beyond.

Consultations

Natural England, in their letter dated 7th September 2015, makes no objection and offers standard advice.

The **Environment Agency**, in their email dated 4th September 2015, makes no objection.

Historic England has made no comment.

Highways England, in their letter dated 14th September 2015, makes no objection.

DCC Highway Authority, in their email dated 15th September 2015, makes an initial objection that would be resolved through the provision of further evidence with respect to proposed safety measures relating to the crossing of Cornwood Road.

Environmental Health, in their email dated 22nd September 2015, makes an objection subject to conditions.

The **Landscape Specialist** raises no objection.

Strategic Planning states no over-riding policy objections to the development of the site. Subject to the detailed planning considerations being satisfied and there being no substantive planning reasons why the development should not go ahead, SP recommends that the application is approved.

Devon County Council Children's Services, in their letter dated 26th August 2015, indicates that a contribution would be necessary to meet the need for additional facilities at Ivybridge Community College.

The Local Lead Flood Authority (DCC Flood Risk Management, Environment Group), in their email dated 27th October 2015, raises concern with respect to the effectiveness of the proposed surface water management.

Devon County Council Historic Environment Team, in their letter dated 2nd September 2015, raises objection due to inadequate information with respect to archaeology.

Ivybridge Town Council, in their letter dated 18th September 2015, objects on the basis of the development being unnecessary given that allocations have been identified in the Development Plan to meet the need for housing in Ivybridge, that development would increase flood risk on Woodland Road and Cornwood Road; highway safety concerns; that no social infrastructure is proposed; that 50% of the properties should be Affordable Housing; that the amount of housing represents over development; and an adverse impact in the landscape.

South West Water (SWW), in their email dated 3rd September 2015, raises no objection.

The **Police Architectural Liaison Officer**, in their email dated 14th September 2015, raises concerns with respect to security.

Dartmoor National Park Authority, in their email dated 8th September, offers a formal response of no comment.

Representations

In excess of 100 letters of objection and one of support have been received.

The concerns raised by third parties can be read in full on the Council's website and are summarised as below, in so far as they relate to planning matters.

- loss of green space;
- insufficient education provision;
- insufficient amenities / services / shops in Ivybridge;
- highway safety;

- highway congestion;
- surface water run off causes flooding;
- adverse impact on landscape;
- adverse impact on biodiversity;
- housing needs met through Development Plan Allocations in Ivybridge and Sherford;
- Affordable Housing is not integrated;
- loss of farmland; and
- overlooking existing residential development.

Additional comments, but not specifically objections have been made in representations:

- enhance cycling;
- increase trees as part of drainage strategy

The single expression of support identifies the importance of providing new properties in Ivybridge to meet the needs of an ever growing population.

Update:

At the time of writing the Report one formal consultation response has been received, an objection, from a Member of the Public.

The Highway Authority has confirmed no objection subject to condition; and the County Archaeologist confirms the requirement for a condition.

Initial discussion between the Planning Officer and the Police Liaison Officer has established that the amendments improve security and the use of a condition to secure a Security Plan is likely to ensure the development would comply with Secured by Design.

A verbal update will be given at DM Committee should further representations be received.

Relevant Planning History

None.

Analysis

Principle of Development / Sustainability

The site is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is located adjacent to but outside the Ivybridge development boundary as defined in the South Hams Local Plan (1996).

The context for any recommendation relating to the principle of whether this application should be approved for development needs to take account of not only the local Development Plan, but also the National Planning Policy Framework (NPPF). The government requirement is clear that in order to boost significantly the supply of housing local planning authorities should

maintain 'a supply of specific deliverable sites sufficient to provide five years` worth of housing against their housing requirements.'

The Council is not able to demonstrate a five year housing land supply. In the context of paragraph 14 of the National Planning Policy Framework (NPPF), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

When preparing the SA DPDs this site was one of many in and around Ivybridge considered as potential development sites as part of the Sustainability Threshold Assessment (STA). This assessment concluded by giving the land north of Woodland Road (the application site) an overall middle/neutral sustainability rating of yellow. This conclusion indicated that the site had possible sustainability issues. Further assessment would be required to clarify this initial summary. This has now been undertaken as part of this application process. The site was not allocated for development in the Ivybridge SA DPD, but this should not be regarded as indicating that it is an unsustainable site in principle.

