

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 13th April, 2016										
Time:	11.00 am										
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="width: 100%; border: none;"> <tr> <td style="width: 33%;">Bramble</td> <td style="width: 33%;">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

1 - 6

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 16 March 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. Site Inspections

the site inspections held on 4 April 2016 will be considered under agenda item 6.

6. Planning Applications:

(a) 2659/15/FUL

7 - 14

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>

(b) 06/1725/15/F

15 - 26

Construction of a solar photovoltaic park with associated PV equipment -
Land at Oldstone Farm, Blackawton, Totnes, Devon

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=151363>

(Upon the conclusion of the above agenda items, the meeting will be adjourned and re-convened at 2.00pm)

(c) 27/1859/15/F

27 - 42

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://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=152311>

(d) 27_57/1347/14/F

43 - 56

Residential development comprising 222 dwellings with green infrastructure, public open space, flood attenuation provisions, vehicle access points, internal roads and pedestrian/cycle links and associated works -
Land at Torrhill Farm, Godwell Lane, Ivybridge, PL21 0LT

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

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=141620>

(e) 2682/15/FUL **57 - 66**

Replacement of existing dwelling with 2 No proposed dwellings -
59 Yealm Road, Newton Ferrers, Devon

For Letters of Representation and further supplementary information select the following link:
<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyText=150122>

7. Planning Appeals Update **67 - 68**

8. Review of Planning Scheme of Delegation **69 - 76**

MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 16 MARCH 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 R J Foss (Vice Chairman)	Cllr R C Steer (Chairman)
Cllr P W Hitchins	Cllr R J Vint

Other Members in attendance

Cllr Saltern

Officers in attendance and participating

Item No:	Application No:	Officers:
All agenda items		Development Management COP Lead, Planning Specialists, Landscape Officer, DCC Highways Officer, Solicitor and Lead Specialist – Democratic Services

DM.60/15 MINUTES

The minutes of the meeting of the Committee held on 17 February 2016 were confirmed as a correct record and signed by the Chairman.

DM.61/15 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 Brazil declared a disclosable pecuniary interest in application **27/1859/15/F**: 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, by virtue of comments he had made during the site inspection for this application that had been held on 11 January 2016 and left the meeting for the duration of the debate and discussion on this item;

Whilst not in attendance at the last meeting held on 17 February 2016, Cllr Foss declared a disclosable pecuniary interest in application **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 by virtue of knowing the applicants and a number of individuals who had made representations

on the proposals and left the meeting for the duration of the debate and discussion on this item.

Cllr Cane declared a personal interest in application **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 by virtue of being a Council representative on the South Devon AONB Partnership Committee within which the application was sited and remained in the meeting and took part in the debate and vote on this application.

DM.62/15 **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.63/15 **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:

48/2450/15/F **Proposed development site at SX 773 400,
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

Case Officer Update:

- Since the site inspection had been held, revised plans had been submitted illustrating small scale amendments to the proposed parking and turning area. It was confirmed that the Conservation Officer was content with these revisions;
- In light of the health and safety concerns raised by the parish council, it was reiterated that the applicant would need to conform with Health and Safety regulations;
- An indicative landscape plan had been received that illustrated the proposals to plant an orchard. Members were informed that this could be controlled by a landscaping condition and the Landscape Officer had raised no objections.

Speakers included: Objector – Mrs Elizabeth Bennett; Supporter – Mr Mark Evans; Ward Member – Cllr Brazil

Recommendation: Conditional Approval
Page 2

In discussion, some concerns were raised in relation to the proposals having a detrimental impact on both the Conservation Area and the Area of Outstanding Natural Beauty. However, the majority of Members were content to support the case officer recommendation, subject to inclusion of:

- An additional condition whereby cars could only park to the northern side of the public right of way; and
- An existing proposed condition being amended to include reference to the details of track surfacing being required.

Committee Decision: Conditional Approval

Conditions:

1. Time limit for commencement;
2. In accordance with plans;
3. Details of materials (to include track surfacing);
4. Submission of landscape scheme;
5. Implementation of tree protection in accordance with Arboricultural Impact Assessment;
6. Submission of Arboricultural Method Statement for Track;
7. Permitted Development restrictions;
8. Sewage treatment plan to be sited at least 30 metres from the Salcombe to Kingsbridge Estuary Site of Special Scientific Interest;
9. Unsuspected Contamination;
10. Notwithstanding submitted plans, details of three bat and six bird boxes to be submitted;
11. Works to be timed outside of bird nesting season, unless the site has been checked and young birds have fledged; and
12. Cars to only park to the northern side of the public right of way.

27/1859/15/F SX 6203 5630, Woodland Road, Ivybridge

Parish: Ivybridge

Erection of 77 dwellings including all associated public space, landscaping and all other associated external works

Case Officer Update:

- Since the initial decision to defer the application at the Committee meeting on 20 January 2016 (Minute DM.53/15 refers), additional documents had been received that were all highlighted and referred to in the presented agenda report;
- An additional condition was suggested in relation to the need for detailed plans to be submitted relating to bin storage;
- The town council had made further representations reiterating its previous raised objections.

Speakers included: Ward Member – Cllr Saltern

In discussion, a number of Members expressed their extreme frustrations that the reasons for the initial deferral (namely layout and design) had still not been adequately addressed. Furthermore, the Highways Officer expressed his surprise that a revised parking plan (that he had informally agreed with the applicants following the Committee meeting on 20 January 2016) had not been presented to the Committee in time for this meeting.

In light of these concerns, a motion to refuse the application was **PROPOSED** and **SECONDED**.

As the debate progressed, other Members felt that they could not support the application as it was currently presented. However, and in making reference to the awaited revised parking plan, these Members felt that that, whilst regrettable, it would be more appropriate for the Committee to again defer the application to a future meeting for further consideration. A motion to defer consideration of the application was then **PROPOSED** and **SECONDED**.

In line with Council Procedure Rules, the Chairman ruled that the motion to defer would be voted upon first and, when put to the vote, it was declared **CARRIED**.

Recommendation: Conditional Approval

Committee Decision: That the application be again deferred to allow the applicant a further opportunity to address the concerns of the Committee specifically relating to layout and design.

**2659/15/FUL Crooked Spire Inn, The Square, Ermington
PL21 9LP**

Parish: Ermington

Conversion of part of redundant premises to form two new dwellings

Case Officer Update: None since presented agenda report publication.

Speakers included: Objector – Mr Grant Elliott; Supporter – Mr Eric Cahill; Parish Council – Cllr John Kerslake; Ward Member – Cllr Holway

Recommendation: That authority be delegated to the Development Management COP Lead to approve, subject to inclusion of the conditions outlined in the presented agenda report and the prior satisfactory completion of a Section 106 Agreement.

Committee Decision: Site Inspection

DM.64/15 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

(Meeting commenced at 2.00pm and concluded at 4.25 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 16 March 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
48/2450/15/F	Proposed Development Site at SX 773 400, Prowse Barn, South Pool, Kingsbridge	Conditional Approval	Cllrs Bramble, Cane, Cuthbert, Hitchins, Hodgson, Holway, Rowe, Steer and Vint (9)	Cllrs Brazil and Pearce (2)	None	Cllr Foss (by virtue of declaring a DPI (1))
27/1859/15/F	Proposed Development Site at SX 6203 5630, Woodland Road, Ivybridge	Deferral	Cllrs Bramble, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe and Vint (8)	Cllrs Cuthbert and Steer (2)	Cllr Cane (by virtue of not being in attendance at the Committee meeting on 20 January 2016 (1))	Cllr Brazil (by virtue of declaring a DPI (1))
2659/15/FUL	Crooked Spire Inn, The Square, Ermington PL21 9LP	Site Inspection	Cllrs Bramble, Brazil, Cane, Cuthbert, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Steer and Vint (12)	None	None	None

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

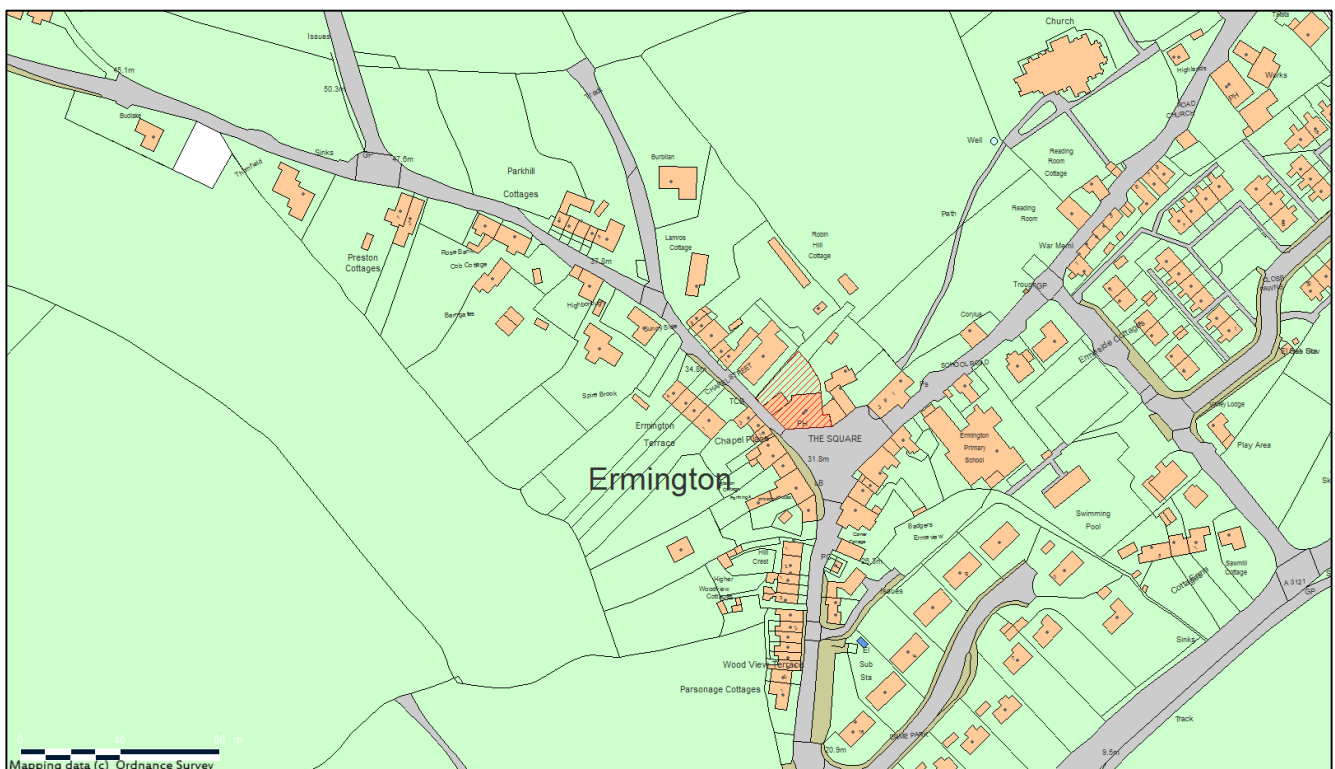
Site Address: Crooked Spire Inn, The Square, Ermington, Devon, PL21 9LP

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.

REPORT OF THE SITE INSPECTION HELD MONDAY 4 APRIL 2016

2659/15/FUL Conversion of part of redundant premises to form two new dwellings – Crooked Spire Inn, The Square, Ermington

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

Also in attendance: Cllr Kerslake – Ermington Parish Council
Mr Cahill – Applicant and speaker in support
Mr Elliott – Previous speaker in objection
Ben Gilpin – 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.

The District Council Members proceeded to enter the premises and the Case Officer outlined how the building would be split if the proposal was approved. The Members went through the different areas of the building, and exited the building to the rear.

The Group then proceeded to the Reading Rooms, an area available for community use. The Parish Council representative set out the background to the Rooms.

