

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 23rd September, 2015										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
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 Specialist- Democratic Services 01803 861185										

1. Minutes

1 - 6

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Committee held on **2 September 2015**

2. Urgent Business

Brought forward at the discretion of the Chairman;

3. Division of Agenda

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

4. Declarations of Interest

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

5. Public Participation

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

6. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 37/2548/14/O

7 - 20

Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land
SX5670, 4944, West of Collaton Park, Newton Ferrers, PL8 2NE

(b) 57/2472/14/O

21 - 38

Outline application for mixed use development of approx 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered)
Land at SX6483 5632, off Rutt Lane, Ivybridge

- (c) 27/1159/15/F** **39 - 48**
Change of use of redundant barn to 2no. dwellings, erection of garages, additional access and associated alterations
Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG
- (d) 52/0782/15/F** **49 - 54**
Change of use to domestic curtilage and erection of greenhouse and shed
Land adj to 8 Andrews Park, Stoke Gabriel, Totnes TQ9 6FF
- (e) 41/1023/15/F** **55 - 62**
READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking
Spion Lodge, Bennett Road, Salcombe TQ8 8JJ
- (f) 41/1262/15/F** **63 - 74**
Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no. residential units above, new vehicular access and parking
Development Site at SX 738 392, Former Gas Works, Gould Road, Salcombe, TQ8 8DU
- (g) 56/1693/15/AD & 56/1694/15/LB** **75 - 78**
Advertisement consent for 2no. hanging signs and to add text to window and door
16 Leechwell Street, Totnes, TQ9 5SX; and

Listed building consent for 2no. hanging signs and to add text to window and door and other alterations
16 Leechwell Street, Totnes, TQ9 5SX

7. Planning Appeals Update

there are no appeals to update

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 2 SEPTEMBER 2015

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	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
Cllrs Tucker and Ward

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		Planning Officers, Legal Officer and Senior Case Manager

DM.21/15 MINUTES

The minutes of the meeting of the Committee held on 29 July 2015 were confirmed as a correct record and signed by the Chairman.

DM.22/15 URGENT BUSINESS

The Chairman advised that application **27/1159/15/F** Change of use of redundant barn to 2no dwellings, erection of garages, additional access and associated alterations Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG had been deferred prior to the start of this meeting.

DM.23/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered but none were made.

DM.24/15 PUBLIC PARTICIPATION

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **05/1229/15/F:** Objector – Mr Norman Botton: Supporter – Mr Dan Lethbridge: Parish Council Representative – Cllr Bryan Carson: Demolition of existing dwelling and outbuildings and erection of 2 No. replacement dwellings to include creation of new access (Resubmission of planning application 05/2922/14/F) – Seafront, Marine Drive, Bigbury on Sea.

DM.25/15 **PLANNING APPLICATIONS**

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **05/1229/15/F**: Demolition of existing dwelling and outbuildings and erection of 2 No replacement dwellings to include creation of new access (Resubmission of planning application 05/2922/14/F) – Seafront, Marine Drive, Bigbury on Sea, Kingsbridge, the Case Officer introduced the application and advised Members of an update in relation to a correction and amendment to the condition relating to the erection of a glazed screen which would now state that details were to be agreed in writing prior to commencement. He also advised that the description of the application as presented was incorrect, and should in fact refer to ‘Resubmission of planning **APPLICATION** 05/2922/14/F (rather than planning **APPROVAL**).

The Case Officer continued his presentation with plans, elevations and photographs, and then took Members through the main issues of the application. He then concluded by advising that the application was recommended for conditional approval.

The Parish Council representative advised Members that there were a number of concerns locally with the application including the size of the proposal, the design, particularly in respect of the flat roof, and the disappointment that the architect did not listen to the views of local people. He concluded with an example of a development in a similar location where the views of local people had been taken into account and the outcome was a development that was deemed acceptable.

The Local Ward Member echoed these concerns and reminded Members of the considerable local feeling against the application.

During discussion, the Members noted the importance of the site, particularly in relation to Burgh Island and felt that the application would be a disaster in terms of views from Burgh Island. The proposal was considered to be out of scale and was not of high quality design. Also, Members were of the view that it did not meet a number of development policies.

It was then **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be refused’

Reasons:

The proposal, by reason of its design, scale, mass and appearance would result in an incongruous development which would cause significant harm to the visual character and appearance of the area, which is within the South Devon AONB, including views from Burgh Island and the beach. The proposal would be contrary to Policies DP1 and DP2 of the Local Plan and guidance contained within the National Planning Policy Framework.

DM.26/15 PLANNING APPEALS UPDATE

The Lead Planning Officer updated Members on the detail of the listed appeals.

DM.27/15 DEVELOPMENT MANAGEMENT PUBLIC PARTICIPATION SCHEME

Following a twelve month trial, the Committee received a report that sought views on whether to formally revise the public participation scheme to enable town and parish council representatives to speak on relevant applications at Development Management Committee.

The Chairman asked Members for their views and the majority of Members stated that they wished to continue the current practice of allowing town and parish council representatives to speak at Development Management Committee meetings.

In response to a suggestion that town and parish council representatives should be allowed to participate either at one of the Development Management Committee, or at site inspections, but not both, the majority of Members again agreed with this view. However, Members did state that if the town and parish council representatives attended site inspections, one of those representatives should be able to ask questions of clarity of, and make specific points to, the Chairman.

Members then discussed the time allowed for registered speakers. It was not felt appropriate that town and parish council representatives should be restricted to a shorter time than registered objectors or supporters. However, to ensure applications were presented in a timely manner, it was suggested that, in the case of linked applications being presented to the Committee, that only one time slot be applied for each of the registered speakers. For example, an application that also included a linked Listed Building application had in the past been allowed double time as a time slot was applied to each application number. In future, it was recommended that only one time slot should be permitted.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:

1. amend the Development Management Public Participation Scheme to enable the opportunity for town and parish council representatives to speak on planning applications within their own town or parish provided that they abide by the same rules as applied for objectors and supporters;
2. Amend the Site Inspection Protocol to state that town and parish councils are able attend site inspections but would no longer be invited to make presentations. There would be an opportunity for one spokesperson representing the town or parish council to ask questions of clarity or to make specific points based on local knowledge to the Chairman; and
3. Amend the Development Management Public Participation Scheme so that linked applications presented to Committee are only allowed one time slot per speaker.

(Meeting commenced at 2.00 pm and concluded at 3:10 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 29 July 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
05/1229/15/F	Seafront, Marine Drive, Bigbury on Sea	Refusal	Cllrs Vint, Bramble, Hodgson, Cuthbert, Hitchins, Pearce, Rowe, (7)	Cllr Steer (1)	Cllr Holway (1)	Cllr Brazil, Cane, Foss (3)
41/1294/15/CU	Bangwallop, 2 Island Square, Island Street, Salcombe	Conditional Approval	Cllrs Steer, Vint, Cuthbert, Holway, Hitchins, Bramble, Pearce, Rowe, Hodgson (9)			Cllr Brazil, Cane, Foss (3)

APPENDIX A

05/1229/15/F

Demolition of existing dwelling and outbuildings and erection of 2No replacement dwellings to include creation of new access (Resubmission of planning approval 05/2922/14/F)

Parish or Town Council - Bigbury

Parish Council's Views – Objection

Officer Update – Revised balcony condition suggested by the Officer

Recommendation – Conditional Approval

Recommended Conditions –

1. Time limit for commencement
2. In accordance with plans
3. Samples of materials
4. Unexpected Contamination
5. Ecological mitigation to take place prior to demolition.
6. Erection of glazed screen at a height of 2.1m on the south eastern elevation of the balcony serving Plot 1
7. Permitted Development Restrictions

Committee Decision – Refusal

41/1294/15/CU

Change of use of premises to A2 (financial and professional services)

Parish or Town Council - Salcombe

Parish Council's Views – No Objection

Officer Update – n/a

Recommendation – Conditional Approval

Committee Decision – Conditional Approval

1. Time
2. Accord with plans
3. Removal of Change of Use Permitted Development Rights

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Newton and Noss

Application No: 37/2548/14/O

Agent/Applicant:

Mrs D McCann
Manor Barn
North Huish
TQ10 9NH

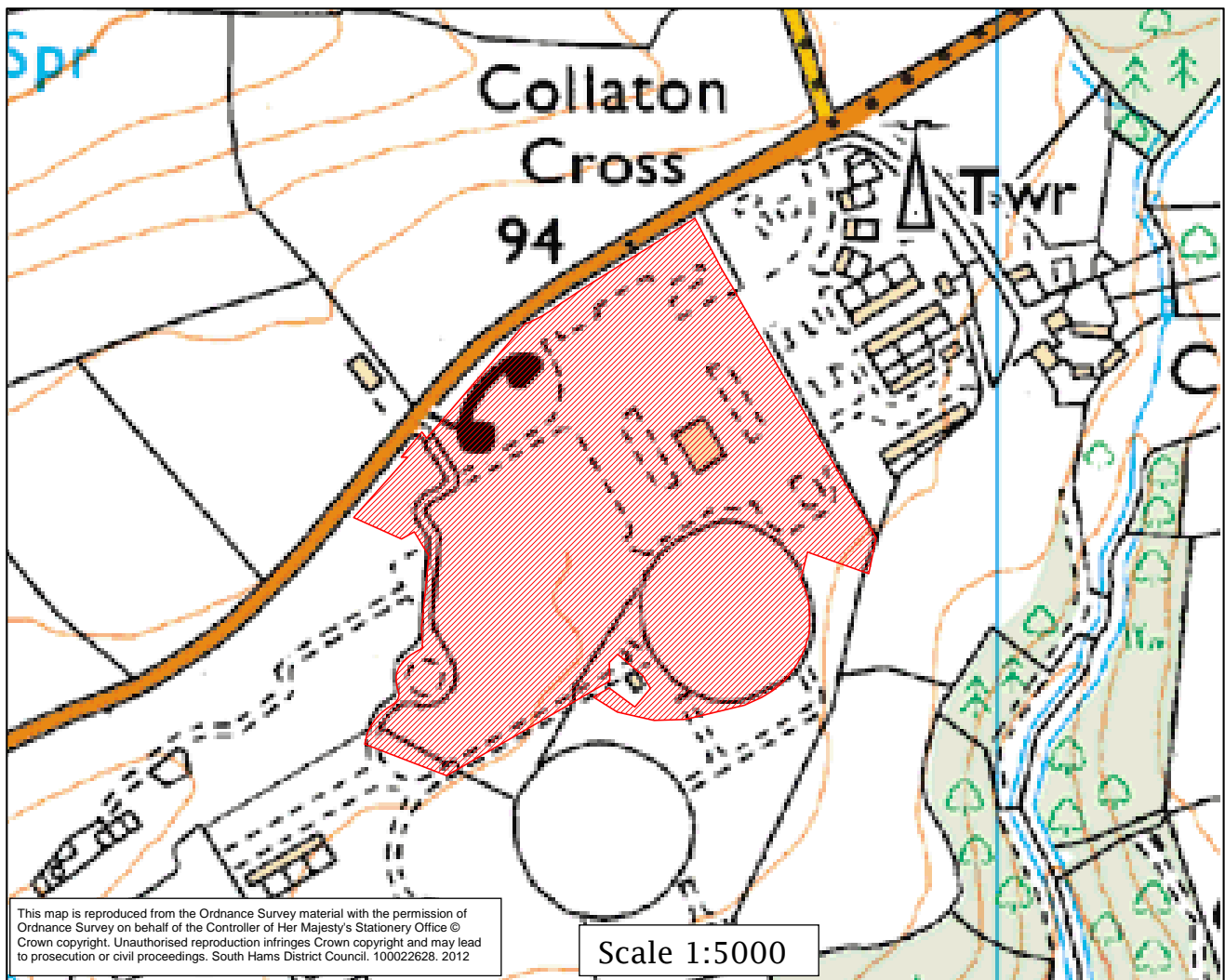
Applicant:

Mr & Mrs Yonge
Puslinch Farm
Yealmpton

Site Address: SX5670, 4944, West of Collaton Park, Newton Ferrers, PL8 2NE,

Development: Outline application (with some matters reserved) for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land.

Reason item is being put before Committee: At the request of the local Ward Councillor, given the scale of the development and local interest



RECOMMENDATION

The recommendation is for the application to be refused for the following reasons:

1. The proposed development represents a major application in the South Devon AONB. The NPPF states that planning permission should be refused for major development in such designated areas other than in exceptional circumstances and where it can be demonstrated it is in the public interest. Whilst it is noted that the proposal would provide affordable housing to meet need in Newton and Noss Parish, the circumstances are not considered to be exceptional since the nature of that need, notably the quantum of housing, has not been demonstrated; and it follows, therefore, that a proper assessment of alternative deliverable sites that could meet this need with a less harmful impact on the AONB is not possible. As a consequence the selection and development of this site is not considered to be in the public interest.

KEY ISSUES FOR CONSIDERATION

The application site lies within the Area of Outstanding Natural Beauty (AONB) where development should only be permitted in exceptional circumstances.

Paragraph 115 of the National Planning Policy Framework (NPPF) requires that great weight should be given to conserving landscape and scenic beauty in AONBs, which 'have the highest status of protection'.

Paragraph 116 subsequently clarifies that planning permission should be refused for major developments in an AONB other than in exceptional circumstances and where it can be demonstrated that development is in the public interest. The NPPF requires that consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In accordance with Paragraph 49 of the NPPF the absence of a five-year housing land supply indicates a presumption in favour of granting planning permission for sustainable development and this is relevant to the need for housing in the District as a whole. In accordance with paragraph 14 (extract below), however, the presumption in favour does not automatically apply if specific policies within the Framework indicate that development should be restricted:

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- specific policies in this Framework indicate development should be restricted.⁹

Footnote 9 to the above extract (from paragraph 14 of the NPPF) specifically identifies that 'specific policies' includes those relating to AONB's as one such exception. Similarly, the provisions of Policy CS1 of the Core Strategy DPD apply, with Clause 4 requiring that outside Area Centres 'development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.'

Planning Policy Guidance states that 'Local housing need surveys may be appropriate to assess the affordable housing requirements specific to the needs of people in rural areas, given the lack of

granularity provided by secondary sources of information' (Paragraph: 017 Reference ID: 2a-017-20140306, PPG on Housing and economic development needs assessments).

The NPPF deals with affordable housing in rural areas such as the Parish of Newton and Noss in paragraph 54, stating that 'in rural areas ... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'.

The site is partly previously developed land (pdl), which weighs to an extent in favour of the development, in accordance with paragraph 111 of the NPPF.

As a Departure Site the proposed development should meet the requirements of Policy CS6 of the Core Strategy DPD, which would ordinarily amount to at least 50% Affordable Housing.

HISTORY OF THE APPLICATION

A period of pre-application consultation took place between November 2013 and January 2014. During this period Council Officers advised the applicant that the proposed development did not meet policy tests and would not be likely to succeed.

A number of public consultation exercises were held prior to submission and these were well attended. Full details are provided in the Statement of Community Involvement submitted with the application.

For the avoidance of confusion, a separate planning application for the employment element of the above (reference 37/2547/14/F) has been withdrawn.

SITE DESCRIPTION

The application site is located in the Parish of Newton and Noss on the south side of the B3186 just under 2km to the north-east of Newton Ferrers and just under 3km south-west of Yealmpton. The highway distances are 2km and 3.2km respectively.

The area within the ownership of the applicant extends to approximately 20.23 ha (50 acres) being formally a Ministry of Defence (MoD) site used during the Second World War for the storage and launching of Barrage Balloons for the protection of Plymouth.