In this respect the site is considered to be in a sustainable location, in that services and facilities can be easily accessed by walking, cycling and public transport.

The key sensitivities are identified as surface water run-off / Ivybridge Critical Drainage Area and landscape, including potential impact on Dartmoor National Park. The numerous mature trees and the existence of habitat suitable for protected species, specifically the boundary hedgerow, also represent parameters within which proposed development must be framed.

The decision relating to the principle and suitability of development needs to be made in the context of the three dimensions of sustainability as set out in the NPPF: economic, social and environmental. A consideration of the proposals for each of these categories in the context of the Development Plan and general requirements of the NPPF follows.

The Economic Dimension

The provision of housing, including Affordable Housing (AH), is a significant benefit in terms of the provision of employment in the short term and the provision of accommodation for workers in the long term. New residents would also spend money in the local economy, supporting the retention and improvement of local services and facilities.

The application has been brought forward to meet some of the requirement for a five year housing land supply, it is important to secure the delivery of Affordable Housing early in the construction timetable and that all development commences in a timely manner.

Social Dimension

The provision of housing, including Affordable Housing (AH), is a significant benefit. For a non-allocated greenfield site the level of Affordable Housing would normally be 50%. The applicant has submitted, however, a viability assessment that has been independently reviewed and this confirms that the proposed (increased) offer of 30% AH with a split of 50% Social Rented and 50% Shared equity, represents a good level given the costs associated with development.

The applicant has also confirmed that the requirement will be met in full for a payment to meet the capacity needs that arise as a consequence of development at Ivybridge Community College.

The layout of the development is considered to provide a good level of open space that is easily accessible to all residents.

The Police liaison Officer has identified a number of concerns. Whilst these concerns are well founded, the layout has been designed to limit landscape and visual impact and this has resulted in much of the open space running alongside the public footpath. The design responds to security concerns to an extent by ensuring a reasonable degree of overlooking of public spaces. It is considered, however, that further security measures, such as lockable gates between houses, are necessary and that if planning permission is granted then a condition would be to require a security plan.

Update:

The Police Liaison Officer has advised, verbally, that the use of a condition as described would be acceptable.

The Environmental Dimension

The fields currently make a contribution to the rural setting of the fringe of Ivybridge and form part of a green space between Ivybridge and development further west. The site is prominent in views from higher ground to the south of the A38 and from higher ground within the northern part of the developed area of Ivybridge. Views are available from Dartmoor National Park.

The layout of development minimises landscape and visual impact by placing open space to the west and north-west, along the footpath and by making a feature of the mature tree that sits in the centre of the site. It is also notable that the proposed development would not infringe on the skyline. The Dartmoor National Park Authority has confirmed that they do not consider that the development would have a significant adverse impact on the National Park.

The site is not at risk of flood itself, but given poor percolation run off can contribute to flooding of lower land to the south and south east. Local residents have advised that flood occurs on occasion. The applicant has submitted a flood risk assessment and drainage plan that demonstrates betterment, such that by holding run off in a surface water storage feature would reduce the risk of flood off site. The Local Lead Flood Agency has, however, questioned some elements of the FRA including checking stability of the proposed pond; checking buoyancy of the proposed attenuation tank during high groundwater levels; clarifying the overflow arrangement from the below ground structure to the above ground structure; the provision of benefit with regard to water quality from the site; and confirmation with respect to the soakaway testing rates. At the time of issuing this Report the LLFA is not available to confirm whether these matters have been addressed. An update will be given at the Committee Meeting.

The Council's Biodiversity, Open Space / Recreation and Green Infrastructure specialists raise no objection to the proposed development subject to a number of measures. Over-arching would be a pre-construction agreement of a Landscape and Ecological Management Plan that would implement the findings of the Ecological Assessment and include protection of hedgerows and trees. The latter would need to be secured within a s106 Agreement. A

financial contribution would be necessary to address recreational impact on Special Areas of Conservation.

The specialists also recommend the pre-commencement submission and agreement of details of the public open spaces including play area and surface water storage basin. This would cover on-going management and maintenance. In this respect the s106 should seek to secure payments for improvements to play facilities at Woodlands Park and sports facilities at Filham Park, Ivybridge, the provision of an on-site 100m² LAP, including appropriate buffers, and public access and on-going management and maintenance of the on-site public open space, including the LAP, in perpetuity.