The Group returned to the area in front of the application site. The Case Officer responded to a number of questions related to the application. There was some discussion related to the area immediately in front of the site and its ownership.

The Chairman then concluded the site inspection and advised that the application would be re-presented to the next meeting of the DM Committee on 13 April 2016.

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PLANNING APPLICATION REPORT

Case Officer: Ben Gilpin

Parish: Blackawton

Application No: 06/1725/15/F

Agent/Applicant:

Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

Applicant:

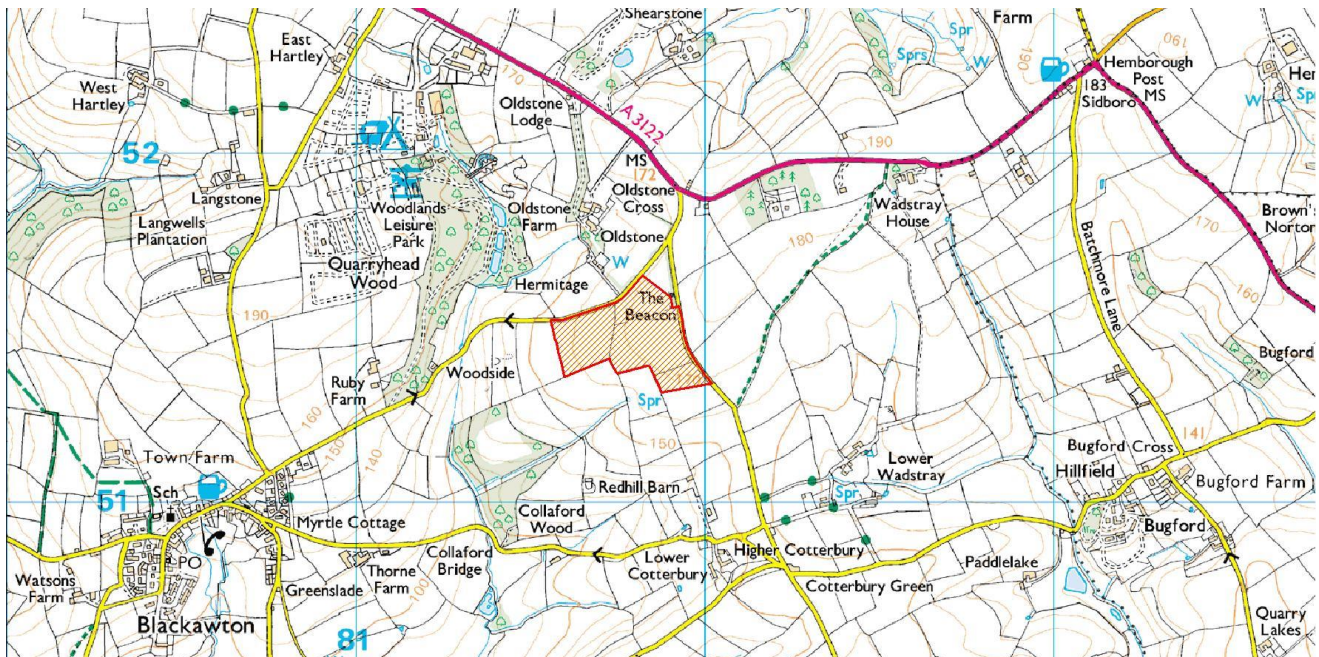
Oldstone Farm Solar Park Ltd
Oldstone Farm
Blackawton
Totnes
TQ9 7DG

Site Address: Land At Oldstone Farm, Blackawton, Totnes, Devon, TQ9 7DG

Development: Construction of a solar photovoltaic park with associated PV equipment

Reason item is being put before Committee: At the request of Cllr Hicks, who stated:

As previously discussed, I would request that this app is taken to the Planning Committee when appropriate.



Recommendation:

Conditional Approval

Conditions:

Standard Time Limit

Accord with Plans

Unsuspected Contamination

Landscape / Biodiversity (Prior to Commencement (PTC))

Duration (25 years)

Notification of Operational Commencement

Materials (PTC)

Fencing / CCTV (PTC)

Highways (Road State)

GPDO

External Lighting

Key issues for consideration:

Principle of Development

Landscape / Visual Impact (incl. cumulative impact)

Ecology

Highways

Other Matters (Farm (Rural) Diversification; Impact on Tourism (economic impact); Impact on Heritage Assets (incl. Archaeology); Flood Risk).

Site Description:

The site is in open countryside, but has no statutory designation constraints. The nearest point of the site to the South Devon Area of Outstanding Natural Beauty (AONB) is 0.6 kilometre to the south of the site (at Cotterbury Cross). The site itself is in an elevated position, with the majority of the site being screened from immediate public view by existing hedgerows and / or trees.

The site itself is one of relatively good quality agricultural grade land (Grade 3) – source: www.magic.gov.uk. The nearest sensitive receptor is circa 200 metres to the west north east.

The site is accessed via the public highway to the east. The site area is circa 8.2 hectares (20.3 acres) or which approximately 40% will host the PV arrays (circa 3.3 hectares / 8.1 acres).

The Proposal:

Construction of a solar photovoltaic park with associated PV equipment

Consultations:

- County Highways Authority

No objection.

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition.

- Town/Parish Council (Blackawton)

Objection

- Others

See below

Representations:

Representations from Residents

42 x members of the public have submitted objections to the proposal. 1 x member of the public has submitted comments on the proposal.

Objections cite the following as reasons for refusal:

1. Visual Impact
2. Impact on Tourism (economic impact)
3. Over Development
4. Highway Safety (during construction)
5. Loss of Agricultural Land
6. Cumulative Impact
7. Ecological Impact
8. Heritage Impact
9. Surface Water Runoff
10. Would not meet the essential needs of agriculture
11. Out of Character

Representations from Internal Consultees

SHDC Drainage:

No objection subject to accordance with details as submitted

SHDC Ecology:

No objection subject to planning conditions:

07/1725/15/F - Solar park - Land at Oldstone Farm, Blackawton, Totnes – Biodiversity consultation response

The submission includes an Ecological Appraisal (EDP, July 2015), which presents results of a desk study and single site visit. No detailed Phase 2 surveys were undertaken, namely due to the low ecological value of the site (intensively managed improved pasture), and the retention and buffering of higher value ecological (namely hedgebanks). This approach was agreed at the pre-application stage as is evident from Appendix 2 of the Ecological Appraisal.

In summary:

- *There are no anticipated impacts on any statutory or non-statutory sites.*
- *Habitats with significant ecological value are being retained, and have potential to be enhanced.*
- *A limited amount of temporary hedgebank removal will be required to facilitate access. The Ecological Appraisal advises that this section of hedgebank does not contain habitat suitable for dormice.*
- *An 'Outline Habitat Management Schedule' has been proposed. While not fully detailed, it provides sufficient information to indicate that subject to adherence to the habitat creation and management measures that the proposal can enhance the wildlife value of the site, including for protected species (such as dormice, and nesting birds including those identified in previous RSPB response). These measures include relaxing the hedgerow cutting regime to encourage taller and denser habitat, establishing a species-rich semi-improved grassland buffer with a late cut/low-intensity graze, and semi-improved sheep grazed grassland below the panels.*

The proposal and measures detailed within the Ecological Appraisal are considered to be in keeping with wildlife legislation, and reflective of national good practice guidance with respect to improving the wildlife value of solar parks.

Recommendation - *No objection subject to conditions:*

- *Prior to commencement a fully detailed Landscape and Ecological Management Plan should be submitted to the LPA for approval (incorporating measures detailed in Appendix EDP 4 of the Ecological Appraisal, EDP – July 2015). The LEMP should set out habitat creation, management and maintenance measures for the lifetime of the installation, and any necessary decommissioning measures thereafter.*
- *Works to create the access splay should ideally be undertaken outside of bird nesting season (typically considered to be March to August inclusive). If works must commence within bird nesting season, the hedgebank to be affected must first be thoroughly checked to confirm that no nesting birds are present. If nesting birds are found to be present, works to create the access splay must be delayed until all young birds have fledged.*

Policy: *SHDC Core Strategy Policy CS10, NERC Act 2006, NPPF Para 118*

SHDC Conservation:

No objection:

There are 5 Heritage Assets (listed structures) immediately associated with Oldstone Farm, clustered around the existing farm complex with a further 17 within a 2km radius. The proposed laying of solar arrays will at their closest be approximately 105m from the kitchen garden walls, 165m from the folly to the east of Oldstone, 200 m from the ruins of Oldstone House, the not appear to have a detrimental impact upon the nearest listed structures.

These closest structures are positioned within a hollow with the proposed arrays position beyond the ridge of rising ground from them. It would appear that the current well established hedgerows coupled with several specimen trees positioned along the ridge would screen the proposals from any immediate impact. This could be further reinforced if the hedges are allowed to thicken and grow higher. With regards to other long distant views then it would appear that the proposed arrays will not have a detrimental impact upon their setting given the topography and existing trees and hedges, though it would advisable to supplement this with some perimeter landscaping to increase the density and allow for any existing hedges/ trees which may be lost through their life cycle to be replaced/ reinforced.

NPPF states:-

132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are Irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

The immediate assets are all listed grade 2 and are in a neglected state. The Archaeological Assessment undertaken by the Environmental Dimension Partnership received 23rd July 2015, in paragraph S4 recognises this and the fact that their deterioration is ongoing. Therefore we advise that as nationally protected historic assets regard should be given to halt this deterioration. Consequently we would advise that the suggested use of a unilateral agreement or a Section 106 contribution be agreed though the decision process to provide funds to stabilise and repairs these assets initially allowing for future ongoing maintenance to halt further deterioration.

In summary we advise that the proposals would appear not to have any significant harm to the setting of Heritage assets in the vicinity, however we advise that that condition of the immediate heritage assets associated with Old Stone Farm needs to be addressed.

SHDC Landscape:

No objection subject to the inclusion of planning conditions re: Landscape / Biodiversity (Prior to Commencement (PTC)); Fencing / CCTV (PTC)

Representations from Statutory Consultees

None received

Relevant Planning History

None applicable

ANALYSIS

Principle of Development:

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste

and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities (LPAs) should encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 97 specifically states: *“To help increase the use and supply of renewable and low carbon energy, LPAs from renewable or low carbon sources”* going on to add that local policies *“should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”*.

At paragraph 93, the NPPF states that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”*. It then states that *“this is central to the economic, social and environmental dimensions of sustainable development”*.

The subsequent paragraphs refer to the need for a positive approach to renewables and the need to approve applications if its impacts are, or can be made, acceptable.

It is true that much of this relates to the need for LPAs to plan positively and put strategies for renewable energy delivery in place, but the principles are still relevant to decision making.

Landscape / Visual Impact (incl. cumulative impact):

Concerns have been raised in objections regarding the impact the proposal could have on the wider landscape. The site is not in an area identified or designated for its landscape quality.

The SHDC Landscape Officer stated that:

Landscape Character

The proposed development is situated in LCT1D Inland undulating upland tipping into LCT2B Coastal slopes and combes: high undulating farmland, with open, long views once on the plateau, with isolated farmsteads scattered; accessed via a tighter valley landscape. Rural lanes pass the site feeding to the A3122 Dartmouth link to Totnes (joining the A381) – not especially tranquil, relatively busy for a rural locality, though not heavily trafficked. Plantations to the north form a strong character backdrop, mainly Beech.

Fields in the area are of a generally uniform-medium size, predominantly of clipped hedgerow without hedgerow trees.

DP2 Landscape Character is not overly detrimentally affected; apart from being a fundamental change from filed pasture to PV.

The ambience and tranquillity of the locality will be unaffected, once constructed. The PV installation scale is not at odds with the landscape grain already extant, which is supplied by the field pattern and strong landscape elements (ie. it is of a scale that does not ‘over power’ the landscape, aided by the embrace/backdrop of contiguous woodland massing).