The application area extends to 8.86 hectares and lies in open countryside entirely within the South Devon AONB. The site is partly previously developed land comprising former Ministry of Defence land and buildings. The remnants of the previous use are not apparent when passing the site, as the observer will only see an agricultural barn. A concrete road runs to that barn and concrete hard standings are still in situ, albeit predominantly covered by land used for agriculture. The site is described as 'brownfield' in the application form and this does not appear to have been specifically challenged by the Council, a point that is discussed later in this Report.

Currently part of the site is used for agriculture, another area houses a Coastguard Station whilst the rest is derelict.

There are two areas of existing housing to the north and the south of the site. These formed part of the original MOD site.

The boundaries of the site include a managed hedge line, which runs along the north-west boundary parallel with the B3186; a row of tall conifers, which screens the Collaton Park development to the north-east; an open boundary to the south-east, which is formed by a stock proof fence; and a varied south-west boundary, which is formed of tall coniferous hedges and woodland blocks.

The site is well screened from the B3186, but open views are available from the south-east and from higher ground to the west.

PROPOSED DEVELOPMENT

The application is for outline permission for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land. The matters reserved are appearance, landscaping and scale.

The proposed mix of housing is 50% open market and 50% AH units. The applicant has indicated that the mix could include at least 20 self build units to be discounted affordable housing, 8 units discounted to open market and 4 bungalow as retirement affordable rented units. The number of bedrooms in each unit can be determined at reserve matters if planning permission were granted.

The applicant states that the objectives of the proposed development include allowing Newton and Noss to grow sustainably without threatening the fragile waterside environment; for employment opportunities; to provide recreation / sport / leisure opportunities; and to deliver affordable / low cost housing.

The site would be accessed from the B3186 and would be constructed to facilitate a bus turning and waiting area near the entrance.

A footpath would be provided to link the development to Newton and Noss.

A draft s106 Heads of Terms has been submitted and this includes a commitment to provide:

- Affordable Housing;
- allotments
- land for outdoor community use;
- public open space;
- play provision;
- on site sport / community facility provision;
- employment land;
- education contribution;
- sustainable transport contribution
- boat storage (community)
- contribution to SWW for upgrading Newton Ferrers Sewage Treatment Works
- legal costs

The Planning Statement describes some aspirational elements that could be delivered through development and this includes the opportunity to develop workspace of varying types, including live / work units, an office hub, and a training facility for traditional workshops / office space; as well as the opportunity to provide plots for custom build and affordable self-build. The applicant states that it would be the intention to work with the local community to establish needs, including an innovative way for the community to take control over this element in a way which will ensure sustainability of funding and community involvement. If planning permission were granted, some of these elements could be considered at the reserved matters stage.

The proposal is supported by the following documents:

- 15 questionnaires indicating interest in purchasing or renting a house (2015)

- Bat Survey (July 2015)
- Reptile Survey (July 2015)
- Archaeological Desk Based Assessment and Report (July 2015)
- Revised LVIA (June 2015) and original Visual Impact documents (October 2014)
- Revised Planning Statement (June 2015) and original Planning Statement (October 2014)
- Revised Design and Access Statement (June 2015) and original Design and Access Statement (October 2015)
- Access and footpath plans (June 2015)
- Transport Statement Addendum (June 2015)
- Heritage Impact Assessment (December 2015)
- Brownfield Areas Plan (December 2015)
- Sewer Construction plans (October 2014)
- Flood Risk Assessment (October 2014)
- Transport Statement (October 2014)
- Landscape Plan (October 2014)
- Contaminated Land Phase I and Phase II Reports (October 2014)
- Draft s106 Heads of Terms (October 2014)
- Preliminary Ecological Assessment (October 2014)
- Indicative House Types (October 2014)
- Business units location plan (October 2014)
- Statement of Community Involvement, with questionnaire results (October 2014)

CONSULTATIONS

Natural England, in their letter dated 10th November 2014, makes no objection, but notes that consideration is required with respect to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) in the context of the Habitats Regulations.

The **Environment Agency**, in their response dated 9th January 2015, considers the proposed development to be acceptable and recommends three conditions. The conditions cover sustainable drainage and a contamination schedule.

Historic England has been notified and has made no comment.

SHDC Environmental Health considers that the impact of this development is acceptable subject to conditions to protect existing residential amenity by way of noise and exposure to contamination.

SHDC Drainage confirms no objection in their representation dated 23rd October 2014.

The **SHDC Natural Environment and Recreation Team** raises no objection and provides a detailed response that is dated 13th August 2015. The comments have been incorporated into the Analysis section of this Report.

The **AONB Unit**, in a letter dated 27th July 2015 objects to the development, stating the opinion that the proposal does not meet the tests of paragraph 116 of the NPPF and is, due to its isolated location, an unsustainable development. The AONB unit notes that there is adjacent housing, but considers that the proposed development does not integrate with these and compounds an already inappropriate setting for housing; and considers that the development fails to respect the historic development pattern, which is clustered dwellings and settlements in sheltered locations with open land in between.

SHDC Countryside and Community Projects (ecology) has no objection and requests inclusion within the s106 of a clause to retain and manage semi-improved grassland within the blue line for the

purposes of providing habitat for reptiles and Barn Owls (in line with the Landscape and Ecological Management Plan which must be submitted with Reserved Matters). The LEMP will also need to include details of necessary mitigation before and during works (notably reptile capture and translocation measures, and timings of vegetation removal).

The development is in close vicinity to the River Yealm component of the Plymouth Sound and Estuaries SAC. The Council Specialist concurs with the conclusion within the Preliminary Ecological Appraisal that 'none of these features would be directly affected by the proposal.' The HRA Screening Opinion of the Council recommends mitigation by way of a contribution towards the 'minimising recreational risks' strategic objective as identified within the Tamar Estuaries Management Plan 2013-2018, which seeks to reduce any effects on the SAC European Marine Site to a negligible level. This contribution should be secured via the S106.

SHDC Strategic Planning comments (April 2015) that the site is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD); and that it is outside the Newton Ferrers development boundary as defined in the South Hams Local Plan (1996) and is, therefore, deemed to be in the Countryside.

The comments continue by explaining the planned delivery of development in the area and this has been incorporated into the Analysis section of this Report.

The comments make reference to the initial objection raised in terms of landscape character and visual amenity. This has since been revised (see Natural Environment and Recreation Team, above) such that there is no objection in this respect. Strategic Planning also refers to the Sustainability Threshold Assessment (STA) that was undertaken during the plan preparation process. This assessment concluded that the Collaton site had significant sustainability issues, with adverse visual impact, affect on the AONB, contamination, and potential impact on the quality of the built environment being specifically identified as issues of concern. The assessment with respect to 'walking' was rated red, indicating an absolute sustainability constraint. This was a consequence of the site's location, being separate from and a distance from the edge of Newton Ferrers, with the associated consequences for connectivity, especially the more sustainable modes of movement.

The SP comment acknowledges that part of the site can be regarded as being Previously Developed Land (PDL).

The Strategic Planning team recommends that the application is refused for the above reasons.

The **County Highways Authority** (Statutory Consultee), in their response dated 10th August 2015, states that the submission of additional information has removed all the previously stated highway related objections. The detailed comments have been incorporated into the Analysis section of this Report.

The Highways Authority recommends conditions and sets out requirements for s106 payments to cover the bus service (94).

The County Education Authority (Strategic Planning Children's Services), in their letter dated 3rd November 2014, states a requirement for a payment towards secondary school places and a payment towards secondary transport, to be secured through a s106 Agreement.

The County Archaeologist, in their response dated 1st July 2015, states that there is no requirement for further archaeological investigation and that no archaeological conditions are required.

South West Water (SWW) in their email dated 27th October 2014, confirms that capacity exists at the sewage treatment works and there is no requirement for a payment towards foul water infrastructure. SWW also advises that development should not take place within a 3m corridor of a public sewer that crosses the site

The **Police Architectural Liaison Officer** provides general advice with respect to good practice. The matters raised will require further scrutiny at the Reserved Matters stage should the application be approved.

The **Barn Owl Trust** has, in a letter dated 7th November, requested three conditions to require / cover a permanent nesting / roosting space, provision of habitat and appropriate construction management.

NHS has responded to confirm no comment.

Newton and Noss Parish Council, in their letter dated 14th November 2014, objects to the proposed development, stating that it does not consider that exceptional circumstances exist to justify development in the AONB; and that it supports the comments made by the River Yealm District Association in their letter dated 13th July 2015 and 14th November 2014 (see representations below).

Yealmpton Parish Council, in their letter dated 17th November, raises concerns and these have been listed with the representations, below.

Representations

Some 38 objections and approximately 9 representations of support have been received. The objections include two detailed responses from the River Yealm District Association, one of which receives express support from the Newton and Noss Parish Council.

The full text of the representations can be read on the Council's website and are summarised, in no particular order, as below insofar as they relate to matters of proper concern to the planning process.

Comments in support:

- resolves problems associated with a derelict site;
- the best opportunity for development in the area that will deliver the needs of the community;
- the site is sensitively located between two existing residential developments;
- welcome retirement bungalows;
- goes some way to address lack of Affordable Housing given that none have been delivered since the 2008 Housing Needs Survey;
- development can help rebalance the housing stock, which has an under-representation of flats, semi detached and terraced housing and many second homes;
- layout appears to be well oriented to allow solar gain in buildings;
- inclusion of allotments is welcomed;
- footpath is welcomed;
- self build affordable is welcomed;
- layout is sympathetic to the setting;
- shared office space welcomed; and
- supports viability of local services.

Objections (in no particular order):

- the site is not brownfield, it is used for agriculture;
- the transport addendum claims benefits of the footpath, which some consider is not well used other than for recreation, by existing residents due to the excessive distance;
- the number 94 bus is a limited service;
- inappropriate site for Affordable Housing due to isolation from services;
- the site is 2.8km from the nearest services (Newton Hill) and not walking distance to the village school;

- inducements for support were offered at the community exhibition and these have subsequently not appeared in the application (swimming pool / leisure / community centre);
- do not agree with the claim by the applicant that the area has an 'unsightly nature';
- the site does not meet the NPPF definition of previously developed land;
- the development does not meet the tests of paragraphs 115 and 116 of the NPPF;
- the LVIA does not give a proper account of visibility / is misleading;
- unacceptable adverse impact on countryside;
- insufficient capacity at / additional burden on schools;
- local roads not suitable for additional traffic (capacity);
- concerns with respect to speed of traffic at access point;
- water mains would need upgrading;
- would exacerbate existing parking problems in Newton Ferrers ;
- mix of housing and commercial uses is not appropriate due to noise;
- potential harm to ecology;
- potential for unknown contamination that has not been investigated;
- no evidence of need for allotments and other community uses;
- no evidence for the need for housing at this location;
- previous Housing Needs Surveys have not identified the need for the amount of development proposed;
- development at Sherford, Brixton and Yealmpton is meeting need;
- isolated from other urban areas;
- contamination survey and assessment not adequate;
- undermines the Community Plan;
- undermines the viability of shops in Newton Ferrers;
- would not integrate with existing development at Collaton Cross;
- employment related activity will harm amenity / tranquility;
- employment uses could have an adverse effect on business' in Newton Ferrers;
- the increased loading on the sewage treatment facility could significantly raise the risk of non compliant discharges into the Yealm Estuary, with negative impacts on the fishing / shell fish industry;
- could provide a catalyst for further 'ribbon' development along the road; and
- foot / cycle path does not connect the existing residential areas to Newton Ferrers

General comments

- All houses / plots should be sold preferentially to local people and not as second homes;
- would welcome further community engagement to discuss the plans and the detail of the community uses, which have changed from that previously presented to the public
- a smaller development might be acceptable; and
- lighting the footpath is not favoured due to impact on the environment / landscape.

Relevant Planning History

An application was submitted in 1982 to determine the permitted use of land, reference 1582/82. The applicant was advised that development would not be appropriate due to the location within the AONB.

Application for residential development, reference 1258/86, was refused in 1986.

Application for HGV parking and training, reference 0526/90, was refused in 1990.

Application 37/0271/09/F was granted permission for the creation of a permissive footpath to link Collaton and Butt Park, Newton Ferrers.

A separate planning application, reference 37/2547/14/F, for the employment element of the application the subject of this Report has been withdrawn.

ANALYSIS

Principle of Development / Sustainability

The proposal represents major development in the AONB on a site that is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is outside the Newton Ferrers development boundary (and other settlement boundaries) as defined in the South Hams Local Plan (1996) and is, therefore, in the Countryside.

As identified in the preceding section 'Key Issues' the applicant must demonstrate compliance with a series of tests. The first test is to demonstrate the need for development in the AONB; the second is whether any identified need can be met outside the AONB or by different means; and the third is, if the first two tests are met, to consider any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. These matters are discussed in detail below. It is also necessary to demonstrate that the development would be in the public interest, but it is considered that meeting the three tests described would automatically mean that this has been achieved.

Need for development

The absence of a 5-year HLS carries some weight in the balance, but only in the sense that there is a need for housing sites to come forward in the District. This does not automatically mean that such sites should be in the AONB.

Planning Policy Guidance states that Local Housing Need Surveys (HNS) are an appropriate means to assess the affordable housing requirements specific to the needs of people in rural areas.

The last HNS for Newton and Noss was undertaken in 2008. The first line of the 'Executive Summary' in the subsequent Report (the Parish of Newton and Noss Local Housing Needs Report, July 2008) states that the survey 'identified need for ... the next three years'; and, in the first bullet point, that '... the survey should remain relevant for at least three years subject to significant changes in the condition of the housing market.' Whilst the Report uses the words 'at least' the 2008 HNS is now 7 years old and is, therefore, not considered to be a robust indicator of housing need for the purposes of judging this application.

The absence of a 5-year HLS demonstrates need for more housing in the District as a whole. In addition, the applicant submitted, on 23rd April 2015, a number of questionnaires that have been completed by residents in the Parish with respect to the need for housing.

Planning permission was granted in 2012 for 14 AH units in Newton and Noss Parish at Parsonage Road. That development has not come forward to date for unknown reasons. The Council has a live planning application for minor amendments to that development and has received a representation of support from the Parish Council and, to date, is not aware of any reasons why the application should be refused. If it is assumed that the local need identified in the 2008 HNS still exists, then that survey would indicate only 18 AH units are needed, considerably lower than the 35 proposed in the application that is the subject of this Report.

Since the need for 70 houses (35 AH) in Newton and Noss Parish has not been demonstrated the applicant has been invited to undertake a new HNS such that the quantum and type of housing need could be determined. The applicant has declined to do so.

In principle and in the context of Paragraph 54 of the NPPF it would be appropriate that a mix of open market and AH units would be accepted if development were to come forward at the site.

With reference to Policy CS5 of the Core Strategy and Policy AH3 of the Affordable Housing DPD, the development should provide at least 50% of housing as AH units. The proposal meets this requirement.

As is the case with housing, however, Policy CS1, Clause 4 requires that outside Area Centres and specific industrial estates, development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. Without demonstrating the need for housing at this location in the AONB, the need for employment is not justified.

Alternative sites

The applicant has submitted, on Thursday 11th September, an assessment of alternative sites with a view to meeting the second test of Paragraph 116 of the NPPF. It has not been possible to analyse this information and an update will be provided at Committee.