Sustainability balance

The site is considered to enjoy good access by walking, cycling and public transport to a range of facilities and services. With no significant adverse impacts identified the weight of the provision of housing, including 30% Affordable Housing is significantly in favour of the development.

The layout and overall density is considered to be sensitive to the location and makes the most of the existing strong hedge and trees at the boundaries and to limit any adverse impact on landscape and biodiversity.

Other material considerations

It is considered that the layout of the site responds well to its setting, as described above. The objective of retaining open space in the most sensitive parts of the site (the west and north-west) and to ensure betterment with respect to surface water run-off, has resulted in a low density development in comparison to the area of the whole site. Some of the properties are typically small and the desirability of this in the context of Policies DP4 and DP11 is questionable. The key tests of the NPPF, however, require a balanced approach. In the case of this application the high quality of the landscape treatment / quantity of public open space, the delivery of 30% Affordable Housing (please see later in the Report for further consideration of this matter) and meeting all request for contributions are considered to be significantly beneficial. The government has also moved towards a regime whereby Local Planning Authorities must rely on National Standards and Building Regulations rather than require higher standards of design. Whilst high quality in all design matters continues to be an objective of the Planning Authority, it is considered that an appropriate quality will be delivered by compliance with non-planning statutory standards; and that given the other benefits of the development, this is not a reason to refuse planning permission in this instance.

Parking spaces and arrangements are generally sufficient and appropriate, although some scenarios appear to be likely to cause difficulties for residents and others may detract from the quality / functionality of the open space. Again, this is not considered to be a reason for refusal, but it is recommended that if permission were granted that the submission of and adherence to a revised parking plan is a condition.

Concern has been expressed by the Police Liaison Officer with respect to security, but in the balance it is considered that maintaining a landscape led layout with additional security measures makes the development acceptable in this respect.

Parking provision for some of the properties appears to be inconvenient and some visitor spaces would have an adverse impact on the landscape plan and the applicant has been asked to reconsider the arrangement.

Representations have questioned the impact on neighbour amenity. In this respect it is considered that appropriate distances exist between existing properties and the proposed new properties and that there are no views from existing properties that would be dominated by the new development such that it would render them unpleasant places to live. It is recognised that disruption would occur during the construction phase, but that this would be short term and could be controlled to an appropriate level through condition.

Representations have also questioned whether adequate provision is proposed with respect to open space and recreation / sport provision. With a good proportion of open space on site and specific contributions to be made to off-site recreation provision, it is considered that these matters are addressed.

Devon County Council Highway Authority makes an initial objection that would be resolved through the provision of further evidence with respect to proposed safety measures relating to the crossing of Cornwood Road. The measures would then be secured by condition or s106 agreement to ensure appropriate design in terms of highway / pedestrian safety.

The site is Grade 3 Agricultural Land, the loss of which cannot be mitigated or compensated. As a relatively abundant resource, this is not considered to be a matter that would outweigh the benefits of delivering housing to meet a five year housing land supply.

Devon County Council Historic Environment Team has confirmed that a pre-commencement Written Scheme of Investigation would be an acceptable condition.

Update:

The amendments that are described in the section of this report titled 'The Proposal' are considered to largely address the concerns expressed above and by Councillors at the DM Committee Meeting of 20th January. In particular the 'liveability' is improved by the changes to the road layout and standards and the addition of bin stores.

It is noted that some Councillors were of the view that a redesign with POS in the centre of the site might be appropriate. In this respect it is the view of the Planning Officer that the ecological benefit and landscape / visual benefit justifies retaining the majority of POS at the margins; and that proper maintenance can be achieved through the use of a Management Company and restrictive covenants.

It is acknowledged that some degree of difficulty might be experienced with respect to properties with steps and bin stores, but this situation does not apply to the majority of units.

With 34 two bed, 38 three bed and 5 four bed properties, the proposed development is considered to provide an appropriate mix in the context of the indicative targets of Policy DP11.

With respect to the design and materials, the use of a mix of brick, render and grey / slate tiles is considered appropriate in the context of the setting of the site.

Conclusion (with minor changes to DMC Report of 20th January)

It is recognised that granting planning permission is likely to result in a level of housing development in excess of what has been proposed in the Ivybridge DPD. With all contribution requests to be met there are, however, no adverse impacts with respect to infrastructure and other provisions. Notably neither Devon County Council as Highway Authority nor Highways England have raised any objection with respect to highway capacity.