Security fencing and ancillaries will be glimpsed and are out of kilter with the landscape; though offsite steel 'farm' gates exist elsewhere to prevent views into various other fields and across the landscape in the general vicinity (i.e. rural ambience is already slightly diluted).

Other elements such as HV lines are barely identifiable.

DP15 Development in the Countryside is unrelated to a farmstead or existing settlement, but is 'embraced' by a backdrop of woodland to the north (see below). The area of PVs is not extensive in the landscape.

Landscape character is broadly conserved except for the fundamental change in land use.

Protected Landscape

No AONB (though with views possible from it at c.500metres distant).

Listed buildings in vicinity (S106 to repair Oldstone House proposed).

NPPF135 non designated heritage asset The Beacon (tree copse, part of roadside plantation) is not physically affected.

No TPOs (two TPO plantations in vicinity, neither affected).

Visual Impact Effect

Until the upland plateau is mounted there are few/no important views of and into the site due to high hedgerows, the twists & turns in lanes and the intimate topography, all providing significant screening or deflected views.

Skyline is not interrupted, aided by the Beech copse backdrop; but sloping land towards the south towards the AONB at Cotterbury presents substantial views of the proposal when travelling/looking northwards which cannot be screened effectively.

Other PV installations are not readily visible in the greater landscape.

The findings of the LVIA are broadly representative except for the southern-most half-field (i.e., not installing PVs or related ancillaries, with the development retreating behind existing field hedgerows retained): were this to be left to pasture and with hedgerows to West and South of the entire development allowed to grow freely, detrimental visual impact character effect would be substantially reduced.

*The scheme proposal has now been amended to meet this objection, ref. plans:-
1192-0201-01 Rev 04*

Landscape and Ecology Strategy rev1

Arboricultural Impact

None.

Landscape Scheme

Ensure BRE National Solar Centre Biodiversity Guidance for Solar Developments are applied to this locality and soil type, to promote biodiversity and soil protection; developer to confirm management practice to be applied to the site prior to commissioning.

RECOMMENDATION:

No Objection.

In light of the above, and having seen the site and its surrounds and existing boundary treatment, the proposed development is not considered sufficiently harmful to the character of the area as to justify a recommendation of refusal on landscape grounds in this instance.

It is noted that appeal reference APP/K1128/W/15/3135465 was refused on landscape grounds (in part), notably for its impact on the appearance on the countryside (in isolation) and character and appearance (cumulative impact). In this instance, SHDC Landscape did not recommend refusal as the aforementioned aspects of the current application were considered acceptable.

Ecology:

The objections have cited impact on ecology as reasoning for refusal. However, the site is not designated for its ecological value, and the nearest statutory ecological designation is circa 6.2 kilometres to the South (Slapton Ley Site of Special Scientific Interest (SSSI)).

With the known ecological status of the site, the SHDC Ecology Officer (statutory consultee on ecological matters) has not objected to the proposal subject to the inclusion of planning conditions requiring the submission of a Landscape and Ecological Management Plan prior to the commencement of the development, and accordance with plans (fencing to reflect that as detailed in drawing number 1188-201-01 Issue 03).

Highways:

The proposal has received a number of objections that have cited impact on highways as reason for refusal.

In response, the applicants have provided details that have been deemed acceptable by Devon County Council Highways Officer (statutory consultee in relation to Highways matters), and they have raised no objection to the scheme.

It is accepted that the development (construction of) would necessitate the importation to site of materials which could result in temporary disruption of traffic flows in and around the site, but this would be for a limited duration (circa 12 weeks).

Once works are complete, the development would only require interim visits to site for maintenance purposes.

Although objections have been received on highways grounds, in light of the long term effect (considered minimal) of traffic associated with the scheme, and as DCC Highways have not objected (they are the statutory consultee on such matters) it is not considered reasonable or robust to recommend refusal on highways grounds in this instance.

Other Matters (Farm (Rural) Diversification; Impact on Tourism (economic impact); Impact on Heritage Assets (incl. Archaeology); Flood Risk):

Farm (Rural) Diversification:

The proposed development would need to accord with the principles of policy CS13, which reads:

1. *Development to enable diversification of the rural economy is acceptable where it is compatible with its location and setting and will cause no unacceptable harm to the surrounding landscape or historic and cultural heritage;*
2. *Development must re-use or adapt existing buildings where possible. If this is not possible, any new replacement buildings must be well related to existing buildings, of an acceptable scale and blend satisfactorily into the landscape. The replacement of buildings will be favoured where this will result in a more acceptable and sustainable development than might be achieved through conversion;*
3. *In the case of farm diversification, the development must be complementary to and not prejudice the agricultural operations on the holding.*

The proposed development would result in injection to the finances of the farm, which could be used to further to farms' core business being agriculture, so being complementary to the agricultural operations on the farm holding. This would accord with the principles of the policy.

In addition, although the land is identified as having a Grade 3 Agricultural Land Classification, this is not unusual in the context of the South Hams, and the land use is reversible.

Impact on Tourism:

In relation to impacts on tourism (and so the wider economy), objectors have cited loss of tourism (and associated revenue) as a result of the existing renewable developments and now the proposed development.

To be able to quantify exactly what impact such a scheme could have is not considered factually possible as the objections referring to effects on tourist activity and spend are anecdotal.

However, it is accepted that studies in relation to Tourism Impact of Onshore Wind Farms have been undertaken (it is accepted such studies refer to a different form of renewable energy development), including the 'Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector' – commissioned by the Welsh Government and published in February 2014.

In that report it concluded and stated in its recommendations that:

- *Although most local tourism economies will face minimal or no threat from wind farm development, the nature of the visitor economies in some parts of Wales does mean they are at greater risk of negative impacts. In these instances, there is a need for developers to undertake thorough research and consultation to understand the nature and extent of the threat, the potential opportunities (if relevant) and any actions which need to be taken. The*

emphasis should be upon reaching agreement on these issues with the local tourism sectors and other stakeholders where this is possible, prior to submission of the planning application.

The study has concluded that there is the risk that some future wind farm development could have a minor or even moderate negative impact on local visitor economies. However, these assessments are often subject to a degree of uncertainty and for this reason it is important to monitor the actual impact of new development upon tourism in these areas. Given the shortcomings in visitor data at this localised level and the wide range of factors which influence the visitor economy, it will be important to agree a suitable approach to do this.

In essence, the report concluded that there could be effects (even moderate) but that these impacts would be local in nature and would ordinarily result in a displacement of activity, rather than a cessation of activity. It is considered that, because of the limited visibility of the proposed development, effects that were identified in relation to wind turbines and tourism activity would be even less in this instance.

In this instance, the solar installation could result in effects contrary to strategic objective SO11, but such an effect cannot be quantified sufficiently to support a recommendation for refusal that could be deemed suitably robust. Therefore there is no considered unacceptable impact and so the conclusion in relation to this point remains unchanged.

Impact on Heritage Assets:

Concerns have been raised in relation to perceived effects on heritage assets.

In reply, the response from SHDC Conservation stated in summary that:

In summary we advise that the proposals would appear not to have any significant harm to the setting of Heritage assets in the vicinity, however we advise that that condition of the immediate heritage assets associated with Old Stone Farm needs to be addressed.

In this instance, the wider benefits to the UK in terms of power self-sufficiency, together with the local benefits to the farm and biodiversity of the area are considered suitably sufficient to support a recommendation for approval in this instance as there is no significant harm to the setting of heritage assets in the vicinity.

The proposed development is considered to be acceptable in the context of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal reference APP/K1128/W/15/3135465 was refused on heritage (archaeology) grounds (in part). However, it is noted that DCC Archaeology have agreed that works proposed would be acceptable and as such it would not be appropriate to recommend refusal on subterranean heritage knowing that the statutory consultee is agreeable to the proposal.

Flood Risk:

Concerns have stated that the development could be detrimental to water flows and result in flood risk.

In response, SHDC Drainage have stated that they have no objection subject to accordance with details as submitted (being the accordance with drawings as submitted).

Knowing this it is not considered that the scheme would be so detrimental to flood risk that the application warrants a recommendation of refusal.

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

Planning Policy

All standard policies listed (PPG / NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

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

DP15 Development in the Countryside

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: Thomas Jones

Parish: Ivybridge **Ward:** Ivybridge Woodlands

Application No: 27/1859/15/F

Agent/Applicant:

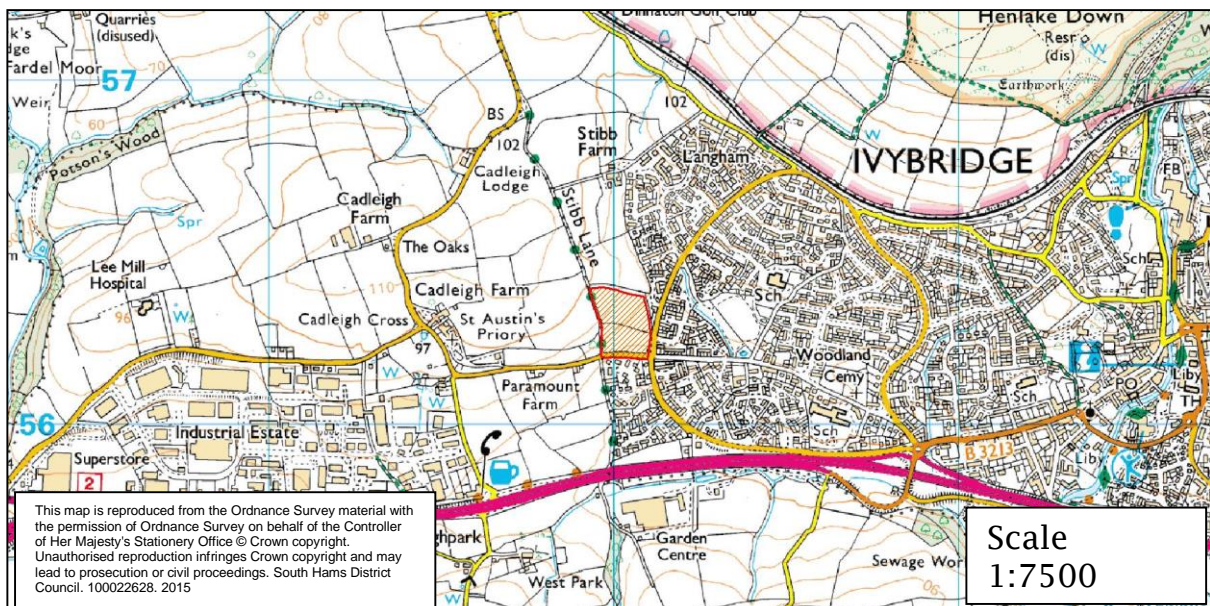
Persimmon Homes - South West
Mr A West
Mallard Road
Sowton Trading Estate
Exeter
EX2 7LD

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

Development: Erection of 77 dwellings, including all associated public space, landscaping and all other associated external works

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.*

March DMC update: a decision on the application was deferred at the Development Management Committee Meeting of January 20th 2016 and again at the DMC Meeting of 18th March 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 / 18th March 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.

The most recent iteration of the layout will be presented to DMC of 13th April.

The degree to which cumulative impacts have been taken into account was also discussed at DMC on 18th March. It is the understanding of Officers that the concern relates to the cumulative generation of vehicular traffic and the associated potential impact on the Weston Road Air Quality Management Area. In this respect it is the view of Officers that the projected increase in traffic at the roundabout at the western end of Weston Road is not significant and that, in isolation, the impact of the proposed development on the AQMA is negligible. The impact on air quality of the potential combination of development at Stowford Mill (reference 1336/15/F, Rutt Lane (2472/14/F), Godwell Lane (1347/14/F) and the recycling centre (27_57/2473/14/CM) has been considered in the context of the guidance in Planning Practice Guidance at paragraph 005 Reference ID: 32-005-20140306 and the proposed development is considered to be acceptable.