In the absence of an up to date HNS it may be the case that the applicant considers the unmet need identified in the 2008 HNS and the absence of a 5-year HLS to be relevant. With respect to the latter, a more focussed housing market area might provide an appropriate geographical scope. In this respect the Council is processing planning applications to deliver at least 400 houses in Ivybridge, with 198 on the DMC Agenda and a recommendation for approval; and has recently permitted 300 houses in Sherford. In addition houses have been built in Yealmpton and Brixton. It is reasonable to assume that all these developments have met and can meet some of the demand for housing in Newton and Noss Parish.

Should the alternative sites assessment identify that the Collaton site is the best site in the Parish of Newton Ferrers to bring forward a mixed development of 70 houses with employment uses this would not necessarily meet the test of Paragraph 116: since the number, type and size of dwellings needed has not been established it is not possible to identify the size and nature the required site or whether the need can be met in some other way.

Environmental impacts

The third test of Paragraph 116 of the NPPF requires a consideration of environmental matters. In this respect Development Plan Policies CS9, DP2 and DP15 require great weight for conservation and enhancement of the AONB; and for development that does not require a countryside location to be refused planning permission.

The Visual Impact Assessment submitted by the applicant has been considered by the Council's Natural Environment and Recreation Team, which advises that landscape characteristics are well represented locally and are intact, with a range in condition from very good to excellent. In considering this baseline position, it is the Officer view that within a robust landscape strategy and protection of the recognised higher sensitivity landscape features, through careful design, the proposed development can conserve and enhance what is special about the landscape character and visual amenity. This means that should development come forward the design, location, massing and scale of the proposed development need to be fully considered at Reserve Matters ensuring they do not conflict with the defining landscape characteristics.

Notably, the development envelope has been amended to preclude development adjacent to the road, such that it is less prominent.

The Team concludes that in understanding the landscape character and special qualities of the South Devon AONB in this location it is acknowledge that the site is highly sensitive. Given the dialogue and changes in approach, which include a revised landscape approach, and the withdrawal of the full application, which detailed the Community and Employment elements, no objection is raised on landscape character and visual amenity. This should not, however, be considered to be a judgement with respect to whether or not the site would be, if need were demonstrated, the best site for development in the area in terms of limited impact on the AONB.

The AONB Unit, however, considers that the proposed development does not meet the third test of Paragraph 116 of the NPPF and is an isolated location that would amount to unsustainable development.

With respect to the status of the land, the definition of previously developed land (pdl) is set out in the Glossary of the NPPF (Annex 2, page 55). The definition excludes 'land that is or has been occupied by agricultural or forestry buildings' and 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' The development site cannot, therefore, be considered to be wholly pdl. If the test of Paragraph 116 were met then this factor would have some weight in the balance of sustainability.

The Council's Environmental Health section has not objected to the proposed development, and it is considered that should development come forward at this site in the form currently proposed then conditions could be applied to prevent harm to the amenity of existing and new residents.

Similarly, SWW considers that there is capacity in the local sewerage infrastructure.

There are no ecological designations affecting the site, although the Council's ecologist requests mitigation for recreational impacts on the Plymouth Sound and Estuaries SAC. Appropriate survey of protected species has been completed, assessed and a report provided to the Council. It is considered that should development come forward at this site in the form currently proposed then conditions could be applied to avoid harm to ecology and secure enhancements. The consultation response from the Barn Owl Trust advises specific design and location to be considered for the permanent Barn Owl provision. This falls within the blue line, and will be included within the S106. Also within the Barn Owl Trust response is advice on suitable management of grassland habitat, which would need to be reflected in the LEMP. The application is considered to demonstrate compliance with Policies CS10 and DP5 of the Development Plan.

There are gaps in the contaminated land evidence base with respect to risk for the site, but in general the overview provided indicates that this site is low risk. However, due to the previous use of the site there is the potential for hotspot contamination to be found. Should development come forward at this site then this matter would need careful consideration at the Reserved Matters stage.

It is proposed that all runoff from private and adoptable areas would be discharged into the ground via soakaways. If infiltration rates do not allow this then all runoff is to be conveyed to an attenuation system such as a pond or detention basin towards the south west of the site where the ground slopes away and forms the natural water catchment for a nearby spring. All runoff will reach the attenuation via a SWW adoptable surface water network, which will be designed to serve the adoptable road gullies. It is considered that should development come forward at this site, drainage can be addressed through a condition.

No external lighting is shown on the plans and it has been judged as such. If permission were granted then a lighting assessment and plan would be required at the reserved matters stage.

No concerns have been raised with respect to infrastructure by consultees and, consequently, the application meets the requirements of Policy CS8 of the Core Strategy DPD.

If the first two tests of Paragraph 116 were met, namely need for the quantum of housing and that

there is no other way to meet that need outside the AONB, then it may be the case that in the balance of sustainability, the positive attributes described may outweigh the negative elements of concern identified.

Sustainability balance

By including employment, community and recreation uses in the development the applicant seeks to not only provide a sustainable community, but also, to an extent, retrofit sustainability into two isolated groups of housing that lie immediately to the north (Collaton Cross) and to the south. It is also the case that employment uses are likely to 'intercept' some commuter journeys that would otherwise go to Yealmpton, Modbury, Ivybridge and Plymouth, amongst other potential destinations.

Originally the Highway Authority (DCC) raised a non-overriding sustainability objection on grounds that the site is divorced from Newton Ferrers and also Yealmpton Village. The applicant has, however, committed to provide a tarmac permissive path on land within their own control and on the verge next to the B Road leading to the existing footway network into the village of Newton Ferrers and enhance the bus service that serves the site and the wider area. The consideration around the objection relates to the distance from the village and the suitability of an unlit tarmac path, which is around 1500m in distance from the edge of Newton Ferrers from the western edge of the proposed development site. However, the applicable guidance for consideration is The Manual for Streets 2007 and PPS13 (albeit cancelled), which recommends that the acceptable walking distances are those less than 2km.

It is noted the bus service will be able to enter the site and be able to drop off / pick up and turn using a circular turn circle. The Highway Authority has made a request for a substantial payment from the applicant, through a s106 Agreement, towards enhancing the frequency of the 94 bus service.

Despite the provision of a footpath and support for the local bus service, concern exists with respect to the location of the site and that most journeys are likely to be by private car.

On balance, however, it is considered that the proposed development would deliver clear benefits to the economy and responds well, in the context, to concerns with respect to the location of the site relative to services and facilities

Other policy considerations

With reference to Policy CS7 of the Core Strategy and Policies DP1 and DP8 of the Development Policies DPD, it is considered that whilst the application is in outline, the layout and proposed treatment of open space and the landscape represent good design.

Devon County Council Highways Authority initially raised four objections. Objections relating to the lack of details and junction visibility have been overcome by the submission of additional information to demonstrate that the proposal is acceptable in terms of visibility splays, road layout for the first 20m into the site, road construction for the first 20m into the site, road gradients for the first 20m into the site and, surface water drainage and, by the removal of an existing BT telephone call box. The objection with respect to the unsustainable location has also been overcome by the commitment to provide a footpath linking to Newton Ferrers and financial support, through a s106 payment. This would be a permanent extension to the permissive way established in 2009.

With respect to highway safety the applicant has undertaken a five-day speed survey near to the site access and this has informed appropriate visibility splays at the access in both directions; and a stage 1 safety audit demonstrates that the off-site footway highway works are safe in principle.

The applicant has provided a drainage solution that, subject to the approval of South West Water, is

accepted by the Highway Authority.

Re-positioning of the existing southwest bound bus stop from the site access with a bus border and provision of a new northeast bound bus stop with dropped crossing and busborder will enhance safety and the local bus service. The applicant also proposes to allow the site to be used as a hub for buses to turn and wait, although this cannot specifically be required through conditions or a s106 Agreement.

Devon County Council Education Services have advised that the local primary schools have capacity and no contribution towards primary education would be required, but that a financial contribution would be required towards secondary education and towards secondary school transport. If planning permission were granted then this would be secured through a s106 agreement.

Planning balance

In providing employment land, community uses, housing, recreational land (allotments / play spaces) and improved walking / cycle links the application responds to some local needs that have been identified in the Newton and Noss Parish Plan 2004, the Yealmpton Parish Plan 2006 and the Parish Housing Needs Survey of 2008; and addresses to a large extent concerns about the isolated nature of the location.

It is recognised that some housing need exists in the Parish of Newton and Noss. The exact nature of the need in terms of quantity, size and type is not, however, known. It would be contrary to Paragraph 116 of the NPPF and Policy CS1 of the Development Plan to permit development in the AONB without a clear indication of the local need that is being met and an assessment of alternative sites to meet that specific need.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS2 Housing Provision
CS6 Affordable Housing
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, Sport and Recreation
DP9 Local Facilities
DP11 Housing Mix and Tenure
DP15 Development in the Countryside

Affordable Housing DPD

AH3 Provision on unallocated sites

Open Space, Sport and Recreation DPD

South Devon AONB Management Plan

Conservation of Habitats and Species Regulations 2010

National Environment and Rural Communities Act 2006

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Tom Sylger-Jones
Application No: 57/2472/14/O

Parish: Ugborough

Agent/Applicant:
Michael Craggs
DPDS
Old Bank House, 5 Devizes Road
Old Town
Swindon, SN1 4BJ

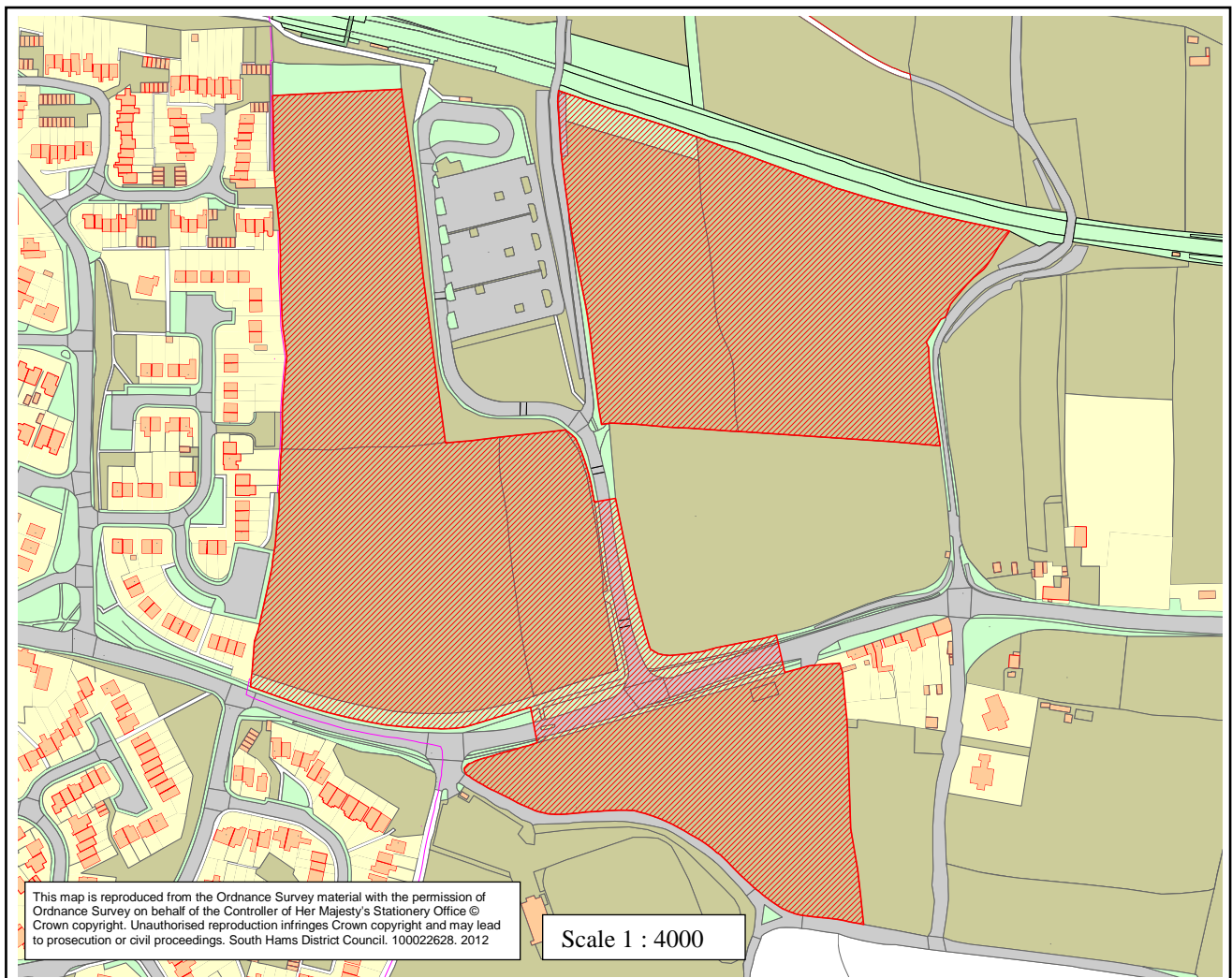
Applicant:
Hannick Homes
Dammas House
Dammas Lane
Old Town, Swindon
SN1 3EF

Site Address: Land at SX6483 5632, off Rutt Lane, Ivybridge

Development: Outline application for mixed use development of approx 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered)

Reason item is being put before Committee

The Ward Member, given the number of objections received from residents, has requested that the application is considered by Committee



Revised Recommendation and Update

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

Conditions

1. Standard time limit for commencement;
2. Accord with Plans, Drawings and FRA;
3. GPDO Exclusion;
4. Unsuspected Contamination;
5. On-site highway works in accordance with plans / drawings;
6. Construction Management Plan to be submitted and approved prior to commencement;
7. Construction Method Plan to be submitted and approved prior to commencement;
8. Phasing Plan to be submitted and approved prior to commencement;
9. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
10. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
11. Submission, prior to commencement, of a Lighting Strategy;
12. Tree / hedge protection;
13. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
14. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report;
15. noise, specifically requiring 55dB max by day inside and out in line with the WHO recommendation and 35dB by night, informed by acoustic testing of various zones on the site when built out to prove the standard, is met prior to occupation;
16. a link road to the remainder of the allocation site;
17. construction method statement and management plan;
18. phasing plan;
19. highway works to be completed in accordance with approved details to be submitted to the LPA;
20. Submission of a stage 2 highway safety audit;
21. Details of retaining walls/structures;
22. details of boundary treatments;
23. Lifetime homes;
24. Use of employment land; and
25. Inclusion of a review mechanism to allow a revision upwards of s106 payments / the proportion of AH with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted.

S106

1. 20% Affordable Housing;
2. Affordable Housing occupancy;
3. Green Travel Plan and Vouchers;
4. Education;

5. Solar pv;
6. Play space;
7. Off site sports;
8. Applicant and LPA legal fees; and
9. a 'claw back' mechanism with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted

Update

A comprehensive review by the Council of the Viability Assessment provided by the applicant has been concluded. The review finds that the proposed proportion of Affordable Housing (20%) and s106 / s278 payments (approximately £1.8m) is, in combination, appropriate in the context of paragraph 173 of the National Planning Policy Framework (NPPF).

With specific reference to the comments in the original DMC Report (which follows this update) under the sub heading 'the Economic Dimension' and in the context of the review of the Viability Assessment, it is considered that the proposed level of employment provision is appropriate and meets the requirements of Allocation I1.

The second reason for refusal (see below) is, therefore, no longer applicable.

The s106 Agreement / conditions will include a review mechanism to allow a revision upwards of s106 payments / the proportion of AH should any uplift in plot value arise if more valuable, alternative, land use(s) are, subsequently, permitted.

Following the submission of further information the applicant has demonstrated that the design of the roundabout meets safety standards. This is a matter that will be considered again at the Reserved Matters stage.