With no significant adverse impacts identified the weight of the provision of housing, including 30% Affordable Housing, is significantly in favour of the development.

Conditions and s106 requirements have been identified at the beginning of this Report and these are considered to be necessary to ensure that the development would meet policy tests with respect to sustainable development. Of particular importance are measures to secure a landscape plan and a surface water management plan.

In the context of the balanced judgement required by paragraph 14 of the NPPF it is recommended that the planning application is approved.

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

South Hams LDF Core Strategy

CS1 Location of Development
CS6 Affordable Housing
CS7 Design
CS8 Infrastructure
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP8 Open space and recreation
DP11 Housing mix and tenure
DP15 Development in the Countryside

NPPF

Paragraph 7 and 14.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Ben Gilpin

Parish: Ermington **Ward:** Erme Valley

Application No: 2659/15/FUL

Agent/Applicant:
Barzey Associates
Hazel Cottage
Tedburn St Mary
Exeter
EX6 6AF

Applicant:
Mr Eric Edward Cahill
The Paddock
Highweek Village
Newton Abbot
Devon
TQ12 1QB

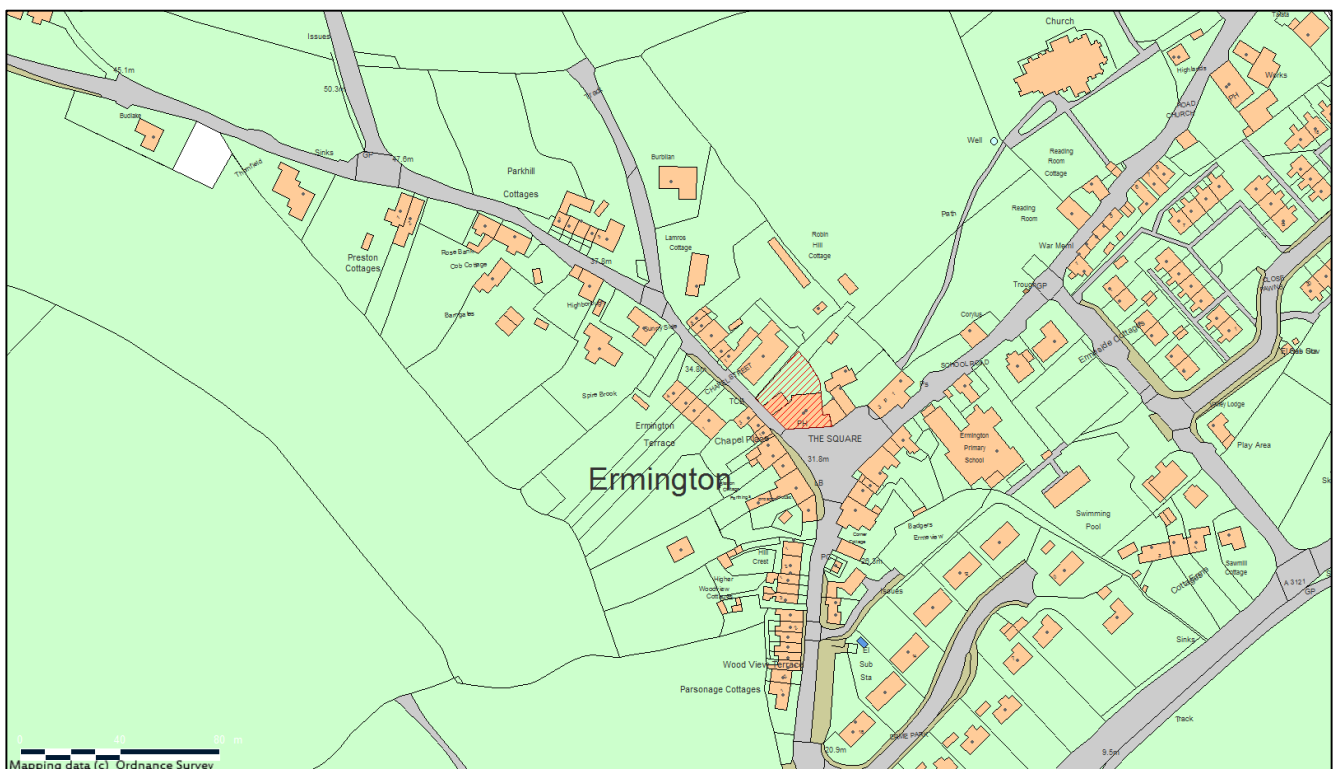
Site Address: Crooked Spire Inn, The Square, Ermington, Devon, PL21 9LP

Development: Conversion of part of redundant premises to form two new dwellings.