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

March DMC 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.

March DMC 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.

March DMC 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.

March DMC 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. Section 7.

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: Thomas Jones

Parish: Ivybridge / Ugborough

Application No: 27_57/1347/14/F

Agent/Applicant:
PCL Planning Ltd
Fair Oak Close
Silverdown House
Devon
EX5 2UX

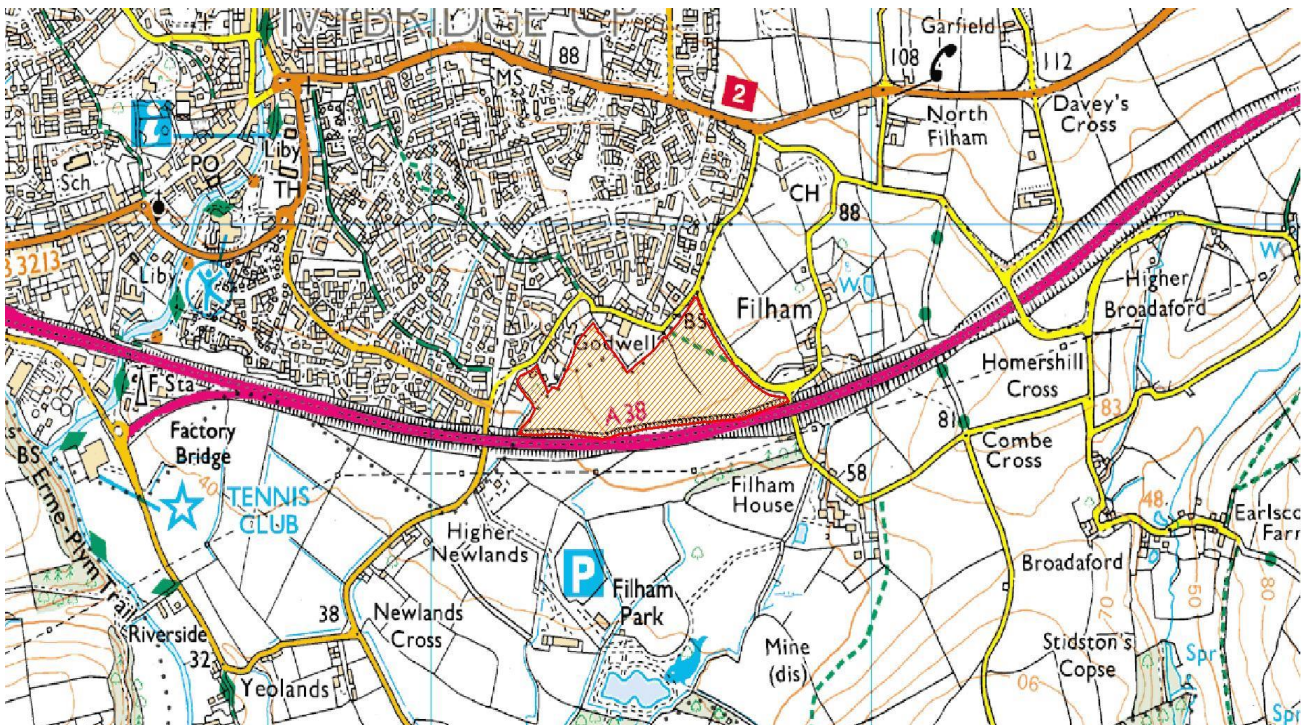
Applicant:
Barratt David Wilson Homes
c/o Agent

Site Address: Land At Torrhill Farm, Godwell Lane, Ivybridge, Devon, PL21 0LT

Development: READVERTISEMENT (Revised Plans Received) Residential development comprising 222 dwellings with green infrastructure, public open space, flood attenuation provisions, vehicle access points, internal roads and pedestrian / cycle links and associated works.

Reason item is being put before the Committee:

Ward Members have requested that the application is considered by Committee due to the number of objections received from residents and local concerns about the number of developments planned for Ivybridge and the lack of infrastructure to support the developments, particularly highways. Ugborough Parish Council would like to see provision for a slip-road on to the Eastbound A38 and improved access to the A38 Westbound at Westover.



Recommendation: Conditional approval subject to the prior completion of conditions and the prior signing of a Section 106 Agreement, as summarised below

Conditions

1. 2 year time limit for commencement;
2. accord with plans, drawings and FRA;
3. unsuspected contamination is dealt with accordingly;
4. on-site highway works in accordance with plans;
5. Construction Management Plan to be submitted and approved prior to commencement;
6. Phasing Plan to be submitted and approved prior to commencement;
7. Surface water drainage layout and details to be submitted prior to commencement, the approved details completed and operational prior to occupation, maintenance throughout the lifetime of the development. This would include an appropriate buffer zone is maintained between the development and the water course in the south west;
8. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
9. Tree / hedge protection;
10. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
11. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report (including light);
12. Noise to comply with the findings of the acoustic report, including provision of acoustic bund and fence;
13. provision to ensure permeability through the development to the remainder of the allocation;
14. Travel Pack aimed at encouraging residents to use sustainable modes of transport; and
15. GPDO exclusions;

S106

1. 20% Affordable Housing;
2. Affordable Housing occupancy (50% shared ownership, 50% rented);
3. £75,000 on site renewables (delivery on site);
4. £20,000 air quality improvement (prior to the occupation of the 10th unit);
5. £425,000 off site employment (£225k prior to the occupation of the 50th unit and £220k prior to the occupation of the 120th unit);
6. Off-site cycle improvements (Woolcombe Lane) and Stage 2 Designer's Review prior to commencement of development completion prior to occupation of 10th dwelling;
7. £500,000 toward secondary school places to be paid prior to the occupation of the 50th unit;
8. £5000.00 towards amending the speed limit on Godwell Lane and adjacent roads (prior to commencement of development);
9. £5000.00 towards Traffic Regulation Orders (prior to commencement of development);
10. £330,000 off site 'improvements to sports facilities at Filham Park, Ivybridge and improvements to recreational access from the eastern side of the River Erme to Longtimber Woods' (£180k prior to the occupation of the 50th unit and £150k prior to the occupation of the 120th unit);
11. Design / review (road safety audit) for a footpath link to Filham Park. Subject to that conclusion, BDW to undertake the required works up to a maximum value of £100k. If works are not appropriate or possible the funds remaining after payment for the audit would transfer to item 10, above). The design review would be completed within 3 months of the commencement of development and any subsequent works (if required) to be delivered prior to the occupation of the 100th unit. If payment as part of item 10

- then prior to the occupation of the 150th unit;
12. £7,641.37 would be required towards minimising recreational risks as identified within the Tamar Estuaries Management Plan 2013-2018;
 13. On-going management in accordance with LEMP (including boundary and retained hedges; and
 14. Pay legal fees, including those of SHDC, DCC Highway Authority and DCC Children's Services legal fees.

s278 off-site Highway works are required at the access.

Key issues for consideration

The application site is one of three parcels of land, each of similar size, that together form Allocation I1 of the Ivybridge Development Plan Document (DPD). Allocation I1 seeks to deliver the following mix of uses:

- about 100 dwellings and about 5 hectares of employment land by 2016;
- beyond 2016, about 275 dwellings and about 5 hectares of employment land;
- a local neighbourhood centre providing for small scale daily shopping and community needs;
- provision for retention, maintenance and development of the park and ride and operations in association with the railway station;
- about 0.6 ha of play provision and 1.3 ha of other public space;
- contribution to the development of the town as a sports and leisure hub;
- strategic landscaping measures to address the site's scale and location;
- cycle and footpath provision including enhanced access to the town centre;
- measures to mitigate impact on the Western Road Air Quality Management Area; and
- retention of the Rugby Club on its existing site with any reordering of facilities only acceptable if it results in improvement to club facilities.

A key issue is the degree to which the proposed development meets an appropriate scope of the requirements of the DPD in its own right and in the context of the development permitted in the northern third (Rutt Lane, reference 24572/15/F) and whether permitting the development would compromise the ability to deliver the remaining requirements of the Allocation on the third (central) parcel of land.

With respect to cumulative impacts it is noted that some traffic accessing the site would pass through an Air Quality Management Area.

The site is also the subject of higher than usual levels of noise that results from close proximity to the A38.

The level and mix of Affordable Housing and contributions has been considered in the context of the objectives of the allocation; and has been the subject of a Viability Assessment that has been reviewed independently.

Site description

The site is approximately 1.2km east of the centre of Ivybridge and forms the southern third of Allocation I1 of the Ivybridge DPD.

The site comprises some 8.13 hectares (20.08 acres) of land between Godwell Lane to the north and the A38 to the south. It is an area of agricultural land that is partly subdivided by a hedgerow and with a single mature tree. The Agricultural Grade is believed to be 3b.

The boundaries are formed of hedgerow with individual mature trees and farm gates. A footpath crosses the site in its north eastern section.

To the north of the site lies existing residential development on Godwell Lane with further residential development beyond. To the east and north east lies agricultural land and Ivybridge Rugby Club. Whilst presently undeveloped the land to the north east forms, with this site and Rutt Lane, part to the I1 site allocation.

The junction of Godwell Lane, St Peters Way Woolcombe Lane lies some 50m to the west of the site.

The site is unfettered by direct designations other than sitting within the Ivybridge Critical Drainage Area.

The nearest Listed Buildings are Middle Filham (Grade II), which lies some 50 metres to the east; and structures at Stowford Mill, which is in the centre of Ivybridge.

The Proposal

A full planning application for 222 dwellings together with landscaping, public open space, flood / surface water attenuation, vehicle access points and internal roads, pedestrian / cycle links and associated works.

The net developable area of 5.77ha, which equates to an approximate density of 38 dwellings to the hectare. The planning layout identifies dwelling sizes of between 63 sqm and 132 sqm, which will provide a mix of 2, 3 and 4 bedroom homes. The break down is 65 two bed properties, 65 three bed and 92 four bed.

Vehicular access to the application site would be from a new road leading on to Godwell Lane, towards the southern end, close to where it joins St Peters Way.

The internal road would be a single carriageway highway running in a largely east–west direction. It would operate as a spine through the site. The layout proposed allows for connectivity to the remainder of the allocation to the north east and when this land is brought forward the exact nature of the linkage would be explored further. The applicant has no control over the remainder of the allocation.

Areas of public open space would be provided in the centre of the development and along the boundary with A38. The central area of public open space would include a Locally Equipped Area for Play (LEAP) of approximately 400 sqm as well as less formal open space. The linear public open space is intended to form a Green Corridor along the site and which would also be capable of linking with a similar provision on the adjoining land that forms part of the wider I1 allocation.

Since the application was first registered the Council has requested and the applicant has made changes with respect to highway layout and design, safety /security, noise and drainage. The level and mix of contributions has also been revisited and the offer by the applicant is as expressed at the start of this Report and summarised:

- Affordable Housing;
- on site renewables (delivery on site);
- measures to address air quality and off site cycling improvements;
- off-site employment;
- road safety measures; and
- off-site open space and improved access to open space / leisure facilities.

Noise is to be attenuated by the use of an acoustic bund, an acoustic fence and measures at individual properties, including fencing.

Consultation responses

Full details of consultation responses are available on the website. The following is a summary of the key issues raised.

South Hams District Council Drainage Engineer has no objection subject to a condition requiring a Surface Water Management Plan.

South Hams District Council Strategic Planning has no objection subject to an appropriate scope of work and payments in the s106 Agreement.

South Hams District Council Landscape Specialist has no objection subject to a condition requiring a Landscape and Ecological Management Plan.

South Hams District Council Ecology Specialist has provided detailed comments and does not object subject to conditions and securing payments and measures for ecological enhancement through a s106 Agreement.