The first reason for refusal (see below) is, therefore, no longer applicable.

At the site visit a number of issues were raised and the key points are summarised below.

The foul sewer runs along the Exeter Road and not anywhere on site.

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.

A Tree Protection Plan will be required, by condition.

A condition is also proposed to ensure appropriate noise standards are met both inside and outside residential properties.

The applicant will be required, by condition, to ensure that other phases of development within the area covered by Allocation I1 can be accessed by a link road; and that in this respect their delivery would not be compromised.

ORIGINAL REPORT FOLLOWS

Recommendation – refusal for the following reasons:

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of the safe design of roundabout access. As such the proposal is considered contrary to policies DP7 of the LDF and CS8 of the core strategy and paragraph 32 of the National Planning Policy Framework.
2. The information submitted does not adequately justify the current proposed levels and combination of Affordable Housing and s106 contributions, in particular the quantity of or contribution to employment provision. As such these are not considered sufficient to meet the requirements of Allocation I1, Policy AH2 of the Development Policies DPD and the SHDC review of the IVA and the guidance of the NPPF.

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 mixed use development including up to 375 houses, including Affordable Housing (AH), with the over-arching objective to improve the sustainability / self-sufficiency of Ivybridge.

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 whether permitting the development would compromise the ability to deliver the remaining requirements of the Allocation on the two other parcels of land.

There are a significant number of trees protected by TPO.

Some traffic accessing the site would pass through an Air Quality Management Area.

A more detailed consideration of the above, and other, matters is provided later in this Report, which concludes that whilst there are substantial social and economic benefits that would accrue from the development, the level of AH and s106 contributions is not sufficient and the viability information submitted to justify the proposed levels is not accepted.

Site description

The site area is 10ha, including highway land, and comprises five agricultural fields that sit south of Ivybridge Railway Station and around, but not including, the Park and Ride facility; and one field that sits south of Exeter Road, adjacent to the Ivybridge Rugby Clubhouse, which is used as a paddock.

The site is approximately 1.5km east of the centre of Ivybridge.

Rutt Lane runs north to south at the centre of the northern part of the site. A field to the north of Exeter Road that is used by Ivybridge Rugby Club lies outside the site to the east.

The northern fields are broadly rectangular, fall gently from north to south and area enclosed by mature hedgerows and trees. Access is from Rutt Lane via farm gates.

The southern triangular field is predominantly flat and also enclosed by mature hedgerows and trees. The main access is from Exeter Road via farm gates.

On site designations are limited: there are a number of tree preservation orders affecting the site and it sits within the Ivybridge Critical Drainage Area.

The northern parts of the site have been identified as Grade 3a farmland and the southern field is grade 3b.

The site is separated from the Dartmoor National Park, which lies immediately to the north, by the railway line. The nearest Listed Buildings are Middle Filham (Grade II), which lies some 350 metres to the south; and structures at Stowford Mill, which is in the centre of Ivybridge.

The Proposal

An outline planning application, with all matters except access reserved, for mixed use development of approximately 198 [no] dwellings; public open space; employment uses, including health care; neighbourhood centre, providing for small scale daily shopping; and a new roundabout on Exeter Road.

The application proposes, indicatively, 800m² floor space for shops (A1 use); and 4600m² floor space for light industrial / research and development / storage or distribution space (B1b, B1c and B8 uses). A residential institution (C2 use) would be provided and comprise 800 m² of floorspace; and the health centre 2000m² of floor space (D1 use). Land use is 6.6ha residential, 2.6ha employment and 0.6ha open space.

The application is for outline permission and as such the layout is illustrative only. Similarly, the precise nature of the B1 and B8 uses is not yet determined.

A Draft Heads of Terms accompanying the application sets out the proportion of Affordable Housing (AH) and other contributions. The amount is based on a Viability Assessment (VA) that was submitted by the applicant. The VA has been the subject of a review by a consultant, Levvel, on behalf of the Council. The review has not yet been completed in full at the time of writing this report, although an indication has been given that the proposal could viably afford to be accompanied by obligations closer to the policy requirements. This matter is critical to whether the application should or should not be approved and an update will be provided at the Development Management Committee Meeting. (Due to the need for the information to fully inform the recommendation and decision, Officers would have preferred to defer consideration by members of this application until September, however the applicant wished it heard in July.)

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 (SHDC)

Drainage Engineer in an email dated 11th February 2015 reports that South West Water

(SWW) considers to be acceptable the principle of a combined highway and surface water discharge to the surface water sewer. The discharge would need to be at a controlled rate due to the location within the Ivybridge Critical Drainage Area (CDA). SWW would adopt the surface water system up to the standard of 1:100 year +30% (climate change). The Drainage Engineer also emphasises that the Environment Agency advises that the run off would need to be limited to the 1:10 year Greenfield rate. Attenuation systems would need to be in accord with Best Practice SUDs and in the form of surface features such as swales or ponds. Oversized pipes and crate systems would not be acceptable since these do not address water quality issues.

To comply with the national standards for SUDS as set out by DEFRA the surface runoff should be managed at source, and also on the surface, to provide a cost effective and easily maintainable system for the life of the development. The scheme must also address water quality. If not, then evidence needs to be provided as to why this strategy is not being utilised.

Strategic Planning

The Strategic Planning Officer provides a detailed response in the context of Allocation, '11. The key points of the response are summarised below and have been incorporated to the 'planning balance' discussion later in this Report.

The Officer notes that with two applications submitted across the allocation: this application, which seeks to deliver approximately 198 dwellings, and Barratt / David Wilson for 222 dwellings (57/1347/14/F); and a further application yet to come forward for the central parcel of land, housing provision would, if all three were permitted exceed the target of 375.

In addition to the DPD the Hannick application must be considered against the requirements of the NPPF. In particular with respect to the 5-year housing land supply the NPPF states that Councils need to 'boost significantly the supply of housing'. The cumulative impact of increased levels of residential development compared to the requirements of the Allocation will need to be considered. Of particular importance is the balance between housing and employment provision in the wider context of the Town.

The offer of 20% AH falls below the requirement of Policy AH2 of the Affordable Housing DPD; and the employment provision of 2.6 ha, which includes the medical centre, is below the pro-rata provision set out in Allocation I1.

The Officer notes that the development of the northern part of the Allocation must not be allowed to fetter the delivery of the remainder of the Allocation. A key issue in this respect is access and permeability throughout the whole Allocation area.

The Ecology Officer has undertaken a Habitats Regulations Assessment (HRA) Screening exercise, 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.

The Natural Environment Resource Team has made a comprehensive response that is incorporated into the section of the Report titled 'Environmental Dimension.' A key point to note is a requirement at the Reserved Matters stage a revision of layout will be required to incorporate a higher level of compensatory hedgerow and the provision of a revised Lighting Strategy that reflects requirements for to minimise impact on bats

The level of provision of on-site public open space and play is agreed in principle although off-site contributions for sports needs to be agreed. At Reserved Matters stage, full details of the public open spaces and play areas will need to be provided.

The Environmental Health / Air Quality Officers recommend a condition to limit the impact of lighting; a condition to safeguard against potential arsenic contamination and unsuspected contamination; a condition to ensure noise attenuation, including means of ventilation when windows are shut; and a condition / s106 Agreement clause to secure control and mitigation of construction and operational phase emissions, notably PM₁₀ and NO₂

The EHO has advised that whilst the predicted increase in vehicular emissions is considered to be 'slight adverse', the level of air pollution for 2016 may be slightly worse than has been modelled by the Council. The applicant has, however, adopted a worst case scenario for the modeling of traffic and consequent emissions. The conclusion is that this must be addressed through a Green Travel Plan and, for the construction phase, a Dust Management Plan.

Economic Development

A specialist in Economic Development has provided useful background information from the South Hams Area Profile, which was published by Devon County Council in February 2014. The information has been incorporated into the planning analysis under the heading 'Economic Dimension' in this Report to DM Committee.

A key message from the economic forecasts is that the South Hams economy is forecast to experience significant growth in the period to 2025. Accordingly, the EDO emphasises the importance of delivering an appropriate level of employment land, possibly through an additional on or off site employment contribution dependant on legal advice and viability.

Devon County Council

Highways After an initial objection by the Highway Authority the applicant has provided revised and further information. In a letter dated 15th June 2015, the Case Officer advises that matters other than the design of the roundabout have been resolved hence there is an outstanding objection from DCC Highways.

Key highway issues include provision for cyclists and pedestrians and safety in road design.

The County Archaeology Officer (Historic Environment Team) comments that having considered the detail of the application it is not likely that there would be a significant impact on known heritage assets. The formal response is no comment.

The County Strategic Planning Children's Services, in their response dated 22nd October 2014, states that primary schools have sufficient capacity for the expected number of pupils that development would create, but that Ivybridge Community College has a shortfall of capacity. DCC requests a contribution towards education transport and a contribution for additional school facilities.

South West Water (SWW)

SWW has no objection subject to foul flows only being connected to the public foul sewer network.

Environment Agency

In their representation dated 5th November 2014, the Environment Agency requests further information with respect to the management of surface water. As described above in the response from the Drainage Engineer of SHDC, this has now been resolved and can be controlled by condition.

Natural England (NE)

NE, in their letter dated 18th November 2014, makes no objection. With respect to the Start Point to Plymouth Sound & Eddystone Special Area of Conservation (SAC) NE notes that SHDC, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, NE concurs with this view. Similarly, NE confirms that it is not likely that there would be an adverse impact on Erme Estuary Site of Special Scientific Interest (SSSI), which lies 4.8km downstream of the proposed development.

Historic England (HE)

HE has considered the application and makes a formal response of no comment.

Devon and Cornwall Police Liaison Officer

In the response dated 4th November 2014, the Liaison Officer recognises that the application is outline and provides advice with respect to the development achieving the objectives of Secured by Design.

Devon and Somerset Fire and Rescue

Fire and Rescue advises that the proposal will need to comply with the access provisions for emergency vehicles within the Building Regulations.

Network Rail (NR)

In their representation dated 22nd December, NR seeks assurance that surface water drainage plans will not create additional surface water that could damage rail infrastructure.

In addition, NR requires the developer to provide trespass proof fencing and to manage vegetation adjacent to NR property. Buildings should not encroach within 2m of the boundary with NR property.

NR sets out criteria that need to be met / addressed in a Construction Management Plan and requests consideration of contributions to improving access to the park and ride facility.

Ugborough Parish Council (UPC)

In their representation of 13th November UPC objects to the number of dwellings, suggesting a reduction to 150, with AH increased to 35%. UPC also comments that land should be retained to safeguard a future entrance from the Cross-in-Hand.

In a subsequent representation UPC comments that should a substantial increase in traffic

through Wrangaton and Bittaford result from the development, the provision of pedestrian crossings in those villages should be considered.

Ivybridge Town Council (ITC)

In their representations ITC expresses support for the proposed development with the following caveats, which are summarised:

- cap of 200 dwellings;
- there is a shortfall in employment land;
- on site open space should not be dominated by SUDS features;
- adequate open space and formal sport provision should be required / delivered through s106 contributions;
- the Neighbourhood Centre makes provision for space for voluntary groups;
- appropriately designed cycle routes and highway safety;
- access to Elizabeth Close to be pedestrian / cycle route only and not emergency vehicle access;
- transport provision is made in consultation with ITC;
- water run-off, SUDs and sewerage capacity to be agreed with the Environment Agency and SWW; and
- housing design should reflect the aspirations of the Princes Foundation document.

More specifically ITC expresses concern about the scope of the Jones Lang LeSalle Market Synopsis, which was submitted with the application. This matter is elaborated below under the heading 'Economic Dimension'. In this respect ITC emphasises that the need for employment in Ivybridge is heightened by the loss of 100 jobs at the Mill and that the opportunity provided by having been granted Assisted Area status in 2014 can help local business growth.

ITC recognises that the reduced level of employment provision might be acceptable if housing is limited to a maximum of 200 units and other contributions are secured.

ITC welcomes the provision of the health campus and accepts that the review of the IVA will determine an appropriate level of AH provision. The assisted living element is supported as the town is expected to have a huge increase in the numbers of over 65s.

Representations

Letters of Objection

At the time of writing this Report some 21 letters / emails of objection, these can be summarised as follows:

- no development should be allowed in Ivybridge until there is a new road access to the A38;
- additional traffic will cause increased congestion, pollution and noise;
- adverse impact on highway safety, including pedestrians and cyclists;
- cycleways and footpaths are not used as they are too dangerous;
- drainage infrastructure inadequate;
- no need for housing;
- density of housing is too high;
- lack of permeability / connectivity with existing development;
- insufficient proportion of Affordable Housing;
- no need for a health centre;

- existing health centre is in a more accessible location, which also supports the vitality of the town centre;
- no need for employment buildings;
- retain greenfields and use previously developed sites;
- adverse impact on wildlife;
- adverse impact on character;
- impact of light pollution, particularly on Dartmoor;
- no assurance regarding the nature of the industrial buildings;
- insufficient school capacity;
- insufficient leisure facilities in the area;
- opportunity to use / enhance park and ride land missed; and
- sets precedent for more development.

These matters are considered in the section of this Report titled 'Analysis'.

Letters of Support

At the time of writing this Report two expressions of support have been received.

Dr Jonathan Cope, GP Ivybridge Medical Practice has made a representation to emphasise the importance of the proposed healthcare improvements as one element of wider and significant opportunities in the local healthcare community; and that this aspect of the proposed development has 'enormous public support'.

A letter of general support, with no specific reasons given, has also been received.

Relevant Planning History

None.

ANALYSIS

Principle of Development

This is an Outline Planning Application for mixed use development to be accessed from the Exeter Road (B3213) via Rutt Lane. The principle of development at the site is not in question since the site 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.

The scale, nature and form of development is framed by Allocation I1 of the Ivybridge Allocations DPD.

Sustainable Development

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. These two paragraphs set the context in which to consider sustainability. A consideration of these elements in the context of the Development Plan is set out below.

The Economic Dimension

Housing development is recognised as an important driver of economic growth. Firstly, economic benefits accrue to the construction industry from development; and, 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.

The applicant, in partnership with the other developers with an interest in Allocation I1, commissioned the 'Ivybridge Employment Land and Buildings Market Synopsis' by Jones Lang LaSalle. 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. The developer also considers that, accordingly, reducing the amount of employment land from 5ha to 2.6ha is also essential to maintain the offer of 20%AH with s106 Contributions, a matter that is discussed later in this analysis.

The degree to which provision should be reduced is disputed, however. Ivybridge Town Council (ITC) expresses concern that the Market Synopsis appears to be based on information about premises outside Ivybridge only and notes that there was no discussion with the Town Council, which could have advised that there is a need for small business premises since the Watermark units are full and ITC has a waiting list. The need for employment in Ivybridge is heightened by the recent closure of the paper Mill.

ITC notes that having been granted Assisted Area status in 2014, financial support is available to small businesses and large enterprises, with the aim being to encourage business to grow, helping to drive forward contribution to the UK economy of Plymouth and Devon.

ITC suggests that the reduced level of employment provision, from 5ha to 2.6ha and increased housing, from 100, might be acceptable if housing is limited to a maximum of 200 units and a contribution is made for a link road south of the A38, or a commuted sum towards employment to be located south of the town.

The Economic Specialist has commented that the scope for a greater proportion of employment land or financial contribution for off-site provision should be explored as part of the viability exercise, with the aim being to further aid the long-term prospects of economic growth and the overall attempt to improve the sustainability of the town; and emphasises that a key message from the economic forecasts is that the South Hams economy is predicted to experience significant growth to 2025.