Reason item is being put before Committee:

At the request of Cllr Holway, who stated:

There is strong feeling within the community regarding this application, and concerns include the continued viability of the pub if the application is approved and parking issues. As the site is significant, being in the centre of the village, I feel it should be determined by the DM Committee.



Recommendation:

That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement

Conditions:

Standard Time Limit
Accord with Plans
Unsuspected Contamination
Materials (Prior to Commencement (PTC))

S106:

Affordable Housing Contribution

Key issues for consideration:

Principle of Development
Impact on Amenity (loss of light) / Heritage Assets
Impact on 'Community Asset' / Viability
Others (highways / Area of Outstanding Natural Beauty (AONB) / 5 Year Housing Land Supply (5YHLS))

Site Description:

The site is within the development boundary and within a Conservation Area. The site is also on the List of Assets of Community Value (added on 28/08/2013).

The site has no other identified statutory designation constraints.

The Proposal:

Conversion of part of redundant premises to form two new dwellings.

Consultations:

- County Highways Authority

No objection

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition.

- Town/Parish Council

Objection:

1. *NPPF and local planning policies promote the retention of public houses. The current plan puts the viability of the Crooked Spire Inn at risk because:*
 - a. *The proposals amount to a reduction of almost 50% of the pub space;*

- b. *It is generally accepted that village pubs cannot survive on drink sales alone and income from food sales is essential. The kitchen facilities are dramatically reduced in size resulting in limitations on the amount of catering possible thus impacting directly on the viability of the business;*
 - c. *The beer store would be reduced to an extent that would restrict the range of drinks available.*
2. *The failure of the business would result in a need to dispose of it. The pubs listing as an Asset of Community Value would then in effect be neutralised because of the limitations imposed on it by the changes to its size and viability.*
 3. *No business case has been made to support the view stated in the application that the changes proposed would make the pub more viable.*
 4. *The application states that the saloon bar is not used. This is an over statement. The bar is used by a number of community groups.*
 5. *Contrary to what is written in the Design and Access statement there has been no prior consultation with Ermington Parish Council or the local community.*
 6. *The two vehicle access points onto Chapel Street pose a very real danger because of the lack of adequate sight lines.*
- Others

None received

Representations:

Representations from Residents

At the time of writing, circa 14 letters of objection to the proposal had been received, citing:

- Impact on the Area of Outstanding Natural Beauty (AONB)
- Poor pub management
- Loss of public meeting space
- Lack of Community Facilities
- Loss of space would render the business unviable
- Highway Safety
- Kitchen is not the right size for a viable business / Public House
- The loss of part of the Public House would mean that there is nowhere for members of the community to meet
- Lack of parking at the Public House to ensure it would be a viable business
- Loss of light to neighbouring properties from increase in size of development

At the time of writing 1 letter of support to the proposal has been received, citing:

- The village has existing community space (the Reading Rooms);
- The proposal is both reasonable and balanced
- Financial exposure of the owner would be reduced allowing the release of capital to re-invest;
- A smaller pub would mean reduced rents for landlords, so being more viable
- There is no obligation for the owner to improve the facilities at the pub to the standard that the village wants
- The proposals offer a chance for positive change

Relevant Planning History

None directly applicable

ANALYSIS

Principle of Development:

The site is located within the development boundary so development, per se, is acceptable in principle (subject to accordance with adopted Development Plan policies).

Impact on Amenity (loss of light) / Heritage Assets:

Comments have been received suggesting the changes proposed to deliver the scheme (the raising of the ridge height of 'New Dwelling 2' by circa 0.6 metres) would result in a loss of light to the west are not considered so detrimental as to warrant or support a recommendation of refusal in this instance.

The proposed development would enable the continued beneficial use of the buildings so ensuring this part of the CA retains its current character (being predominantly residential, together with the Public House), as well as continuing to preserve the quality of the environment (in accordance with policy DP6).