South Hams District Council Open Space, Sport and Recreation Specialist has provided detailed comments and does not object subject to conditions and securing payments and measures for off-site provision and the investigation / provision of links to Filham Park through a s106 Agreement. This is discussed in detail later in this Report.

South Hams District Council Environmental Health has raised concerns with respect to noise levels. This is discussed in detail later in this Report.

Devon County Council Highway Authority, makes no objection subject to specific conditions, s278 Agreement and s106 Agreement. At the time of writing the applicant is in the process of amending drawings to satisfy all the requirements. An update will be given verbally at Committee.

Devon County Council Archaeology Officer, in their response dated 30th June 2014, states that no further archaeological work is necessary.

Devon County Council Strategic Planning Children's Services, in their response dated 4th June 2014, requests a contribution of £607,000.00 towards secondary school places.

South West Water (SWW), in their email dated 5th June makes no objection.

The Environment Agency, in their representation dated 5th December 2014, makes no objection subject to the conditions summarised below (and listed at the start of this Report). At the time of writing no comments have been received from the Agency in response to the re-consultation.

- the sustainable drainage scheme is constructed and maintained;
- an appropriate buffer zone is maintained between the development and the water course in the south west; and
- that any unsuspected contamination is dealt with appropriately.

Natural England (NE), in their email dated 17th November 2014, endorses the Habitats Regulations Assessment Screening Opinion and makes no objection subject to payment towards the mitigation of recreational impacts on the Tamar Estuary SPA Management Plan. The full Screening Document is available on the Council's website. In their letter dated 17th November, NE confirms the view that there would be no adverse impact on the Erme Estuary Site of Special Scientific Interest (SSSI).

Historic England (HE), in their response dated 5th August 2014, advises that it is not necessary to seek the view of HE.

Devon and Cornwall Police Liaison Officer, in their response dated 30th June 2015 provides advice with respect to the development achieving the objectives of Secured by Design and identifies some design features that could be improved. At the time of writing an response was being prepared to the amended layout. An update will be given verbally at Committee.

The **RSPB**, in their email dated 29th June 2014, makes no objection and offers advice with respect to measures to be incorporated into the development to enhance habitat for birds.

Ugborough Parish Council (UPC), in their representation of 23rd January 2015 requests funding to address traffic congestion in Bittaford and Wrangaton. The Parish Council would like to see provision for a slip-road on to the Eastbound A38 and improved access to the A38 Westbound at Westover.

Ivybridge Town Council (ITC), in their representation of 15th February 2015, Considers that the application fails to address many of the requirements specified in the DPD for Ivybridge and that a Masterplanning process would have been an appropriate process to achieve this objective.

The full text is available on line. The following is a summary:

- unacceptable piecemeal development;
- one entrance / exit point onto Godwell Lane;
- proportionate increase in residential with no compensating contribution towards any employment opportunities;
- the long term impact of no employment provision would be to reinforce the dormitory town designation;
- too high density and the mix of housing has not been satisfactorily explained;
- anticipated huge growth in numbers of older people in Ivybridge and need for homes for first time buyers justifies some one bedroom properties;
- self-build should be considered as another form of affordable housing;
- suggests that an off-site financial contribution for employment uses south of the A38 (partially in Ugborough Parish);
- suggests improved road link to the above;
- seeks confirmation that acoustic mitigation measures would not have an adverse impact on existing residential properties;
- supports a contribution towards the extension of Filham Park;
- seeks confirmation that appropriate landscape maintenance can be achieved in general and, specifically, once the acoustic screen is in place;
- expresses safety concerns with respect to drainage features;
- resolution of the highways issues is vital and should not rely on delivery on the final parcel of land in Allocation I1;
- considers that any new development must include a contribution to the Western Road air quality area;
- supports a “no right turn” out of the new housing estate up Godwell Lane;
- welcomes the public footpath links as proposed as essential;
- questions the value for peak 8am to 9am traffic and cumulative impact of traffic;
- suggests improvements to roads leading south of the A38 to reduce impact of traffic on Western Road;
- notes the importance of roundabout capacity at the A38 junction;
- requests a financial contribution towards maintenance of bridleway 11;
- seeks assurance from SW Water that the programme to upgrade the sewerage plant at Ivybridge has been completed and that the layout of the sewerage system meets the necessary standards;

- priorities for s106 money are identified as the provision of employment land followed by Affordable housing and requests better prioritisation of the way in which 106 allocations are awarded to meet the principles of the Ivybridge Neighbourhood Plan;
- preference for money to be spent on improved access to public transport rather than Sustainable Travel Vouchers;
- notes the request for payment towards secondary education, but questions that given the limited scope for expansion at this school, whether this is covering the needs of an area wider than Ivybridge; and
- similarly why there is not a commensurate request for primary schools.

Representations

At the time of writing this Report some 15 letters / emails of objection have been received (one responding to the re-advertisement). These can be viewed in full on the Council's website and summarised as below in so far as they relate to planning matters:

- extending the urbanisation effect of expanding Ivybridge and the loss of green fields;
- loss of privacy, light and view (amenity);
- congestion on Godwell Lane, which would adversely affect safety;
- congestion in the wider area;
- delivery vehicles and HGVs would drive through the new estate;
- 'over-development' when compared to objectives of the allocation (number of houses);
- lower density would allow for more open space;
- access should be considered for the allocation as a whole; and
- noise impact (objection to original proposals).

Other representations from residents have been received and are available on the Council's web pages. Of those in support (one following re-consultation). The points made are summarised below in so far as they relate to planning matters:

- amended plans provide a good level of noise abatement from the A38;
- the access arrangement from Godwell Lane to the new estate now provides appropriate protection from the use of Godwell Lane as a 'rat run', with appropriate visibility;
- tree planting and other screening is appropriate; and
- meets a need for housing

Comments that are neither support nor objection include:

- employment not appropriate on the site;
- concerned about vehicles leaving the proposed development will turn right into Godwell Lane, which is narrow with no pavement few passing places and blind corners – suggests 'no right turn';
- concern with respect to access arrangements for the proposed development at Ivydale; and
- street lighting should be controlled.

Relevant Planning History

The site forms by land size approximately one third of Allocation I1 of the Ivybridge Allocations DPD.

ANALYSIS

Principle of Development

The principle of development at the site is acceptable since it is one of three parcels of land that, together, comprise Allocation I1 of the 'Ivybridge DPD'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental and Paragraph 12 sets out twelve core planning principles that should underpin planning decisions.

Paragraph 14 requires that, given the absence of a five year housing land supply, planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

A consideration of the three dimensions of sustainability in the context of the Development Plan is set out below.

Development needs to be broadly compliant with the objectives of Allocation I1.

The formal decision of the Council confirming that the proposed development is not considered to be EIA development was issued on 28th November 2013.

The Economic Dimension

Housing development is recognised as an important driver of economic growth in three ways. Firstly, economic benefits accrue to the construction industry from development; secondly, once dwellings are occupied there would be an increase in the level of disposable income from residents, which would be likely to be spent in the local area with some increase in the demand for local goods, services and facilities; and, thirdly, residents could seek employment with local businesses.

In the process of considering the application for development at the northern part of Allocation I1, the findings of the 'Ivybridge Employment Land and Buildings Market Synopsis' (Jones Lang LaSalle) were reviewed. This document was produced at the request of the District Council to provide evidence with respect to the degree to which the employment requirements of the Allocation could be met. The conclusion of that Report is that demand for new office and employment is not strong in Ivybridge. Nevertheless, the objective of the Allocation is to help re-balance the community such that it acts less like a dormitory settlement to Plymouth and other larger towns. The applicant has offered to make a payment, secured by a s106 Agreement, towards the provision of employment off site.

The Social Dimension

The provision of 222 homes is considered to be a substantial benefit. Policy AH2 of the Development Management DPD requires allocation sites to maximise the proportion of AH with a target of 55%. Following a review of the Viability Appraisal that was submitted by the applicant, Officers accept that a reduce proportion of Affordable Housing is appropriate. Given the need to meet other objectives expressed in Allocation I1, an offer of 20% AH has been agreed.

The site is within walking distance of a good variety of services and facilities, including a bus route. Improved access by walking and cycling would be secured through off-site improvements to Woolcombe Lane.

A good level of open space would be provided off site, but the quality is somewhat diminished due to noise levels. This matter is discussed further in the following section, 'the Environmental Dimension'.

Consideration has been given to the impact of development on infrastructure and services. In addition to the measures described above, payment would be made for off-site employment provision and for improvements to Filham Park as a recreational facility for the whole Town, potentially including enhanced access by foot and cycle.

Devon County Council has requested a contribution of £607,425.30 towards the provision of secondary education. Following the review of Viability Assessment it is recommended by Officers that a reduced payment of £500,000.00 is secured through a s106 Agreement. The reason for the reduced payment is that in securing payment towards other items, including recreational facilities at Filham Park, and that the DCC request does not account for the potential for AH to be occupied by families with children already attending the school.

SWW, the Environment Agency and the Council Drainage Engineers emphasise the sensitivity of the site being in the Ivybridge Critical Drainage Area (ICDA), but consider that the proposed foul and surface water treatment is acceptable. The Council's Drainage Engineer advises, however, that a revised Drainage Scheme should be required as a condition and that this should clarify the functionality of the attenuation features and maximise SuDS measures.

Conditions are proposed that will require sustainable drainage design and a landscape and ecological management plan. The delivery of appropriately designed formal and informal open space and their ongoing management will be a key consideration when approving these documents.

The Highway Authority raises no objection subject to conditions and measures to be included in the s106 Agreement. These will cover provision for a future link through to the remainder of the Allocation (through a Deed of Dedication from Road 5), off site cycle links to the town, and a Travel / Welcome Pack for new residents. The Highway Authority has also requested payment for £300 Sustainable Travel Vouchers to be given to new residents. The view of SHDC Officers is that the money available for contributions would be more effective in facilitating more sustainable forms / patterns of transport through payment towards the off-site cycle works and that money would also be more effective on addressing the related issue of air quality by being paid towards measures to address the AQMA on Western Road.

The density of development at approximately 38 dwellings per hectare. Consideration has been given to the potential impact of new dwellings on the residential amenity of the neighbouring dwellings to the north. It is the view of Officers that there would be no unacceptable impact.

Public open space is split into two main areas, one linear and adjacent to the southern boundary and the second located alongside the existing north-south hedgerow that penetrates the site from the northern boundary near the public right of way. The public open space is described as providing an attractive 'green' walking route as well as accommodating a variety of play spaces including casual play, a LEAP (circa 400m²) and linear parkland.

Open space would cover approximately 1.8ha, including the LEAP area, which is considered to be sufficient in the context of the requirements of the Allocation.

Concern has been expressed, however, with respect to the level of noise that would be experienced in open space as well as private gardens and this is discussed further in this Report. It is also considered important that the SUDS features within the open space are designed to maximise useable space and provide multiple functions in terms of flood attenuation, recreation and amenity. It has been suggested and the applicant agrees that the proposed attenuation basins would be designed with shallower sides to provide greater useable space, other than the main attenuation pond in the south west corner. It is considered that this can be addressed through a condition requiring a revised Surface drainage Plan and a LEMP.

The site does not include on-site sports or recreation provision. Projects have been identified within the Playing Pitch Strategy, which will be further refined as part of a Filham Park Masterplan and through the Ivybridge Neighbourhood Plan. In addition, consultation with Ivybridge Town Council has identified a project improving recreational access in Ivybridge, including the reinstatement of a pedestrian bridge across the river Erme to provide a linkage into Longtimber Woods from the eastern side of the town.

A request has been made for a sum of £525,087.50 to contribute to the above. Following a review of the VA submitted by the applicant a revised figure of £330,000 has been agreed in the Heads of Terms. This would be combined with £100k to investigate and, if appropriate, pay for improvements to cycle and walking access to Filham Park. If this money is not used in this way it would be combined with the £330k to contribute to improvements at Filham Park.