The applicant claims in their VA that there is little, if any, profit to be made from the employment element of the development. Officers are mindful that a consistent approach is necessary for each application and that if reduced employment is accepted this must be informed by Viability Assessment. On the basis of an initial review by Levvel, it is the view of Officers that it would be possible to increase either the AH offer or the s106 contributions, or a combination of both. This could include an off site payment for employment provision elsewhere in the locality.

The application includes the provision of a neighbourhood centre and a new medical facility. This is considered to be appropriate as it will improve the overall sustainability of the eastern side of Ivybridge and would also provide facilities for the neighbouring settlement of Bittaford. These facilities would be accessible by car, bus, cycle or on foot.

The Ivybridge Retail Study, published in 2013, emphasises the importance of protecting the viability and vitality of the town centre. The proportion of retail to be provided is considered to complement and not compete with the town centre.

It is not considered to be appropriate to seek to use s106 contributions towards highway improvement / provision south of the A38. A key principle is, however, to ensure connectivity through the three parcels of land that comprise Allocation I1 and this is achieved.

Objectors have questioned why the opportunity has not been taken to improve and / or redevelop the Park and Ride area. Whilst this would be beneficial, the applicant does not have control of the land and cannot, therefore, include this area. The proposed development is not considered to compromise the ability to redevelop the Park and Ride at a future date.

Economic Dimension Balance

Whilst there are clear positive economic impacts identified, the level of employment provision does not meet the level that is proportionally required by Allocation I1 for this parcel of the full area. The initial review of the VA by Levvels indicates that funds would be available to deliver a higher proportion of AH and / or a contribution for off-site employment provision, as such the proposal is not considered acceptable in this regard.

The Social Dimension

The provision of 198 homes to meet the need identified in Allocation I1 is considered to be a substantial benefit. Policy AH2 of the Development Management DPD, however, requires allocation sites to maximise the proportion of AH. The applicant has offered 20% of the 198 to be AH. The initial review of the VA indicates that the proportion could be higher.

Impact on existing Infrastructure, facilities and services:

Consideration has been given to the impact of development on infrastructure and services.

With respect to education Devon County Council has confirmed that a contribution towards the provision of secondary education is required; and that a contribution towards transport for primary education is required. An appropriate payment would be secured through a s106 Agreement.

Whilst the Highway Authority is generally content that the application delivers the necessary highway infrastructure, an objection has been maintained on the basis that the design of the roundabout does not achieve the appropriate safety standards. This is a material consideration since, whilst an outline application, the applicant seeks to agree highway matters. The applicant has been asked to clarify how the concerns of the Highway Authority can be addressed and their response will be verbally reported to Committee.

SWW, the Environment Agency and the Council Drainage Engineers emphasise the sensitivity of the site being in the Ivybridge Critical Drainage Area (ICDA). These bodies, as well as residents, have expressed concern about surface water run off. The Council's Drainage Engineer considers that on the basis of the Flood Risk Assessment submitted by

the applicant, it will be possible to achieve appropriate means to address this. A condition is proposed requiring SUDs best practice. The Engineer advises that at the Reserved Matters (RM) stage, however, a revised Drainage Plan will be required and that this could affect the layout, number and form of development.

The site is within walking distance of a good variety of services and facilities, including a bus route.

Impact on Neighbours

Concern has been expressed with regard to the potential impact of the employment uses in the southern part of the site on existing properties to the east of the site area. The illustrative layout shows substantial screening and that there is an appropriate distance between the proposed buildings and the existing such that the form of development would not have an unacceptable impact. In this respect, it should be noted that this is an outline application and this matter will require careful scrutiny at the RM stage. With respect to potential noise nuisance, it is considered that this can be controlled by condition.

The potential impact of new dwellings has been considered at the western boundary on existing properties on and between Butterdon Walk and Elizabeth Close. The illustrative layout shows an appropriate level of tree and hedgerow screening and there is an appropriate distance between the proposed buildings and the existing such that the form of development would not have an unacceptable impact. In addition, at the RM stage this can be scrutinised and the positioning of other forms of garden enclosure considered such that there would be no unacceptable impact on the residential amenity of the neighbouring dwellings.

The density of development at approximately 30 dwellings per hectare is acceptable.

Existing residents would benefit from newly created foot and cycle access to the site.

The concerns of the natural environment specialists can be addressed through the detail of the Landscape and Ecological Management Plan (LEMP), which would be a condition should permission be granted.

Social Dimension Balance

The balance of the social dimension of sustainable development is that the proposed development would deliver benefits and that there is no harm identified with respect to other planning matters.

However, on allocated sites in Ivybridge the Affordable Housing DPD Policy AH2 requires the delivery of 55% AH. In the context of the NPPF it is appropriate to consider the level of AH through Viability Assessment. The applicant has submitted a viability assessment and has agreed to 20% AH. This is below what the Council would expect to be delivered on a mixed-use site of this nature. The VA is being verified and reviewed by Levvels on behalf of the Council. At the time of writing the level of AH and s106 Agreements are considered to be too low and unjustified.

Negotiation is ongoing with the applicant and the position in this respect will be reported to the DMC Meeting.

The Environmental Dimension

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on air quality, biodiversity and surface water drainage.

Landscape Impact

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

Heritage, character and visual impact

There are no heritage buildings or assets within the vicinity of the site and the setting of Middle Filham, a Grade II Listed Building some 350m to the south, would not 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.

The site is generally well screened by mature trees and hedgerows. The removal of these on the north and south side of Exeter Road, and the provision of a roundabout and new buildings would change the character of the setting. Whilst it is considered that the illustrative layout indicates that an appropriately well laid out and designed development can be achieved, this will be a key matter to consider at the RM stage.

The potential impact on existing dwellings has been considered above in the section titled 'Impact on Neighbours'.

At the RM stage it will be important to ensure that layout, form and design will be appropriate given the setting at the urban edge and proximity of the National Park. With respect to the latter, an element of the Lighting Strategy will need to address light spill into the land north of the railway.

Biodiversity

The site comprised improved grazing pasture of limited ecological value, with the fields bounded by predominantly species-rich hedgerows. An Ecological Survey has been submitted and this is informed by Bat Activity, Dormice and Reptile Survey Reports.

Dormice have not been recorded. It was evident, however, that a number of the hedgerows were well-used for foraging and commuting for common bat species.

The natural environment specialists have expressed concern with respect to the amount of hedgerows of 'highest ecological value' proposed for removal and that the proposed compensation, some 480m, is not sufficient. Since it is not clear what the Landscape Green Corridor will comprise and how useful this will be as a wildlife corridor, the proposed compensatory hedgerow is considered to be insufficient. A multiplier of 3 would be considered appropriate (Defra Technical Paper: proposed metric for the biodiversity offsetting pilot in England, 2011). Accordingly, some 1400m of new native species hedgerow should be expected.

The natural environment specialists note that a sensitive lighting scheme is proposed across the site, however, it is also noted that it is unlikely to be possible to retain effect east-west and north-south dark corridors (for foraging and commuting bats) across the site (even at the boundaries). While parts of key hedgerows are bordered by residential gardens, some back directly onto dwellings which are likely to result in light spillage.

No objection is raised in respect of the above two matters, but a recommendation is made that a condition requires revision of layout at the RM stage to incorporate a higher level of compensatory hedgerow, including hedgerow which can be effectively maintained (remaining in public management) for wildlife. It is noted that this could impact on the developable footprint.

In addition, a condition is recommended to require the provision of a Lighting Strategy at the RM stage reflecting requirements for to minimise impact on bats.

A Landscape and Ecological Management Plan would also be a requirement at the RM stage.

With respect to off-site biodiversity a Habitats Regulations Appraisal Screening has been undertaken for this proposed development (final copy dated 27th November 2014). The HRA Screening has been reviewed and endorsed by Natural England (consultation response dated 18th November 2014, references 136912) and 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.

If permission were granted a s106 contribution is required to minimise the recreational risks, as identified within the Tamar Estuaries Management Plan 2013-2018, such that the reduced effects on the European Marine Site would be negligible.

With respect to open space, formal play and sports requirements of Allocation I1 indicate that the pro-rata (for this parcel of land) provision should be higher.

Similarly, and although there is not a current waiting list for allotments in Ivybridge, it is considered that the addition of 198 dwellings will result in an increase in demand. The possibility of an off-site contribution for allotment provision has been discussed with the applicant and it is concluded that this is not appropriate given the priority to secure additional AH and employment provision.

Surface Water Drainage / Flood Risk have been considered in the preceding section, the Social Dimension.

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, however, that the impact would be negligible in terms of additional emissions; and that with contributions to and direct provision to improve cycle and walkways the EHO has advised that the impact is considered to be 'slight adverse'. The conclusion is that this must be addressed through a Green Travel Plan and, for the construction phase, a Dust Management Plan.

Environmental dimension balance

No significantly adverse impacts have been identified and as such the proposal is acceptable with conditions in this regard.

Sustainable development conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development, but that the proportion of Affordable Housing is insufficient to meet the requirements of Allocation I1 and has not been justified by the IVA. The initial review of the IVA indicates that money would be available to increase the AH offer and / or make payment towards off site employment provision, which would contribute to the sustainability of Ivybridge.

The priority of the NPPF to 'boost significantly the supply of housing' is noted and must carry substantial weight in determination of the application. On balance, however, the application does not meet the tests of sustainable development.

Other matters

Public Opinion

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.

Consultation

The applicant has provided a detailed account of engagement with the Community in a 'Consultation Statement'. Consultation began with the Development Plan process and has progressed through the preparation of a 'Community Plan', led by the Princes' Foundation and other public engagement, culminating in consultation on the planning application.

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 application seeks to deliver a mixed use development comprising:

- 6.6 hectares of residential;
- 2.6 hectares of employment; and
- 0.6 hectares of open space

There is also provision for cycle and footpaths to the town centre and joining the national cycle route; and measures to improve bus services at this location next to the park and ride.

This compares with a policy requirement, which also relates to two further similar sized parcels of land:

- 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.

The principle behind Allocation I1 is to improve the self-containment and overall sustainability of the town and the application goes some way to achieving this.

The combination of AH and s106 contributions is not, however, considered sufficient to meet the requirements of Allocation I1 and Policy AH2 of the Development Policies DPD; and the SHDC review of the VA indicates that an increased offer is viable.

With two applications submitted across the allocation: this application, which seeks to deliver approximately 198 dwellings; Barratt / David Wilson for 222 dwellings; and a further application yet to come forward for the central parcel of land, the housing provision would, if all three were permitted exceed the target of 375, perhaps by as much as 60%.

It is considered that the proposal does not satisfy the three dimensions of sustainable development. In the balance of sustainability and in the absence of an appropriate level of AH / s106 contributions (including increased provision for employment land); and in the absence of a clear indication that highway safety concerns can be addressed it is appropriate to recommend refusal of the planning application.

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 -10; 11; 12; 14; 17; 28; 34; 36; 38; 47; 49; 50 112; 115; 118; 120 & 124

SHDC Core Strategy Policy CS10, NERC Act 2006, NNPf Para 118, Conservation of Habitats and Species Regulations 2010

South Hams LDF Core Strategy

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

South Devon AONB Management Plan

Conservation of Habitats and Species Regulations 2010

National Environment and Rural Communities Act 2006

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.

Agenda Item 6c

Case Officer: Mr Matthew Jones

Parish: Ivybridge

Application No: 27/1159/15/F

Agent/Applicant:

Mrs T Wood

The Old Pound, The Batch

Draycott

Cheddar, Somerset

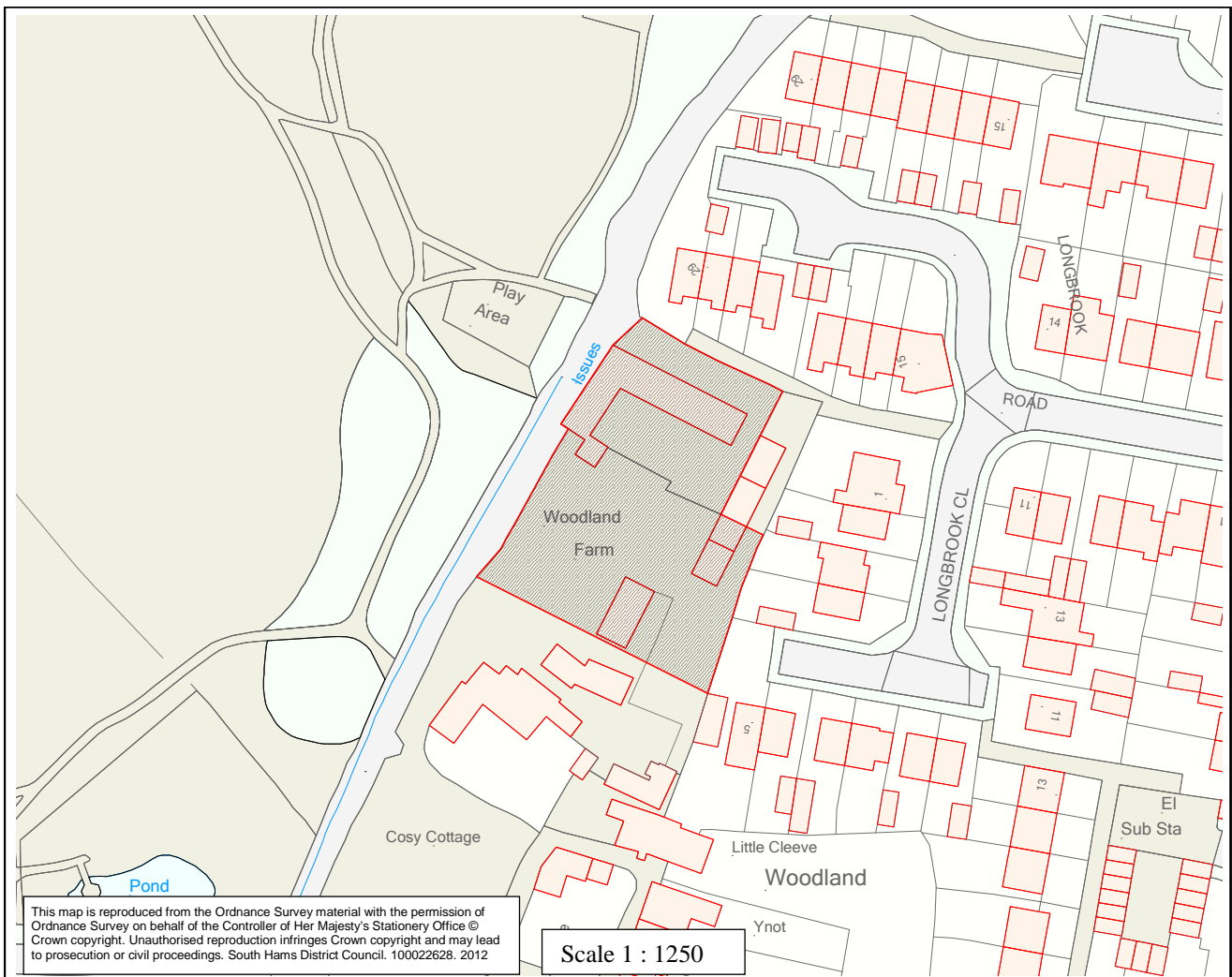
BS27 3SP

Site Address: Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge, PL21 9HG

Development: Change of use of redundant barn to 2no. dwellings, erection of garages, additional access and associated alterations

Reason application being put forward to committee:

The ward members have taken this to committee due to concerns regarding the safety of the proposed access via Kennel Lane



Recommendation: Conditional approval

Conditions

Time

Accord with plans

Removal of Permitted Development Rights

Parking and garaging retained in perpetuity

Details of dividing boundary treatment prior to commencement of development

Confirmation of granting of licence prior to commencement

Removal of hedgerow outside of nesting season

Bathroom/toilet windows on north elevation obscure glazed

Joinery details prior to installation

Natural slate, sample prior to installation

Natural stone, matching existing

Unsuspected contamination

Landscape plan prior to commencement of development

Soakaway specification prior to commencement of development

Construction Environment Management Plan prior to commencement of development

Key issues for consideration:

The main issues are the nature of the proposed conversion, its associated visual impact and impact on the undesignated heritage assets, the impact of the proposal on neighbouring properties, drainage, ecology, parking and highways safety.