The character of the CA is not considered to be so negatively affected by the proposal in this instance as to warrant a recommendation for refusal, and to ensure effect is minimised (yet still deliver the requisite home improvements) the materials can be secured by way of a planning condition.

Impact on 'Community Asset' / Viability:

Policy DP9 relates to Local Facilities.

The part of the policy relevant to this planning application (sub section 2) states:

"In order to protect access to community services the change of use or redevelopment of a local facility will not be permitted unless:

- a. there is alternative local provision; and/or*
- b. there is proven absence of demand for the facility; and/or*
- c. it can be shown to be non-viable."*

In addition, consideration has also been given to Planning Case Law in relation to the loss of such facilities (notably Planning Appeals: APP/L3245/A/13/2192177 and APP/Z1510/A/12/2172854 that related to the loss of the last local facility in the respective appeal locations). In the aforementioned decisions, the appeals were dismissed on the grounds that the last community facility in the village would be lost.

In this instance, the proposal does not seek the removal of the Public House, but looks to alter the layout of the Public House to ensure its' long-term use. For clarity, paragraph 28 of the National Planning Policy Framework (NPPF) states that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

Adopted policy and Government Guidance states that community facilities (which include in that definition ‘Public Houses’) should be promoted and supported in rural areas unless there is alternative local provision, and / or there is a proven absence of demand for the facility, and / or the facility is not viable.

Therefore, if the site accords with at least one of the three points of Policy DP9, it could be justifiably argued that to refuse a development solely on Policy DP9 would be unreasonable.

In this instance, objections have stated that the development of the site would result in the loss of a local facility.

In terms of there being no alternative local provision, local in this instance is considered to be the village of Ermington and its immediate surrounds. Within the village, if the areas identified were to be converted to residential use, the village would still have the following:

- The Reading Rooms (multi-function Community Space with kitchen) – 130 metres NE of the site
- The Crooked Spire Public House – at the site

It is evident that there are community facilities that could suitably cater for the needs identified as being lost by the proposal within the locality of the site.

In light of the above, it is not considered that the loss of the part of the Public House as a Local Facility is sufficient to warrant a recommendation for refusal on the grounds cited in objections as it would accord with the criteria of Policy DP9.

Others (highways / Area of Outstanding Natural Beauty (AONB) / 5 Year Housing Land Supply (5YHLS)):

Highways:

A number of objections have cited impact on highway safety as reason for refusing the proposal. In this instance, the view put forward is not one supported by the statutory consultee on such matters (DCC Highways) who have raised no objection.

In this instance, to recommend refusal on highways grounds is not considered one that would be suitably robust to stand up to challenge at Planning Appeal.

AONB:

One objection has stated the development would be to the detriment of the AONB. It is noted that the site is not within the AONB and as such this is not considered material to the planning application (or its consideration).

5 Year Housing Land Supply (5YHLS):

The South Hams District Council Housing Position Statement 2015 (October 2015) states:

The Council has carefully assessed its supply of land and evidence shows it had over 4 years supply in rural South Hams but less than a year in the PPUA (within South Hams) at April 2015.

This equated to 1.9 years supply for the district as a whole.

In summary, and to re-iterate, the District has a 1.9 year supply at present. This falls woefully below the 5 year housing land supply requirement as prescribed by paragraph 47 of the National Planning Policy Framework (NPPF), which states:

To boost significantly the supply of housing, local planning authorities should:

identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

Knowing the above, the fact that the proposed scheme can deliver 2 residential units must carry a reasonable and proportionate level of weight in decision making, even more so knowing the site is immediately adjacent to a settlement identified as sustainable by adopted policy CS1.

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

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

DP9 Local Facilities

South Hams Local Plan (please delete as necessary)

IP 11 Ermington

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.