The Environmental Dimension

The key issues are impacts on air quality, biodiversity, surface water drainage, landscape and noise within properties and their gardens and noise levels in formal open space.

Air Quality

The Western Road Air Quality Management Area lies to the west of the application and some vehicles leaving or accessing the site would pass through. The Transport Assessment finds that the impact would be limited in terms of additional emissions; and that the payment towards works on Western Road to address the impact of emissions on residents, which would be secured through a s106 Agreement; and direct provision to improve cycle and footpaths. In the context of paragraph 005 Reference ID: 32-005-20140306 of the National Planning Policy Guidance the development is considered to be acceptable since there would not be a significant adverse impact.

The potential cumulative impact with development permitted at Rutt Lane (reference 57/2472/14/0) and Stowford Mill (reference 27/1336/15/F) have been taken into consideration. In this respect both of these development are also making contributions towards measures to mitigate potential adverse impact on air quality.

Biodiversity

The application is supported by an Ecological Assessment that pulls together the results of a range of surveys including an Extended Phase 1 Habitat Survey and subsequent Phase 2 surveys for reptiles, hazel dormouse, badgers, and bats.

Council specialists accept the conclusions of the report that the outlined habitat creation has the potential to deliver a net biodiversity gain.

A Habitats Regulations Assessment (HRA) Screening has been undertaken for this proposed development (final copy dated 27th November 2014), which concludes that the 'proposal is not considered to have a likely significant effect alone or in-combination with other developments or plans on a European site. S106 contributions to minimise recreational risks, which is a strategic objective identified within the Tamar Estuaries Management Plan 2013-2018, will reduced any effects on the European Marine Site to a negligible level.

With respect to specific species evidence of dormice nesting was recorded during the detailed survey and roosting / habitat is present for bats. It is reasonable to consider that the 3 tests are met with

respect to dormice and with respect to bats; and that Natural England is likely to subsequently grant a European Protected Species Licence (EPSL).

A pre-commencement Landscape and Ecological Management Plan (LEMP) would be required by condition. This would provide further detail of all proposed mitigation measures as well as management and maintenance of the new and retained habitats with the objective of maximising biodiversity value. On-going management in accordance with LEMP (including boundary and retained hedges) would be secured in perpetuity through inclusion in a s106 Agreement.

Surface Water Drainage / Flood Risk

The surface water drainage scheme is considered to be generally acceptable, but that improvements could be made to clarify the function

A condition would require a revised drainage scheme that would maximise the implementation of SuDS features, given the known limitations, and adheres to safety principles. This is likely to include more shallow gradients for the attenuation features at the higher parts of the site and consideration of fencing around the attenuation pond in the south west of the site.

Landscape

The application is supported by a Landscape and Visual Impact Assessment. This demonstrates that the proposal would not have an adverse impact on the AONB; and provides the basis for a LEMP, which would be required by condition.

Noise

When the site was allocated it may have been the intention to place employment buildings in the most exposed areas and that these buildings would act to a degree as a buffer. The applicant seeks to bring forward only housing on the site and proposes an acoustic bund and acoustic fence to reduce noise levels. The Council's Specialist advised that noise levels within houses would meet standards, but that some of the gardens and in open space noise would be higher than the levels recommended by the World Health Organisation.

A solution could be to dispense with gardens in the worst cases, but the view of Officers is that retention of gardens is preferred. With respect to open space it is noted that the LEAP would be positioned in one of the parts of the site where noise attenuation is best, next to the acoustic fence. Nevertheless, noise levels are still exceeded and it is considered to be an important measure to provide s106 money to improve facilities at Filham Park and to improve access on foot and cycle to Filham Park.

A condition proposed to ensure the levels of noise predicted in the acoustic report are met both inside and outside residential properties.

Other matters

The applicant considers that the development is lower than the normal level of return that would be acceptable, but recognises the importance of making as high contributions as possible to meet the requirements and objectives of Allocation I1.

The VA submitted by the applicant has been reviewed by Levvels and the advice to the Council is that the development could not support higher contributions / a higher proportion of AH without rendering it

unviable. On balance the view of Officers is that the items set out at the start of the Report under the heading s106 are appropriate and represent a good balance of distributing the funds available. In particular, substantial contributions and work would deliver improved cycling and walking in Ivybridge and improved recreational facilities for new and existing residents; and money would be paid towards mitigating impact on the Air Quality Management Area.

The layout, form and design are considered to be in keeping with 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.

The breakdown of housing types is 65 two bed properties (29%), 65 three bed (29%) and 92 four bed (42%). This mix is broadly in keeping with Policy DP11, which seeks 35% 1 and 2 bed dwellings 35% 3 bed dwellings and 30% 4 + bed dwellings. This interpretation of Policy DP11 is considered to be compatible with the provisions of Planning Practice Guidance Paragraph: 021 Reference ID: 2a-021-20160401, which states that 'Once an overall housing figure has been identified, plan makers will need to break this down by tenure, household type (singles, couples and families) and household size.'

There are no heritage buildings or assets whose setting would be affected. With respect to the test of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered, therefore, that there would no impact.

A footpath crosses the site via a stile on Godwell Lane on the northern boundary. The footpath is to be retained.

Landscape features, including hedgerow would be maintained through a management company. Key features are accessible from land that is not in private ownership

DM Committee of 23rd September 2015 approved, in principle, an outline application for mixed use development comprising 198 residential properties and 2.6ha of employment uses in the 'northern third' (reference 14/2472/O, 'Rutt Lane'). The cumulative impact has been taken into account and consideration has been given to how the two developments, together, meet an appropriate mix of development and contributions to deliver the objectives of Allocation I1. Furthermore, it is considered that delivery would not be compromised of an appropriate development in the third parcel of land (the middle section).

Consideration has been given to the impacts on Bittaford and Wrangaton. Whilst at this time the traffic impacts are not considered to be so significant as to warrant any intervention, it is the view of Officers that the benefits of improved access to Filham Park can be extended and linked through the allocation site. This and other impacts, possibly including education needs ion Ugborough, will require close scrutiny if and when an application is received to deliver the final parcel of land in the allocation.

Measures to limit adverse impacts of lighting are identified in the ecological report. Adherence to the recommendations would be a condition.

Ivybridge Town Council has expressed support for self-build plots. This has not been put forward by the applicant and the view of Officer's is that whilst this is something that would be considered to be a positive element there is currently no planning policy to compel the developer to propose this.

Public Opinion / consultation

The Council is mindful of the content of the Localism Act 2011. The objections raised in respect of this application have been carefully and objectively taken into account in forming a recommendation to Committee.

Land ownership

The Council has no evidence to suggest that there are any land ownership issues that would prevent the development in its current form being implemented.

The Planning Balance and Conclusion

The principle behind Allocation I1 is to improve the self-containment and overall sustainability of the town. The proposed development makes a positive contribution to achieving this.

The delivery of housing including Affordable Housing with the package of benefits to be secured through a s106 Agreement are considered to be significantly positive. The only negative element of the proposed development is that the high level of noise cannot be mitigated sufficiently to avoid an adverse impact with respect to gardens and open space.

In the context of paragraph 14 of the National Planning Policy Framework this adverse impact is not considered to outweigh the benefits.

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

Planning Policy

National Planning Policy Framework paragraphs 6 to 10, 11, 12, 14, 17, 28, 34, 36, 38, 47, 49, 50, 112, 115, 118, 120, 124, and Section 7

Conservation of Habitats and Species Regulations 2010, National Environment and Rural Communities Act 2006. 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 Core Strategy DPD

CS1 Location of Development
CS2 Housing Provision
CS6 Affordable Housing
CS7 Design
CS8 Affordable Housing
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, Sport and Recreation
DP9 Local Facilities

DP11 Housing Mix and Tenure
DP15 Development in the Countryside

Affordable Housing DPD

AH1 Affordable Housing Provision
AH3 Provision on unallocated sites
AH4 Mix and tenure of affordable housing

Open Space, Sport and Recreation DPD.

PLANNING APPLICATION REPORT

Case Officer: Ben Gilpin

Parish: Newton and Noss

Ward: Newton and Noss

Application No: 2682/15/FUL

Agent/Applicant:

Stephen Whettem
The Works
3 Dolvin Road
Tavistock
PL19 8EA

Applicant:

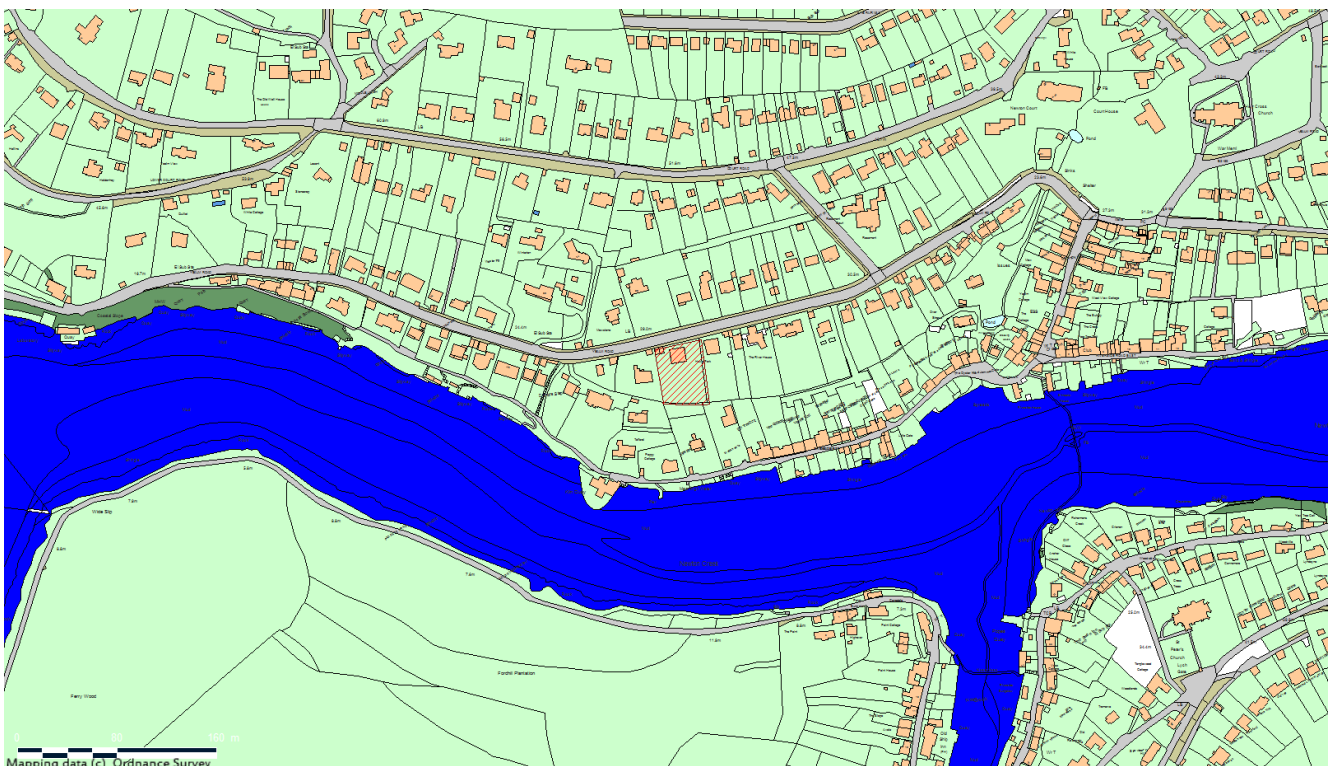
Ms Gillie Scherr
47 Yealm Road
Newton Ferrers
PL8 1BJ

Site Address: 59 Yealm Road, Newton Ferrers, Devon, PL8 1BJ

Development: Replacement of existing dwelling with 2 No proposed dwellings.