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, after consideration, the specialist highways officer is not objecting and believes the proposed access arrangements to be acceptable. In addition, the highways officer does not see it as reasonable to require a s106 or planning conditions securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

Site Description:

The application site is a small range of redundant agricultural buildings and associated land within the Woodlands area of the town of Ivybridge. The site is part of the now redundant Woodlands Farm. Principally, the site is formed of a two storey shippon which runs along the site east to west, and a smaller cow shed which is at right angles to the shippon and located along the western boundary. At the centre of the site is a concrete yard shared by the two buildings.

The barns are currently unused agricultural buildings. Woodlands Farmhouse is to the south and an existing access is available to the south east of the site, across an open area of grassland. It appears that this was the main, historic access from this area, although, rounded stone gate piers to the north east also suggest access from this direction, prior to

the residential development at Longbrook Close. A modern agricultural access provides access onto Kennel Lane, to the north of the cow shed.

The residential curtilage of neighbouring properties is to the south and east. A pedestrian lane provides access along the northern boundary to the properties along Longbrook Road. Kennel Lane bounds the site to the west, beyond which is the large public Spinney Park. A number of local facilities, such as schools, are also in the nearby area.

The site carries an existing agricultural land use. The site is within the Ivybridge Development Boundary and a Critical Drainage Area.

The Proposal:

Planning permission is sought for the Change of Use of the redundant barn buildings into 2no. dwellings, the erection of garages, the creation of an additional access, and associated alterations. A small outbuilding is also proposed to be reconstructed to provide a compensatory bat roost to mitigate the loss of an identified bat roost within the barns.

The cow shed and western section of the shippon will form the first unit, with the rest of the shippon converted into unit two. The currently open, shared yard will be subdivided to provide separate external amenity space. The existing access from Kennel Lane is utilised to provide vehicular access and parking for the east unit. A new access is also proposed from Kennel Lane, to the south of the cow shed. This will involve the removal of approximately 7m of the existing bank and hedgerow and the creation of a parking and garage area.

Revised plans have been accepted within the life of the application. The revisions relate to alterations to the existing buildings and removal of a fence only, and were made at the suggestion of Council Officers. Due to the nature and scale of the changes, the plans have been accepted and do not prejudice the views of any third party or statutory consultees.

Consultations:

- County Highways Authority

No objection, request CEMP condition

Response on 04/06/2015:

The Highway Authority has had consideration of the objections presented by local residents on highway grounds and on balance is minded not to object to the application for the following reasons.

Whilst the lane leading to the site does have an open drain adjacent to it is still 3m in width and affords a good junction with Woodland Road. Practically a car can pass a pedestrian as a car is 2m and a pedestrian is 0.6m. There is good forward visibility for drivers to make a judgement over appropriate speed of travel.

Whilst the access points directly onto the lane are poor there is little if any traffic that in theory uses the lane as confirmed by the locals. Therefore the visibility splays set out in the national guidance with the exception of a couple of metres needed to deal with potential pedestrians are not needed.

The barn also has a permitted agricultural use class which in theory could generate a number of larger vehicles than that would be likely to be generated by a residential development.

Response on 20/08/2015:

Following the Highway Authority's initial planning consultation response, information regarding an imposed Traffic Regulation Order on Kennel Lane has come to light. Whilst currently there is no actual sign present on site at the junction of Kennel Lane/Woodland Road, it is the case that a Traffic Regulation Order still exists on Kennel Lane which restricts all vehicles using it with the exception of agricultural vehicles.

This presents a legal issue which would practically prevent residential traffic from using Kennel Lane and hence accessing the barn, if planning permission was granted. Therefore in order to overcome this issue the Highway Authority will need to amend the traffic regulation order to ensure that the occupants are not illegally using the lane.

In order to facilitate this legal traffic order change and fund the design, supply and erection of the signs £5000.00 will be required as a financial contribution from the applicant so the County Council can undertake the necessary consultation, advertising of the order and physical works.

The Highway Authority's stance of no objection still stands as it still does not consider the amount of traffic the proposals will generate should warrant an objection, but it must be recognised by the applicant that these works are required to ensure the site can be used as a residential property. It is considered that these works are needed by default and therefore it may be considered by the Planning Authority that a S106 may not be required. The Highway Authority would accept a cheque for the money in advance of commencement on site.

- South West Water

No objection

- SHDC Drainage

No objection subject to conditions (landscaping and surface water soakaway specification)

- Devon and Somerset Fire Service

No objection - Access for fire appliances restricted along lane. However, in this case compensatory measures such as sprinklers can be considered at building regulations stage

- Environmental Health Section

Suggest unsuspected contamination condition

- Ivybridge Town Council

Objection – Concerns regarding current use of the lane by pedestrians, including disabled people and children, and therefore the possible highways safety implications of vehicular use of the lane. Highlighted presence of TRO from the 1980s and registered concern regarding potential overlooking from the barns to building directly to the north. Concern applicant has

omitted to register presence of watercourse nearby and also that the appearance not in keeping and proposal failed to retain the character of the original barn. Suggest mitigation measures, such as railings; be placed into lane to improve safety.

- SHDC Ecologist

No objection subject to two conditions (confirmation of granting of licence and hedgerow removal outside of nesting season)

Representations:

62 third party representations have been received at the time of writing this report, 59 letters of objection and 3 letters in support.

Concerns raised within the letters of objection are summarised as follows:

- The proposal will create overlooking and additional noise nuisance into the properties at Longbrook Road
- Kennel Lane is inappropriate for vehicular movements associated with the development
- Cars using Kennel Lane will create a dangerous environment for other road users
- The lane is well used by disabled people and children due to proximity to parks and schools
- There is an alternative access at the south east corner of the site
- There is a Traffic Regulation Order imposed on Kennel Lane which prevents motor vehicle access. Planning approval would contravene this Order
- Kennel Lane could become a through road
- Signs should be used to protect the safety of pedestrians
- The access from Kennel Lane onto Woodland Road is not adequate
- The lane has a gully which streams water down Kennel lane, restricting its width
- The lack of onsite turning means unsafe reversing onto Kennel Lane
- The character of the area would not be preserved
- The proposal will increase off site flooding
- The loss of the historic hedgerow could have heritage or ecological implications
- This could lead to more development of surrounding sites
- Use of the lane could harm the bat population
- The Lane cannot provide access for emergency vehicles

Comments made within the letters of support are summarised as follows:

- The site carries an agricultural use and the potential disturbance from such use should be considered
- Under Permitted Development an industrial use could be obtained
- Pedestrian use of the lane is limited to specific times of the day
- There are alternative routes in and out of the park
- Two additional dwellings will not have a significant impact on highways infrastructure
- The scheme is the sympathetic revival of the existing buildings
- The existing buildings are deteriorating
- The lane can safely be shared by pedestrians and motorists
- Kennel Lane is a road, not a pedestrian footpath

Relevant Planning History

27/2708/14/PREMIN - Pre-application enquiry for proposed residential conversion of redundant barn

27/3169/14/F - Construction of 2 detached dwellings with garages and car parking and formation of vehicle access to Woodland Road - Conditional approval (on nearby site)

Analysis

Principle of Development

The application site is within the Ivybridge Development Boundary where new residential development is acceptable in principle. In addition, both local and national planning policies promote the reuse of redundant buildings, especially those of architectural or historic merit, as is the case here. The principle of converting the buildings into dwellings is therefore considered acceptable under policy CS1.

Design and impact on heritage

Overall, the nature of the conversions is considered acceptable. Existing openings are reused where possible and domestic extensions are avoided, retaining the legibility of the previous agricultural use. Where new materials are proposed, these are traditional and, overall, the conversions are considered to adequately retain the agricultural heritage of these important buildings.

It is more challenging to sensitively subdivide the integral yard area, which is clearly the central, focal point for agricultural activity on the site. However, concerns regarding the domestic subdivision of the yard must be weighed against the more positive elements of the conversion, such as the opportunity to provide two new dwellings within an established settlement, the opportunity to secure the long term structural integrity of the buildings, in addition to the lack of public views into this part of the site. Overall, the impact of the development on the undesignated heritage assets is considered acceptable and, on balance, in accordance with policies DP1, DP6, CS7 and CS9.

Neighbour impact

The north elevation of the barns is within close proximity to the front elevations of the dwellings to the north, at Longbrook Road. However, the openings on the north elevation are largely used to provide more utilitarian functions or to provide light, with predominately corridors or bathrooms at this part of the conversion.

It is best practice to secure the bathroom windows to be obscure glazed, and this is achieved by way of planning condition. However, as the main aspect of the barns is to the south, it is not considered reasonable or necessary to require the windows serving hallways or other living areas on the north elevation to be obscure glazed. In addition, the lane providing access to the properties to the north of the site already allows public overlooking into the windows on their front elevations. The distance of the barn to the front elevation of the Longbrook Road properties allows officers to further conclude this proposed relationship to be acceptable, without the need to condition all windows on the facing elevation to be obscure glazed.

The additional noise associated with the domestic use of the barns will affect the properties along the northern boundary as their main garden areas are to the south of their principal elevations. However, although officers envisage an impact by way of noise, it is considered to be commensurate to noise which could arise through the lawful, extant agricultural use of the application site.

Other neighbour relationships are considered to be in conformance to what could generally be anticipated with the historic agricultural use, and also the multitude of neighbour relationships throughout the town. Overall, this application is considered to conform to the objectives of policy DP3.

Parking and highways safety

The proposed development is considered to provide adequate levels of parking for the two units, in an area which is considered to be sustainable with specific regard to access to services.

The vast majority of concerns raised by third parties surround the highways safety implications of vehicular traffic using Kennel Lane. This element of the proposal has been carefully considered by officers.

In 1986, through the imposition of a Traffic Regulation Order and the physical placement of bollards, vehicular traffic movements on Kennel Lane were restricted.

The disuse of the barns, in addition to the restrictions in place, has subsequently created a situation with a long established pedestrian dominance of the lane. This, in addition to the lane's specific location adjacent the park, and nearby schools and facilities for the disabled, has heightened the importance and use of the lane by members of the community. Accordingly, the future safety of pedestrian users of the lane is high on the agenda of the local community and officers acknowledge this importance, as is reflected by the high number of objections regarding this element of the scheme.

The acceptability of motor vehicles using the lane must be on the basis that the lane can be safely utilised as a truly shared space, and on the basis that cars using the lane will not prejudice the safety of pedestrians. The lane narrows in places and has a gully running down its western boundary. It is therefore questionable if the lane is currently able to categorically achieve this level of shared space and in a manner which is safe to all road users.

However, the specialist DCC highways officer has fully and robustly considered the highways implications of the proposed scheme, and is well aware of the concerns of local residents and the existence of legal restrictions. The response of the specialist consultee is one of no objection. In addition, the highways officer is not requesting the formulation of a s106 agreement, or use of planning conditions, to secure improvements to the lane. DCC have stated that *'I don't think it would pass the s106 test of reasonableness in scale in relation to the development. And there are alternative routes'*

Fire risk associated with the use of the barns as dwelling is considered under Building Regulations. The Town Council and third parties have raised concern regarding the potential for a fire engine to access the site. However, if a fire appliance is unable to access the site, the Fire Service can seek compensatory measures, such as onsite sprinklers, which will be considered at the Building Regulations stage.

With the absence of any specialist highways objection, and with DCC considering it unreasonable and therefore unnecessary to require planning conditions or a s106 agreement, officers consider that the use of the lane by motor vehicles, as currently proposed, is acceptable.

Ecology

The ecological implications of the development have been fully considered by Council Officers. The specialist ecologist has offered no objection to the proposal, with the need for two conditions requiring confirmation of the receipt of a licence from Natural England prior to the commencement of any development, and restricting the removal of the hedgerow to appropriate times of the year. The ecologist has stated the following:

'There is clear merit in bringing the derelict building back into a positive use, and providing the appropriate space to accommodate the bat species recorded could render such a scheme unviable. It has been proposed to create a dedicated roosting space within a neighbouring stone building which will be secure and maintain the favourable conservation status of the species concerned. Accordingly, it is considered that the 3 tests are met, and it is reasonable to expect that Natural England will subsequently grant a EPSL'

Officers have also considered the implications of the loss of hedgerow with regard to character and the streetscene. The loss of this part of the hedgerow to accommodate necessary onsite parking is not considered to materially alter the prevailing character of the streetscene to the extent that permission could be justifiably refused on this basis.

Drainage

South West Water has raised no objection to the proposal and no objection has been received from the SHDC drainage engineering section. The scheme makes reuse of existing buildings, with the new outbuildings presenting the only additional surface water with regard to surface water runoff. Confirmation of the soakaway specification can be secured through planning condition.

The current buildings do not benefit from modern drainage solutions and this is compounded by the predominate use of concrete in the yard and other areas. With the close proximity to Kennel Lane it is highly likely that the existing state of the site adds disproportionately to flooding in the wider area by increasing surface water runoff rates. As such, the conversion of the buildings provides an opportunity for betterment with the introduction of appropriate soakaways and the relandscaping of the site with more porous materials. This betterment is secured through appropriate planning conditions requiring further specification of surface water soakaways and the relandscaping of the site.

The applicant intends to connect the foul water to the existing sewer and South West Water raise no objection to this element of the scheme.

On this basis, the scheme is considered to have an acceptable impact on flooding in the surrounding area and the applicant's failure to identify the presence of a nearby stream in the planning application form does not prejudice consideration of this application or this recommendation of conditional approval.

Third Party representations and consultation responses

The comments of the Town Council, statutory consultees and all third party correspondence are considered within the above analysis.

The Traffic Regulation Order

Officers acknowledge the presence of a live Traffic Regulation Order which restricts vehicular use of Kennel lane. However, the presence of a legal restriction cannot constitute a reason to refuse a planning application. The planning application must be assessed on its planning merits with specific regard to highways safety, regardless of the presence of any legal restriction. The granting of any planning permission would not override the need, in future, for the landowner to resolve any other outstanding legal restrictions associated with the land and, conversely, the presence of the restriction alone could not be utilised to refuse the planning application.

The TRO is afforded a degree of weight in that it suggests a previously identified concern regarding highways safety and the planning merits of the proposal have been carefully considered by officers. The specialist highways officer is aware of the existence of the TRO has indicated the proposed access arrangements to be acceptable.

Conclusion

The application provides two additional residential units and secures the long term future of a range of buildings considered to be an undesignated heritage asset, in a manner which is, on balance, sympathetic to their character and integrity. The impact on neighbouring properties is considered acceptable within this location and issues relating to drainage, parking and ecology are acceptable or can be resolved through appropriate use of planning conditions.