South Hams District Council **Agenda Item 8**
DEVELOPMENT MANAGEMENT COMMITTEE 16-Mar-16

Appeals Update from 1-Feb-16 to 7-Mar-16

Ward Charterlands

APPLICATION NUMBER : **02/1287/15/F** APP/K1128/D /15/3136835
APPELLANT NAME: Mr & Mrs I Darbyshire
PROPOSAL : Householder application for rear extension and replacement roof with raised ridge height
LOCATION : The Rectory Stables Jubilee Street Aveton Gifford Kingsbridge TQ7 4LG
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-October-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-February-2016

APPLICATION NUMBER : **05/0570/15/O** APP/K1128/W/16/3142708
APPELLANT NAME: C & S RODGER, R & E OGILVIE-SMALS, C & L HALL, J DAVIES
PROPOSAL : Outline application (with some matters reserved) for residential development of circa 8 dwellings with point of access, open space and associated infrastructure
LOCATION : Proposed Development Site At Sx 663 471 St Anns Chapel Bigbury Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-February-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **05/3198/14/F** APP/K1128/W/15/3140953
APPELLANT NAME: Ms Vivien Stuart-Mossop
PROPOSAL : Replacement dwelling
LOCATION : Avonmouth Folly Hill Bigbury On Sea Kingsbridge TQ7 4AR
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-February-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartmouth and Kingswear

APPLICATION NUMBER : **15/2074/15/F** APP/K1128/D/16/3143800
APPELLANT NAME: Mrs J Nicholas
PROPOSAL : READVERTISEMENT (Revised Plans Received) Householder application for two storey rear extension and bay window to ground floor front elevation
LOCATION : 4 Higher Street Dartmouth Devon TQ6 9RB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-February-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2729/15/FUL** APP/K1128/W/16/3143633
APPELLANT NAME: Newcomen House Ltd
PROPOSAL : Proposed replacement of 10no. timber sliding sash windows with uPVC sliding sash windows at first and second floor level on elevation fronting Oxford Street
LOCATION : Newcomen Court Oxford Street Dartmouth Devon TQ6 9AJ
APPEAL STATUS :
APPEAL START DATE: 18-February-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **30/0771/15/F** APP/K1128/W/15/3140235
APPELLANT NAME: Mr A Brownsword
PROPOSAL : Householder application for new ancillary unit of accommodation
LOCATION : Kittery Court Priory Street Kingswear Dartmouth TQ6 0AB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-March-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **30/1326/15/VAR** APP/K1128/D /3134405
APPELLANT NAME: Mr S Parker

PROPOSAL : Removal of condition 4 (details of privacy screens) of planning consent 30/2635/13/F for alterations and extension
LOCATION : Bluewater House Ridley Hill Kingswear Devon TQ6 0BY
APPEAL STATUS : Appeal decided
APPEAL START DATE: 08-October-2015
APPEAL DECISION: Partially upheld
APPEAL DECISION DATE: 04-February-2016

Ward Erme Valley

APPLICATION NUMBER : **21_27/2754/14/VAR** APP/K1128/W /15/3133435
APPELLANT NAME: Endsleigh Garden Centre
PROPOSAL : Variation of condition 2 of approval 21/2161/04/F to allow increase in the total floorspace devoted to the sale of certain goods
LOCATION : Endsleigh Garden Centre Endsleigh Ivybridge Ivybridge Devon PL21 9JL
APPEAL STATUS : Appeal decided
APPEAL START DATE: 16-September-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 11-February-2016

Ward Salcombe and Malborough

APPLICATION NUMBER : **41/0703/15/F** APP/K1128/W/16/3143575
APPELLANT NAME: Mr R Jemmett
PROPOSAL : Demolition of existing structure and erection of new dwelling and raised parking area
LOCATION : Proposed Development Site To Rear Of The Hollies Devon Road Salcombe Devon TQ8 8HQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-February-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **41/1035/15/F** APP/K1128/D/15/3135245
APPELLANT NAME: Ms J MacDonald
PROPOSAL : Householder application for alteration and extension to first floor accommodation to create additional bedroom
LOCATION : The Old Forge Market Street Salcombe Devon TQ8 8DE
APPEAL STATUS : Appeal decided
APPEAL START DATE: 19-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 12-February-2016

Ward Totnes Town

APPLICATION NUMBER : **56/0990/15/PNNEW** APP/K1128/W /15/3130277
APPELLANT NAME: Mr H Coakley
PROPOSAL : Prior approval for change of use of building and land within its curtilage from storage/distribution (Class B8) to dwellinghouse (Class C3)
LOCATION : King George V House The Old Reservoir Totnes Devon TQ9 5DS
APPEAL STATUS : Appeal decided
APPEAL START DATE: 06-August-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 04-February-2016