Reason item is being put before Committee: At the request of Cllr Baldry, who stated:

1. *The number of objections*
2. *I think more weight needs to be given to note 8 October 2013 Inspector's description of the property as a 'heritage asset' and it would be 'regrettable to see the loss of this building'.*
3. *I think there is a real concern about the inability of people to view the application on the website before the closing date for representations. The fault for the website failure lies with SHDC. The price of this failure is that in the interests of public confidence this may mean that more cases go to DM Committee.*
4. *The justification for approval of one additional dwelling to meet the 5 year land supply is not convincing.*



Recommendation:

Conditional Approval

Conditions:

Standard Time Limit

Accord with Plans

Unsuspected Contamination

Materials (Prior to Commencement (PTC))

Landscape / Maintenance Scheme (PTC)

Accord with Ecology Report Recommendations

Key issues for consideration:

- Principle of Development
 - Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale
 - Neighbouring Amenity (Privacy)
 - 5 Year Housing Land Supply (5YHLS)
 - Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage / Scale)
-

Site Description:

The site is a large south facing plot accessed from Yealm Road. The site is within the settlement boundary. In addition the site is within the South Devon AONB, but has no other statutory designation constraints.

The site is circa 35 metres west of a Conservation Area.

The Proposal:

Replacement of existing dwelling with 2 No proposed dwellings

Consultations:

- County Highways Authority
No objection subject to accordance with DCC Highways Standing Advice

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition

- Town/Parish Council

Objection:

1. *Visual Impact*
2. *Overdevelopment of the Site*

3. *Loss of Green Space*
4. *Heritage Setting*

Members are also concerned that both they and members of the public have been unable to view the plans on the South Hams District Council website commenting that it is a subversion of democracy.

- Others

South Devon AONB Unit:

As this application is for two dwellings, set within the built environment of Newton Ferrers village, it falls below the scale threshold for the AONB office to get involved and so this is not one that we will be looking at or commenting on. It therefore falls to the planning authority to make an assessment of the impact on the AONB and to give great weight to the conservation and enhancement of the AONB in its decision making, as required by the NPPF.

Representations:

Representations from Residents

13 letters of objection had been received at the time of writing.

The comments received cover the following points:

1. Over Development
2. Loss of Green Space
3. Impact on Heritage Assets / Non-designated Heritage Assets
4. Out of Scale (too tall)
5. Parking
6. Impact on the AONB
7. Out of Character
8. Loss of Public Views
9. Privacy
10. Drainage

Representations from Internal Consultees

Conservation SH:

Neither support nor object.

The comments received read:

As advised in the previously considered application this is an impressive example of Victorian architecture, one of the few remaining in the village that projects its late 19th / early 20th century development. As such its loss should not be taken lightly.

The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.

In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately. Therefore although the existing building is a building of quality, the planning inspector in his consideration of 37/1256/12/F dated 8th October 2013 states:

"Westerly retains its proportions and spacious character and I consider this property has a role in making the development history of the village legible, and its open plot and spacious setting contribute to the overall setting of the CA. Although of a relatively standard design for its time, it is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts."

In conclusion we still have concerns about the loss of the existing property on the site as it does contribute as a backdrop to the character and appearance of the nearby Conservation Area and in examining the current design for two properties then clearly they are clearly different to the current property on the site. Design is very much a subjective matter however I would observe that it would be regrettable to see the loss of this building which still holds presence within the townscape and is of quality however the replacement buildings have been designed with elegance and presence albeit in a contrasting language something which isn't always favoured. I would note that the current status of the building is partly gained from its position in the site surrounded by generous grounds, this would be diluted by the proposal to construct two dwellings. There is also a clear prominence of conventional pitched roofed dwellings and clearly what is proposed doesn't accord with local identity however in some instances contrived pitched roofs can be equally as damaging.

Drainage SH:

No comments received – apply default 2 number drainage planning conditions (foul and surface)

Representations from Statutory Consultees

SW Water:

No objection

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public

combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.

If further assistance is required to establish the exact location of the sewer or should you require any further information please contact the Developer Services Planning Team by email developerservicesplanning@southwestwater.co.uk or direct line: 01392 443616.

Relevant Planning History:

37/1256/12/F – Construction of a replacement house (refused – 24.08.2012)

APP/K1128/A/13/2192805 – appeal of decision notice on 37/1256/12/F (appeal dismissed – 08.10.2013)

ANALYSIS:

Principle of Development:

The site is within the settlement boundary and development per se is deemed acceptable in principle (subject to accordance with the Development Plan and planning balance).

Impact on the Area of Outstanding Natural Beauty (AONB) / Design and Scale:

Concerns have cited impact on the AONB and design and scale as reasons for refusal.

In relation to Design and Scale, Policy DP1, section 1(a) and (e) are considered most relevant, and they read:

1. *All development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. New development should:*
 - a. *be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area;*
 - e. *protect local and strategic landmarks and buildings, and enhance views and skylines.”*

In relation to landscape, Policy DP2, sub section 1, states that:

“Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes.”

The development that is the subject of this planning application is clearly set within the boundary of the settlement, and would be seen in its residential context. It is accepted that the design of the scheme is ‘new’ (relatively contemporary in appearance), but as stated in the NPPF (paragraph 60), Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or

styles. Paragraph 60 also states that it is, however, proper to seek to promote or reinforce local distinctiveness, but in this instance, there is no definitive style or character to properties in this location (the properties being a varied mix of architectural styles from bungalows to larger one and a half / two storey houses).

In addition, due to the slightly lowered position below the public highway, the development would not appear excessively visually dominant at close viewing, and if visible from further afield it would be at such a distance as to considerably reduce the perceived impact, so in turn maintaining the character of the AONB.

Knowing the above, it is considered that the development and works would continue to preserve the setting and character of the AONB in this instance, and would be of such a design and scale as to not appear excessively incongruous with their surrounds, and to recommend a refusal on design / scale grounds in this instance could not be supported.

Neighbouring Amenity (Privacy):

Objections received have suggested that the development proposed could result in a loss of amenity to neighbouring properties.

In this instance, and of most relevance, the 'new' property to the southern end of the garden is considered the structure that could possibly result in overlooking.

The proposed 'new' property would be approximately 16 metres from the nearest neighbouring property, which is to the east. The design is such that there will be no direct lines of sight from the new property to the east, with the only windows on the proposed western elevation being obscured.

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 within a settlement identified as sustainable by adopted policy CS1 (the policy states that development is acceptable in principle within Newton Ferrers). This is

further supported by the findings in the conclusion to appeal reference APP/K1128/W/15/3035888. As such, even the delivery of 1 or 2 units (1 additional unit in this instance) carries a fair degree of weight in decision making.

Other (Heritage 'Asset' (Designated and Non-designated) / Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area / Loss of Green Space / Inability to View Plans / Loss of Public Views / Drainage):

Heritage 'Asset' (Designated and Non-designated):

A number of objections have cited the heritage value of the building, and its retention as reason for refusing the application.

In this instance, the findings of the Planning Inspector to APP/K1128/A/13/2192805, and the comments of the SHDC Conservation Officer need to be considered and weighed in the planning balance.

In relation to the comments of the Planning Inspector, it was said that:

Although of a relatively standard design for its time, it (the property) is not without merit and can be considered, in the broadest sense of the Framework, a heritage asset, albeit the lack of local assessment and review, limits the weight this attracts.

The SHDC Conservation Officer concurred with the level of weight that could be attributed to the non-designated heritage asset, and stated in comments:

The property is not contained within the Conservation Area and unfortunately the previous request for listing English Heritage advised that in national terms it is an unremarkable design and of modest architectural styling and detailing which resulted in them not designating it as a Listed Building.

In terms of it being a non-designated Heritage Asset then it appears that there is limited weight with this, as it isn't contained within the conservation area and it hasn't been formally defined as one separately.

It is considered that the weight that can be afforded to the retention of the building as a non-designated heritage asset is very limited. However, consideration of the setting of the Conservation Area, when viewed from further afield should be considered.

The Planning Inspector said:

However, Westerly retains its proportions and spacious character and I consider this property has a role in ... its open plot and spacious setting contribute to the overall setting of the CA.

As the setting of the Conservation Area is a material consideration, the layout of the proposal would need to maintain a 'spacious setting'. In this instance, the scale of Plot 1, being no larger than Westerley, and with Plot 2 being positioned lower down the slope and incorporating a 'green roof' system, it is considered that the appearance of the green surrounds of the original property would be sufficiently maintained to provide the visual green space identified by the Planning Inspector.

Therefore, to refuse the proposal on grounds of effects to designated and non-designated heritage assets is not considered sufficient to warrant a recommendation on those grounds alone.

Excessive Development Density for the Area (Over Development) / Out of Character with the Wider Area:

In this instance Local Plan Policy MP12 (ss. 1 and 2) needs to be considered, where it reads:

1. *Development which would significantly alter the density of buildings or damage the landscape and character of Policy Areas 1 and 2 on the Proposals Map will not normally be permitted.*
2. *Development which would damage the character of, or increase the number of vehicles in, Policy Areas 3 and 4 on the Proposals Map will not normally be permitted.*

In addition, the level of weight that should be afforded to the policy also needs to be considered. In this instance, and in accordance with the findings of the Planning Inspector to APP/K1128/W/15/3035888 only moderate weight can be applied. The Inspector stated in that case that:

Although KP11 is negatively framed and in this sense is not consistent with the more permissive approach of the Framework this limits the weight that I give to that policy, under the terms of paragraph 215 of the Framework, but it still retains moderate weight

In this instance KP11 can read MP12 as the same circumstances apply.

The development proposed would increase the density on the site, albeit marginally. The current built footprint of house and garage are 178m², and the proposed built footprint of 311.8m². The site is 1767m². This means that the current built footprint on site is 10.1% and the proposed built footprint would be 17.6% - an increase of 7.5%.

Knowing that the overall built footprint increase is limited, it is considered in this instance that the increase in density is not sufficiently excessive as to warrant a recommendation of refusal.

Loss of Green Space:

A number of objections have cited a 'loss of green space' as reason for refusal although this has not been explicitly expanded upon.

From visiting the site it could be reasonably interpreted as meaning loss of green space that is currently laid to grass as part of the garden. The green space referred to is not publicly accessible and only clearly visible if viewed from the Noss Mayo to the south (and then only at certain vantage points).

In this instance, with the limited increase in density on site, coupled with the green roof proposed (so visually offsetting loss of 'green space') it is not considered that the loss of private green space is sufficient to warrant a recommendation for refusal in this instance.

Inability to View Plans:

A number of objections have cited an inability to view plans and details on line. The validity of the claims cannot be verified.

From the records available the comments received and plans / documents submitted have been available for public view by virtue of the planning file held for such purposes.

In addition the plans

Loss of Public Views:

It has been suggested in objections received that the development proposed could result in a loss of public views. The nature of the site (sloping north to south), the current level (scale) of development on site, and the level proposed, it is not considered that the development as proposed would lead to the loss of public views. As such, it is not considered reasonable to recommend refusal on the grounds of loss of public views.

Drainage:

The SHDC Drainage Engineer has stated no objection subject to the inclusion of standard drainage conditions. In this respect it is not considered reasonable to recommend refusal of the proposal on grounds of drainage.

Conclusion:

In conclusion, it is accepted that the weight that can be attributed the retention of the building (Westerly) is limited, and that if the appearance of green space can be maintained then the setting of the CA will also be maintained, only a small a degree of weight can be attributed.

The level of weight against the proposal then needs to be considered against the level of weight that can be attributed to the delivery of housing and the contribution to the 5YHLS.

It is considered that other elements of the development are acceptable.

Knowing the weight that should be applied to the delivery of housing is relatively high, and that the weight given to the retention of a non-designated heritage asset is less than this, it is concluded that, subject to planning conditions, this proposal should be supported.