Officers acknowledge the level of objections received regarding vehicular access from Kennel Lane. However, after consideration the specialist highways officer is not objecting and believes the proposed access arrangement to be acceptable. In addition, the highways officer does not see it as reasonable to require a s106 or planning conditions securing improvements to the highway. On this basis, officers support the proposed development and recommend approval, subject to appropriate conditions;

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

Planning Policy

South Hams LDF Core Strategy

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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character

DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

South Hams Barn Guide SPD

National Planning Policy Framework (2012)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Mrs Clare Stewart

Parish: Stoke Gabriel

Application No: 52/0782/15/F

Agent/Applicant:

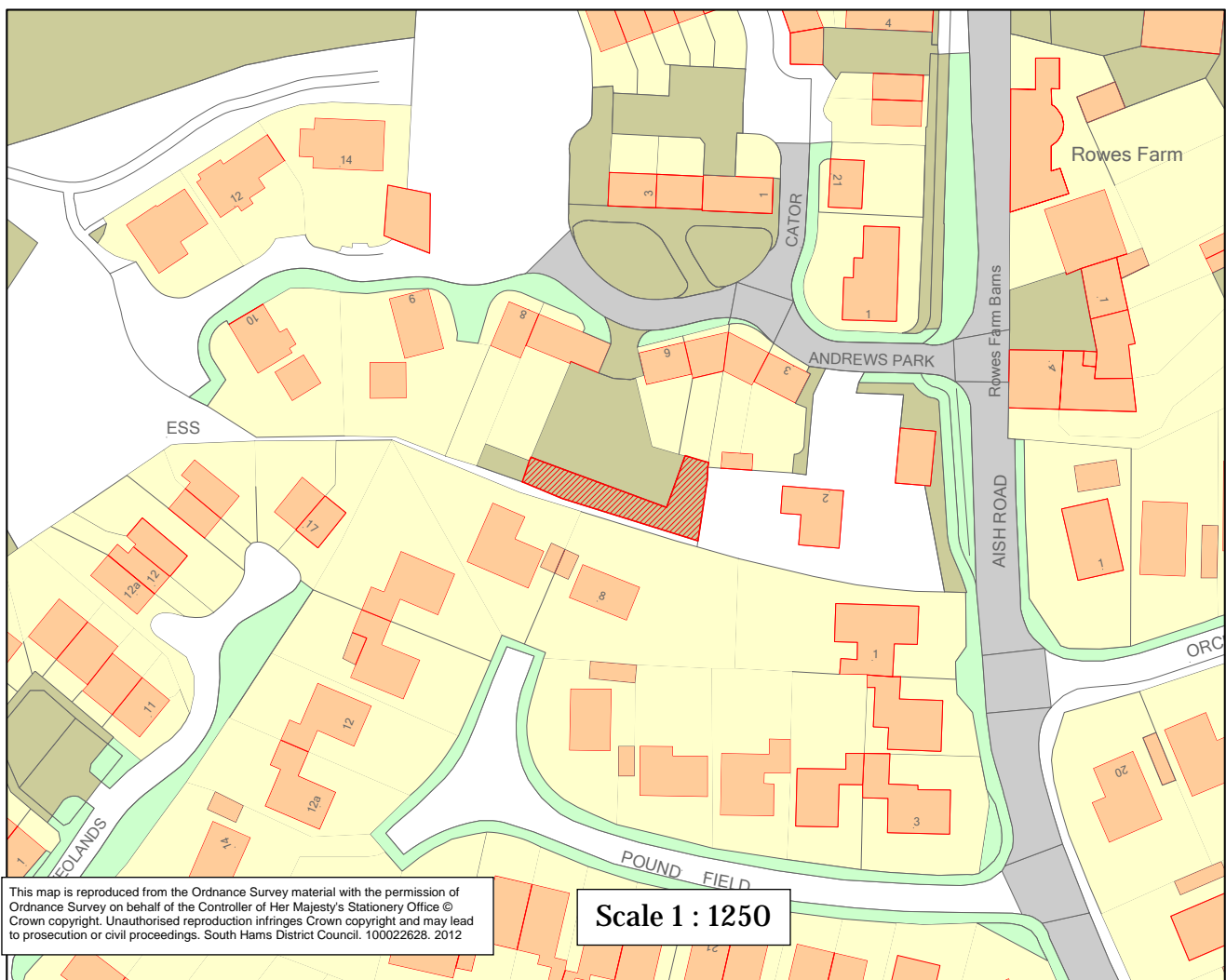
Linden Homes SW
Homeside House
Silverhills Road
Newton Abbot
TQ12 5YZ

Site Address: Land adj to 8 Andrews Park, Stoke Gabriel, Totnes TQ9 6FF

Development: Change of use to domestic curtilage and erection of greenhouse and shed

Reason item is being put before Committee

Ward Councillor is concerned given number of objections received and strong objection from Parish Council. Area designated as landscape buffer to protect neighbouring properties in Pound Field. Landscaping has never been completed.



Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Boundary planting to be implemented in first available planting season and thereafter maintained
4. Use as garden area only
5. Removal of permitted development rights for additional structures

Key issues for consideration:

Principle of change of use, design, visual impact.

Site Description:

Andrews Park forms part of the Rowes Meadow development of 43 dwellings on edge of Stoke Gabriel, which was granted planning consent in 2011. The permission has since been implemented and the new dwellings constructed and occupied. The original approval includes a landscape scheme with associated maintenance programme. The site subject of this application, located on the south west boundary of the original development site, forms part of the approved landscape scheme. The application site extends from the existing rear garden of 8 Andrews Park along the rear of a communal parking area to the gardens on the other side. To date the approved landscape scheme has not been implemented in this area. A 2 metre high boundary wall between the Rowes Meadow development and the residential properties at Pound Field (which forms part of the existing consent) has been constructed in accordance with the previously approved scheme, with a timber fence along the boundary with 2 Andrews Park.

The Proposal:

Consent is sought to change the use of the land to residential garden, and erect a greenhouse and shed. The proposed greenhouse would measure approximately 2m x 2.6m x 2.1m, and the shed approximately 3.2m x 1.8m x 2.1m to the highest point of a sloping roof. It is also proposed to construct a bin store measuring approximately 1.8m x 2.3m x 2.4m. the existing boundary wall would be retained.

The application has been submitted following complaints to the Council that the approved landscape scheme for this area has not been implemented. The application site is now in separate land ownership from the rest of the communal landscaping areas.

Consultations:

- County Highways Authority – No highways related issues
- Natural Environment – No objection
- Stoke Gabriel Parish Council – Objection – proposed use of land contrary to original agreement that stone wall would provide privacy to neighbours in Pound Field. Stone wall and defensive planting were major issues in consultation process. Greenhouse and shed

would cause unacceptable neighbourly impact. Visual impact would be detrimental to area. Application should be refused and new planting carried out as originally agreed.

Representations:

25 letters of objection to the application have been received (including a number of standard letters with multiple signatures). The issues raised are summarised as follows:

- Negative visual impact, not in keeping with character of wider development
- Detrimental impact on residential amenity
- Original approval showed this area as being open space with landscape planting and was agreed with local residents, should be retained as previously agreed.
- Agreed defensive planting was designed to keep pedestrians away from the wall and stop them from using it as a seating area, and to stop erection of domestic structures
- Landscape Officer response underestimates impact of proposal
- Overdevelopment
- Loss of open space and car parking
- Height of proposed structures not shown on plans
- Loss of view
- Precedent for other structures
- Access to neighbouring fence for maintenance would be restricted by planting
- Impact on neighbouring property values
- Greenhouse and shed would be susceptible to vandalism and breakages if car park gates left open
- Damage to vehicles in car park if ball games played on site
- Council site visit did not reveal present condition of land
- Concern regarding work area

2 letters of support have also been received with the following points made:

- Proposal would enhance area with green planting
- No impact on boundary between Rowses Meadow development and Pound Field as would still be screened by wall.
- Proposed buildings will be no more visible than other similar structures on development

Relevant Planning History

- 52/2081/11/DIS, Discharge of condition 3 of planning application 52/0008/11/F (Residential development comprising of erection of 43 houses and associated roads, parking and open space), Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1689/12/DIS, Discharge of condition (18) for planning approval 52/0008/11/F, Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1614/12/DIS, Discharge of conditions 4, 5, 6, 7, 11, 12, 13, 17, and 23 of planning approval 52/0008/11/F (Residential development comprising of erection of 43 houses and associated roads, parking and open space), Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1049/11/DIS, Discharge of conditions 8, 9, 14 - 16, 22, 24, 25 and 27 to planning approval reference 52/0008/11/F (for residential development comprising of erection of

43 houses and associated roads, parking and open space), Rowes Farm, Aish Road, Stoke Gabriel – discharge of condition approved

- 52/0008/11/F, Residential development comprising of erection of 43 houses and associated roads, parking and open space, Rowes Farm, Aish Road, Stoke Gabriel – conditional approval

Reference has also been made in representations to a previous application for residential development which was dismissed on appeal (ref. 52/1442/09/F).

ANALYSIS

Principle of Development/Sustainability:

The site is located within an established residential area and as such the use of the land for residential purposes raises no objection. The main issue is whether change from the approved landscape scheme to the current proposal is acceptable. The change of use would occur within the confines of the original development, and would not therefore result in any additional encroachment into the countryside beyond the village. Just because it is different from the approved scheme does not mean it is unacceptable by default. Due regard still needs to be had to the impact of the proposed change of use and associated structures in terms of other planning considerations, particularly visual impact and neighbour amenity.

Design/Landscape:

The approved landscape scheme for the Rowes Meadow development shows new native planting along the site subject of this application, with a communal parking area beyond.

The site is partially screened from the estate road by the gates to the communal parking area (which are generally closed except when in use). The proposed planting would mean that when visible the site would appear largely as a green space from public vantage points. The proposed greenhouse and shed would not be visually prominent given their scale and location. In terms of design and visual impact it is considered that the proposal does not result in substantive harm to the character of the area such that the application could be refused on this basis. The proposed buildings are fairly typical in size for domestic structures and can be amply accommodated within the site. It is not therefore considered that the proposal constitutes overdevelopment.

The Council's Landscape Officer has raised no objection to the current application, noting that the previously approved landscape planting would have had a restricted impact in terms of greening the edge of the development and that the character of the area is now principally residential with combinations of gardens, parking courts and boundary features.

If the current application is approved the site would potentially benefit from permitted development rights for additional structures incidental to the enjoyment of the main dwelling house (such as further sheds or greenhouses). Such rights would be restricted by the location of the site within the South Devon AONB (where permitted development rights are more limited). In order to ensure that any future development would not erode the character of the area it is considered reasonable to remove permitted development rights in respect of any additional structures.

The scale and location of development proposed would not result in any additional impacts on the wider AONB compared with the existing approval for the Rowes Meadow development.

Neighbour Amenity:

Letters of objection to the current application raise the issue that the site subject of this application was intended to be part of the landscape scheme as detailed above, with defensive planting used to keep pedestrians away from the boundary wall with Pound Field. The use of the site as a private garden would not result in significant harm to the amenities of the properties in Pound Field given the presence of the substantial boundary wall. A 2 metre high boundary structure is a typical means of securing privacy between residential gardens. Whilst defensive planting may have been introduced as a buffer between the parking area and the boundary wall, the use of the area as a garden will also provide a buffer from the parking area as it would obviously restrict the general public from using the space immediately adjacent to the wall. There are already views into surrounding properties from the communal car park and it is not considered the proposal would result in a substantive increase in overlooking.

Reference has been made in representations to an earlier scheme which was dismissed on appeal (ref. 52/1442/09/F). This was an application for 50 dwellings on the site and the scheme is therefore materially different to that which was eventually approved. The application did show a 2 metre high wall along the southern boundary of the site which the Inspector concluded was acceptable.

Highways/Access:

The proposal would not result in the loss of any car parking and does not raise any highways concerns.

Other Matters:

In response to points raised in representations not considered above:

- A scaled plan showing the proposed structures forms part of the application submission. The heights of the proposed structures have been measured from this plan and are detailed above.
- Access for maintenance, impact on property values, damage to private property and loss of private views are not material planning considerations.
- Concern was also raised about the 'work area' – this relates to the area where the shed, greenhouse and bin store would be located (and does not relate to any industrial or commercial use). In the interests of clarity a condition is recommended to ensure the land can only be used as a domestic garden.
- Current state of the site – Officers have visited Rowes Meadow on a number of occasions in recent months and are well aware of the current state of the site. Photographs will be included in the presentation to Committee.

For the avoidance of doubt, if the current application is approved and implemented then the Council would be in a position to take enforcement action if the planting shown on the plans is not carried out and maintained. If this application is refused then the Council is still in a position to take enforcement action to secure compliance with the landscape details previously approved as part of the wider Rowes Meadow development. Enforcement action would be taken against all parties with a legal interest in the land.

The Planning Balance:

Whilst the current proposal is different from the current approval, this does not in itself mean it is unacceptable. Having regard to the relevant landscape and amenity considerations it is not considered that refusal of the application could be substantiated at appeal, as no substantive harm in planning terms would result. As such the application is recommended for approval subject to conditions as detailed above.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

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.

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Salcombe

Application No: 41/1023/15/F

Agent/Applicant:

Chris Ellerton
Kay Elliott Architects
5-7 Meadfoot Road
Torquay
TQ1 2JP

Applicant:

De Sable Property
Mr I Lovatt
62a Gosberton road
Balham
London SW12 8LQ

Site Address: Spion Lodge, Bennett Road, Salcombe TQ8 8JJ

Development: Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking

Reason item is being put before Committee: *This item is before Committee at the request of Councillor Pearce due to the size and scale of the proposed building.*



Recommendation:

Conditional approval subject to the completion of Section 106 Legal Agreement.

Conditions:

Time limit for commencement

In accordance with plans

Materials

Unsuspected contamination

Works to adhere to measures within Ecological Survey

Landscaping

Construction Management Plan

Key issues for consideration:

The main issues with this application are the principle of development of demolishing the existing building and replacement with a building of six apartments on this site within the Salcombe development boundary. The design and appearance of the building, together with any impacts upon the AONB, any effects on neighbouring properties and highway matters are other key issues. In addition, any financial contributions and the impacts upon ecology are matters for consideration.

Site Description:

The application site comprises a detached dwelling located within a residential area on the northern side of Bennett Road. The site is set on a steep incline, and is accessed via a steeply sloping drive off Bennett Road. The surrounding area is characterised by a mixture of predominantly detached dwellings of varying styles and appearance. The site is located within the Salcombe Development Boundary and is within the AONB.

The Proposal:

This application is for the demolition of the existing building and for the erection of six apartments with basement car parking and associated landscaping. Although the building is to contain accommodation over five levels (with a basement car park), due to the topography, the building has the appearance of a two-storey structure (with accommodation within the roof), set on terraces comprising the parking level, and two further floors of accommodation.

Consultations:

- County Highways Authority – No objections subject to conditions.
- Environmental Health Section - Recommend Unsuspected Contamination condition.
- Town Council - No objection was raised to the design but there were concerns with regard to such excavation and construction works for this site and its impact on the hillside, neighbouring properties and wellbeing of the town. Therefore timing of such building works would be of paramount importance to the visitor trade. A Construction Management Plan was to be sought and it was requested that town council be involved in such discussions due to their unique knowledge of the town. There was a further concern

noted that this development was only providing 6 onsite parking spaces for 20 bedrooms. As this was to be six units town council wished to be advised of the offsite contribution.