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

Planning Policy

All standard policies listed (NPPG / NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

MP 12 Newton Ferrers and Noss Mayo

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 7**
DEVELOPMENT MANAGEMENT COMMITTEE 13-Apr-16

Appeals Update from 29-Feb-16 to 4-Apr-16

Ward

APPLICATION NUMBER : **50/0388/15/AGDPA** APP/K1128/W /15/3135980
APPELLANT NAME: Mrs P Tucker-Moorland View , Staverton , Totnes , TQ9 6AL-
PROPOSAL : Prior approval of proposed change of use of agricultural building to residential dwelling
(use class C3)
LOCATION : Proposed Dwelling At Sx 7849 6521 Hillcroft Staverton Totnes TQ9 6AL
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-October-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 09-March-2016

Ward Avon and Harbourne

APPLICATION NUMBER : **23/2373/14/F** APP/K1128/W /15/3135465
APPELLANT NAME: New Energy for the World GmbH-c/o Agent-
PROPOSAL : Installation of ground-mounted solar arrays (total site area 94,000m2), estimated output 5
megawatts and associated infrastructure, cable route and Distribution Network Operator
substation
LOCATION : Land At Sx769 596 Lower Blakemore Farm Totnes Devon
APPEAL STATUS : Appeal decided
APPEAL START DATE: 05-November-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-March-2016

Ward Dartmouth and Kingswear

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:

Ward Erme Valley

APPLICATION NUMBER : **35/1374/15/F** APP/K1128/W /3135672
APPELLANT NAME: Modbury Marketing Computer Services Ltd-Mr A Hammerstein ,
PROPOSAL : Retrospective application for addition of external staircase from westaccess pathway to
rear garden and change of use of first floor of bui lding to include A1 (amendments to
approval 35/2603/12/CU)
LOCATION : Sentinel House Poundwell Street Modbury Devon PL21 0XX
APPEAL STATUS : Appeal decided
APPEAL START DATE: 22-October-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 16-March-2016

Ward Newton and Noss

APPLICATION NUMBER : **37/2601/14/F** APP/K1128/W /15/3130793
APPELLANT NAME: Jesse Stokes Ltd, Newferrers Merlin Ltd and Ennismore Resid
PROPOSAL : Erection of dwelling and garage with associated access
LOCATION : Yealm Reach 97 Court Road Newton Ferrers Devon PL8 1DE
APPEAL STATUS : Appeal decided
APPEAL START DATE: 18-August-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 14-March-2016

Ward Salcombe and Malborough

APPLICATION NUMBER : **41/2536/15/F** APP/K1128/W/16/3146708
APPELLANT NAME: Mr N Schwartz
PROPOSAL : Proposed new two bedroom dwelling created in the undercroft of existing car parking bay

LOCATION : Rockside Cliff Road Salcombe Devon TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-March-2016
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Skerries

APPLICATION NUMBER : **15_51/1710/14/O** APP/K1128/W /15/3039104
APPELLANT NAME: Millwood Homes (Devon) Ltd
PROPOSAL : Outline application (with details of appearance, landscaping, layout and scale reserved for subsequent approval) for a mixed-use development comprising up to 240 dwellings, employment land (up to 2.7Ha), local centre (0.4Ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses at Townstal Road (A3122)

LOCATION : Site Allocation Dpd Proposal D1 At Land Adjacent To Townstal Road (A3122) West Of Dartmouth Dartmouth Devon

APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-September-2015
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 24-March-2016

Agenda Item 8

Report to: **Development Management Committee**
Date: **13 April 2016**
Title: **REVIEW OF PLANNING SCHEME OF DELEGATION**
Portfolio Area: **Customer First – Cllr Bastone**

Wards Affected: **All**

Relevant Scrutiny Committee: Overview and Scrutiny Panel

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Committee recommendations will be presented to the Annual Council meeting on 19 May 2016 for approval.

Author: **Pat Whymer** Role: COP Lead Specialist – Development Management

Kathryn Trant Senior Case Manager

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kathryn.trant@swdevon.gov.uk**

RECOMMENDATION

That the Development Management Committee RECOMMEND to Council that:-

- 1. the revised Planning Scheme of Delegation as presented at Appendix A of the report be adopted; and**
- 2. authority to make any minor amendments prior to adoption be delegated to the Community of Practice Lead Specialist Development Management, in consultation with the Chairman of the Development Management Committee.**

1. Executive summary

- 1.1 The Council has adopted a Planning Scheme of Delegation which governs the way that decisions are made in respect of planning matters, and how and when applications can be referred to the Development Management Committee.
- 1.2 As a result of the Transformation Programme, officers now work across both South Hams District and West Devon Borough Councils. As a consequence, this review has provided the opportunity for both councils to consider adopting a more aligned Planning Scheme of Delegation that will make working practices more efficient and robust.

2. Background

- 2.1 The Development Management Scheme of Delegation was last considered (and approved) by the Council at its meeting on 9 September 2010 (Minute 46/10 refers).
- 2.2 It has been recognised that, since the current Scheme has been in place for five and a half years, it is now timely to undertake a review to ensure that it remains fit for purpose.
- 2.3 The Committee will recall that the Chairman highlighted this matter under 'Urgent Business' at the meeting held on 16 December 2015 (Minute DM.45/15 refers).
- 2.4 In light of a decision made by West Devon Borough Council to undertake this review jointly with the Council, the Leader of Council was consulted and nominated Cllrs Pearce, Steer and Ward to represent the Council.

3. Outcomes/outputs

- 3.1 A meeting of the nominated Members was subsequently held on 24 February 2016.
- 3.2 As a starting point, Members of the Group worked through a draft version of the Planning Scheme of Delegation. Members also referred to the existing documents in use at both West Devon Borough Council and South Hams District Council. During discussion, a number of concerns were addressed and amendments subsequently made.
- 3.3 As a result of the discussions held, a revised Planning Scheme of Delegation document was produced and supported by the Working Group.

4. Options available and consideration of risk

- 4.1 The Planning Scheme of Delegation sets out the parameters for decision making in respect of planning matters. Currently, the two Councils have quite different schemes.
- 4.2 Whilst one option would be to continue with the existing schemes, a more closely aligned scheme would result in more efficient working and greater continuity for the Development Management service. In addition, the proposed amendments to the scheme should enable decisions to be made more swiftly and therefore improve customer service. An aligned scheme would also reduce the risk of error.

5. Proposed Way Forward

- 5.1 Following the support of the Working Group, a revised Planning Scheme of Delegation has now been produced. Members are requested to recommend that the Council approve the revised document.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council is required to have a Delegation Scheme setting out the roles and responsibilities of Council, its Committees and its officers. These are set out in Part 3 of the Council's Constitution.</p> <p>In addition to the Delegation Scheme set out in the Constitution, the Council has previously agreed further detail in relation to how the Council decides its Development Management and Planning Enforcement functions, and it is this delegation which Members are being requested to review.</p> <p>The full Council must make the final decision on the scheme to be adopted.</p>
Financial	Y	There are no direct financial implications but the revised scheme will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the application process

Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

Supporting Information

Appendices:

1: Revised Scheme of Delegation

Background Papers:

First draft version of a revised Scheme of Delegation; and Scheme of Delegation.

South Hams District Council - Planning Delegation Scheme

Definitions:

- **CoP Lead: Community of Practice Lead Specialist Development Management**
- **In writing: shall include email**
- **DM Committee: Development Management Committee at South Hams District Council**
- **Working days: days which are not weekends or bank holidays**
- **Planning Application: full, outline and reserved matters only**
- **Representation: means representations from any source excluding internal consultees**
- **Immediate family: parent, spouse, child, sibling (including 'step' and 'adopted')**

1. General Planning Delegation to Officers

1.1 Subject to paragraph 1.2 below, the CoP Lead has delegated authority for all functions assigned to the DM Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time) except those:

- a) Planning Applications
- b) Listed Building Consents
- c) Advertisement Consents
- d) TPO final confirmations (excluding emergency TPOs), and
- e) Works to TPO trees

Which:

- i. relate to the Council's own land
- ii. is an application submitted by a Councillor, (or an immediate family member), (including Councillor as agent or professional advisor) or an Officer (or an immediate family member)

Or which in the opinion of the CoP Lead:

1. are of sub-regional or district-wide significance
2. ought to be determined by the DM Committee

1.2 In the case of planning, listed building, advertisement applications and TPO applications and confirmations, where any written representations are received, including those from a Parish or Town Council, which are contrary to the CoP Lead's recommendations and where the representations are considered material and relevant planning issues.

1.3 The CoP Lead shall have delegated authority to determine these only where:

- a) agreement to issuing a delegated decision has been sought in writing from the Ward Member(s) and Chairman of DM Committee and,
- b) no written request (supported by material planning reasons) to call the application to Committee has been received from the Ward Member(s) or Chairman within the notification period. The notification period is defined as three working days, unless a Ward Member requests an extension of time (of up to 48 hours, and giving good reason for doing so). The notification period commences when the Ward Member has been notified of the request that a delegated decision be made.

2. Ward Members/Chairman of DM Committee

2.1 Ward Members/Chairman of DM Committee can call to Committee, with material planning reasons,

- a. any Planning Applications
- b. Listed Building Consents
- c. Advertisement Consents
- d. TPO final confirmations (excluding emergency TPOs), and
- e. Works to TPO trees

with no contrary comment, by notifying the CoP Lead prior to the expiry of the public consultation period.

2.2 For the avoidance of doubt all Members in a multi-Member ward shall be notified /consulted by the CoP Lead

2.3 Unless a Ward Member/Chairman of DM Committee requests an extension of time of up to 48 hours for a response, s/he must advise the CoP Lead of his/her views within three working days of being notified.

2.4 In the absence of a Ward Member consultation response within the permitted time frames, the CoP Lead shall determine the matter in accordance with the officer recommendation, without the Member's views.

2.5 Where a Ward Member is unavailable for consultation (for whatever reason e.g. holiday, DPI or other interest) then s/he should nominate an alternative member to carry out this role and notify Member Services accordingly in writing. If the Chairman of DM Committee is unavailable, the Vice Chairman should be contacted in his/her place.

3. Action on decisions of the DM Committee

3.1 Where the Committee **approves** an application, the CoP Lead will issue the Approval Notice including such conditions as are reasonably required to give effect to the Committee's decision

3.2 Where the Committee **refuses** an application which the CoP Lead recommended should be approved, it shall give the reasons for the decision but the CoP Lead shall determine the precise wording of the reasons for refusal

4. Delegation in respect of Enforcement Action

4.1 The CoP Lead has delegated authority to:

- a) decide that no breach has been found
- b) decide that it is not expedient to take enforcement action (in accordance with the Council's Enforcement Policy), unless notified by the Ward Member otherwise
- c) invite regularising Planning Applications where appropriate
- d) carry out all enforcement action (including but not limited to) issuing and serving Planning Contravention Notices, Untidy Site Notices, Stop Notices, Breach of Condition Notices and Building Preservation Notices, providing the relevant Ward Members are notified prior to such notices being issued or served
- e) issue Enforcement Notices in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the DM Committee for decision and no such request has been received
- f) take Prosecutions and Injunctions in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the DM Committee for decision and no such request has been received

SAVE that the Monitoring Officer has delegated authority to take a Prosecution or Injunction where the Council's position would be compromised if action is not taken urgently

4.2 The CoP Lead may refer complex matters to the Committee at his/her discretion, or where there are relevant budgetary implications.

5. Section 106 Agreements

The CoP Lead may:

- a) authorise the execution of a section 106 agreement where required in advance of the grant of planning permission
- b) in consultation with the Ward Member(s) and Chairman of DM Committee, vary the terms of a section 106 agreement (or take such other action as necessary) to secure the objectives of the Committee which agreed the 106 agreement