- Natural Environment & Recreation Team – No objections subject to conditions and S106 for Open Space, Sport & Recreation Contribution to the sum of £20,475.
- Devon County Council Education – Contribution towards education infrastructure sought to the sum of £16,416.90 for secondary school provision and £3,800 towards school transport costs.
- AONB Team – From an AONB point of view, although the building is larger than existing it will be set into the hillside slope and when viewed against the general backdrop of the town and against the neighbouring (even larger) buildings, it is unlikely to appear unduly prominent in the wider landscape setting. No objections are raised on AONB grounds.
- Affordable Housing Officer – Contribution of £176,315 towards off-site provision of affordable housing required.

Representations:

Around three letters of objection and eleven letters of support making the following broad points, in no particular order:

Objections:

- Another Salcombe property being ruined for profit
- Do not need more second homes
- More affordable homes required.
- Proposal will not benefit town
- Too many apartments in Salcombe
- Increase in vehicle movements
- Overlooking of neighbours

Support:

- Will replace ugly 1950s dwelling
- More planting
- Dangerous drive will be improved
- Enhancement to surrounding area
- In keeping with the local environment
- Protects vista of estuary
- Concerns of traffic and parking have been addressed

Relevant Planning History

None relevant.

ANALYSIS

Principle of Development/Sustainability:

The application site is located within a residential area within the Salcombe Development Boundary. This application is for the removal of an existing detached property and for the redevelopment with a larger building to comprise six apartments. As the site is within a residential area, within a Development Boundary the principle of development of an additional residential unit is considered acceptable in principle under established planning policies.

It is noted that Saved Policy KP11 from the 1996 South Hams Local Plan states that "Development which would alter the character of the low density development...will not normally be permitted". This policy is now considerably out of date. The National Planning Policy Framework (which post-dates this Policy) advises that from a twelve month period (that expired in March 2013), due weight should be given to relevant policies in existing plans dependent on their consistency with the NPPF. It is not considered that saved Policy KP11 can carry significant weight given its age and how its scope does not accord with the principles that are found within the NPPF. Moreover, Paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted unless there are any adverse impacts of doing so, that would significantly and demonstrably outweigh the benefits when assessed against the framework.

Consequently it is considered that the principle of a redevelopment of this nature is acceptable subject to compliance with all other relevant development control policies.

Design/Landscape:

The proposed development will, in terms of accommodation and scale of built works, be significantly larger than the building that it will replace. The proposal will excavate a large proportion of the site to provide the underground parking area as well as the lower two levels of accommodation. The building will be set into the hillside and will take advantage of the topography to provide these lower levels. The 'two storey' (with accommodation within the roof-space) part of the building above these lower level "terraces" reads, from a design and appearance perspective as part of the existing pattern of development and is broadly representative of the scale of the existing building. The ridge of the building is comparable to that which it will replace, and it will not appear out of character when compared with the scale of surrounding buildings.

It is acknowledged that this is ostensibly a five storey development. However, due to the way in which the site is set into the hillside, and given the use of carefully considered materials (stone) for the lower levels (which can be controlled by way of condition), from the wider perspective it will appear as a two-storey development. A carefully considered landscaping scheme will also ensure that the development reads as a two-storey building on top of the lower terrace of accommodation. The application has been revised throughout submission to improve the parking arrangement, which has necessitated alterations bringing the retaining walls closer to the road. Although the scale of the proposed works is acknowledged as being large, on balance it is considered that the design that has been adopted is acceptable, and given comparable roof-lines with existing development that refusal on the basis of size and scale would be difficult to justify on appeal.

In terms of the impact on the AONB, the South Devon AONB Unit have raised no objection, citing that against the backdrop of existing development and the fact that it is to be set into the hillside means that it would not be unduly prominent.

Overall, no design or landscape issues are considered to arise from this redevelopment.

Neighbour Amenity:

Concern has been raised regarding overlooking, however given the fact that no part of this development would be significantly taller than the existing building to be replaced, and bearing in mind it is sited broadly in the same position, levels of overlooking from the upper levels of the proposed building would be no worse than the current situation. It is acknowledged that the works will remove the existing steep driveway and access, revealing more built development to the public perspective, but properties opposite the site are considered to be of significant distance away from this development (across the road) to ensure that levels of overlooking would not be serious or adverse.

Due to the siting of the proposal in relation to surrounding properties (and the fact that the majority is to be set into the hillside), it is not considered that any aspect of the proposals would be overbearing or give rise to loss of light.

Highways/Access:

The application as submitted received objections from the Highways Officer, on the basis of parking provision and visibility splays being inadequate.

The applicant provided a speed survey and the results showed that the proposed splay is close to the standards prescribed in the Manual for Streets 2007 and they have advised that on balance, given the improved access alignment resulting from the proposals, the Highway Authority lifted that objection.

As submitted, the application proposed eight car parking spaces. The applicant argued that local census data suggests that car ownership would be lower than the 14 spaces which the Highway Authority sought, and the applicant suggested that ten spaces would be sufficient. The application has since been amended to provide 12 spaces, with the loss of the cycle parking in the undercroft garage. Topographical constraints of the site are cited by the Highway Authority as meaning that cycling is likely to be less attractive in the area and should any occupiers of the flats own a bike, this could be stored in the apartments.

No objections are now raised to the revised proposals, subject to a construction management plan condition.

Financial Contributions:

Due to the size of the development, it becomes eligible for a financial contribution towards the provision of off-site affordable housing. The Council's Affordable Housing Officer has advised that the contribution due is £176,315.

The Council's Natural Environment and Recreation Team have advised that given the scale of the proposed development, an additional 21 residents (based from calculations) would contribute to existing deficiencies towards Open Space, Sport and Recreation (OSSR) within Salcombe. Based upon evidence gathered through the South Hams and West Devon Playing Pitch Strategy (Consultation Draft, January 2015) there is an existing requirement for improving drainage on the football pitch at "The Berry", in order to meet existing need and additional pressure from new residents. Based upon the anticipated 21 additional residents, a Section 106 contribution of £12,495 is sought towards improving pitch drainage at The Berry and a contribution of £7,980 towards improvements in play facilities at The Berry.

Devon County Council's Children's Services have advised that the secondary school that would serve the area of development is Kingsbridge Academy, which currently has a shortfall of pupil spaces, so a contribution of £16,416.90 is sought towards additional school facilities. In addition, as the development is further than the recognised safe walking distance to school for the secondary aged pupil, it is further required for the development to contribute to transport costs to the sum of £3,800.

The applicant has agreed to these contributions, all of which comply with the relevant Community Infrastructure Levy Regulations, and this recommendation is made subject to the completion of a Section 106 Legal Agreement to secure these payments.

Ecology:

The Council's Ecologist raises no objections to the application, stating that the submitted ecological survey finds no evidence of protected species using the existing dwelling, and satisfactory mitigation of removal of existing vegetation being demonstrated. A condition is recommended to ensure that the recommendations of the ecological survey are put into practice.

Conclusion:

The application is considered to be acceptable and is therefore recommended for APPROVAL subject to the completion of a Section 106 Legal Agreement.

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

Planning Policy

NPPF
NPPG

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

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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Agenda Item 6f

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Salcombe

Application No: 41/1262/15/F

Agent/Applicant:

Hunter Page Ltd
18 High Street
Cheltenham
GL50 1DZ

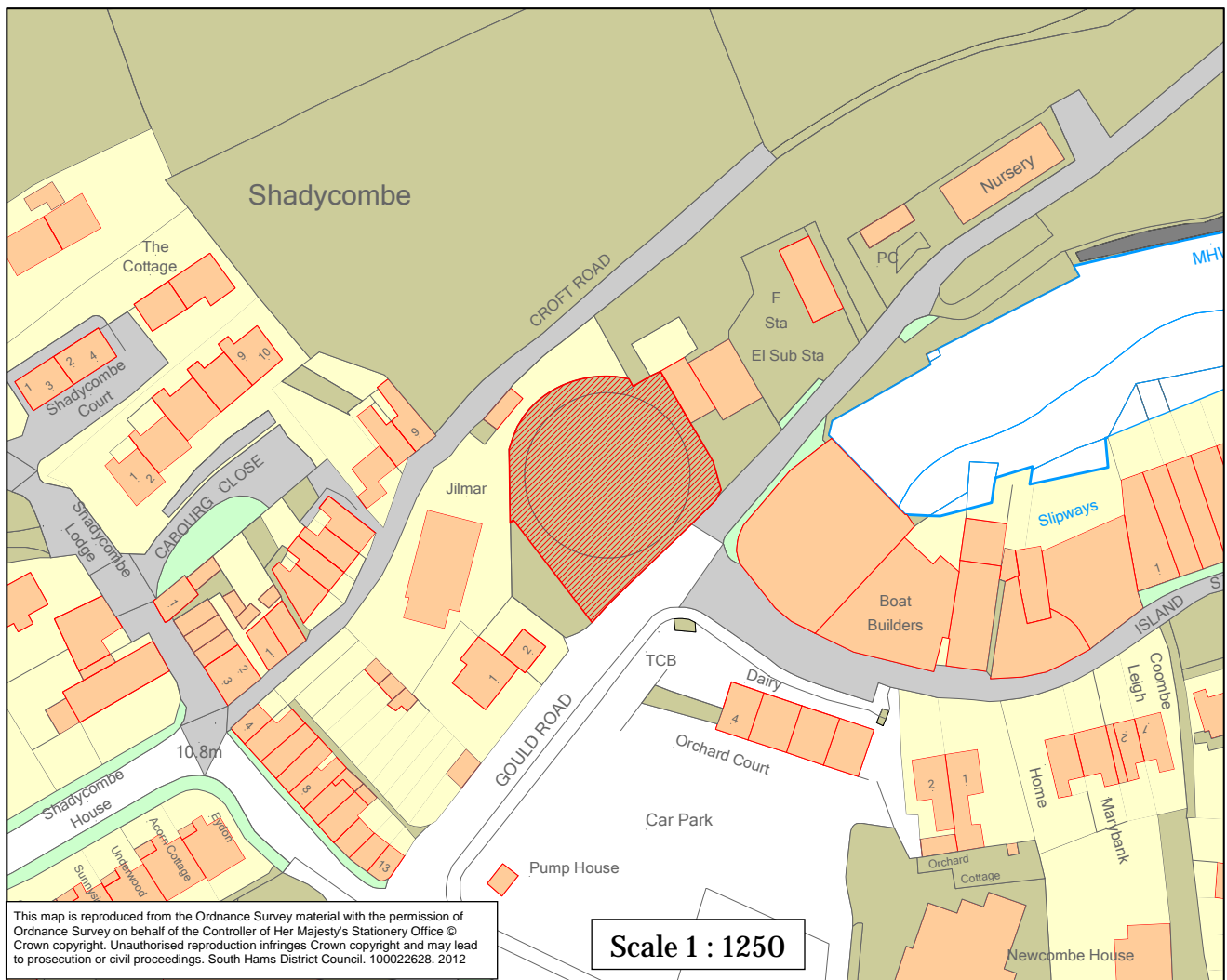
Applicant:

Freemantle Developments (Salcombe) Ltd
c/o agent

Site Address: Development Site at SX 738 392, Former Gas Works, Gould Road, Salcombe, TQ8 8DU

Development: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no. residential units above, new vehicular access and parking

Reason item is being put before Committee: *This application is before Committee at the request of Councillor Pearce mindful of the representations received in light of the concerns relating to the design of the building and that it is not possible for the development to accommodate marine-based uses.*



Recommendation:

Conditional approval subject to Section 106 Legal Agreement in respect of financial contributions and Section 278 Legal Agreement for highway works.

Conditions:

Time limit for commencement

In accordance with plans

Materials

Details of surfacing

Construction Management Plan

Highway works to be completed prior to occupation

Submission of combined Stage 1 and Stage 2 safety audit

Use Class of commercial units to be A1/A2/A3 and no other permitted changes.

Flood Warning and Evacuation

Contaminated Land

Unsuspected Contamination

Details of inbuilt provisions for birds to be agreed.

Vegetation removal to be outside of bird nesting season

Key issues for consideration:

The main issues with this application are the acceptability in principle of development, particularly in light of the previously refused scheme which was dismissed on appeal and whether or not this mixed-use development of commercial and residential uses is sufficient to overcome the reasons for the previous refusal. Further issues are the design and appearance of the proposed building, together with any impacts upon the Conservation Area and AONB, any impact on neighbours, flooding and flood-risk and highway issues.

Site Description:

The site lies within the Development Boundary of Salcombe and is also within the Salcombe Conservation Area, South Devon Area of Outstanding Natural Beauty (AONB) and Flood Zones 2 & 3. It lies approximately 20 metres from the Salcombe/Kingsbridge Estuary Site of Special Scientific Interest.

The site is a former gas cylinder site and the shape of the site broadly follows the circular shape of the base of the previous cylinder. The site fronts onto Gould Road, opposite the junction with Island Street and, is enclosed by stone walling, to a height of approximately 1.5 – 1.8 metres, along this boundary. Immediately east of the site is a currently disused business premises (formerly Bangers Boat yard), where planning permission for a replacement industrial building has recently been granted. The site is enclosed, in part, by stone walling along this boundary, with the remaining part being concrete block. There is a "Gas Governor" immediately south west of the site, which replaced the gas storage in 1993, beyond which is residential development consisting of numbers 1 and 2 Gould Road. Jilmar, a bungalow on Croft Road, is situated to the west of the site and is at a higher level than the site. Numbers 1 and 2 Gould Road follow the slope of the road upwards from the site towards Shadycombe Road. To the east of the site, Island Street consists of a mix of business, commercial, retail and residential development and there is a public car park to the south of the site.

The site is a level area of ground, with the sunken footprint of the former gas cylinder, which banks up towards the North West. It is enclosed to the north and west by chain link fencing. The site measures approximately 30 metres along its frontage and widens to a maximum of 38 metres. It covers an area of approximately 0.12 hectares.

The Proposal:

This application is for the demolition of the existing stone boundary wall, and for the redevelopment of the site to form 300 square metres of A1, A2 and A3 ground floor commercial space with five dwellings above with new vehicular access and parking.

Consultations:

- County Highways Authority – No objections subject to conditions.
- Drainage Engineers – No objections.
- Affordable Housing Officer – Off-site contribution of £138,856 (£27,771 per dwelling) required.
- Natural England – No objections.
- Environment Agency – No objection in terms of flood mitigation subject to conditions. Council must be satisfied that the proposal passes the Sequential Test.
- Devon County Council Education – Contribution required for secondary school provision to the sum of £13,680.75. Contribution required for secondary school transport provision to the sum of £3,287.00.
- Town Council – Objection: It was noted that the plans for five residential units with four retail properties beneath were virtually identical to a set of plans put forward by the same architect under another applicant. The Cedar wood and render were not felt to be of a design reflective of an industrial area. There were concerns that the rear of the properties proposed at first floor level to have a row of balconies which would be built right up to the neighbouring fence and overlooking their garden. Also with residential and industrial units there was a lack of parking with only 5 spaces. Town Council felt that this was a designated employment area known as RA4 and as such should be used to further the demand for commercial property within Salcombe taking into consideration District Council's evidence for the demand for industrial use. A1, 2 and 3 were applied for but it was felt they should be for all commercial uses as proper industrial use units were needed. It was suggested that the removal of the historic wall adjacent to the Conservation Area would need to be carried out if purpose built commercial units were incorporated as part of the vernacular. If planning was permitted a condition should ensure that the commercial units are let before the residential units are sold and be conditioned to be tied together. Town Council felt if approval was considered this application should be considered by the full District Planning Committee as this is an extremely sensitive employment area. It was further noted that the plan provided illustrated uses of properties on Island Street was not correct and skewed to show more retail than was actual.

Representations:

Two letters of representation from making the following broad points in no particular order:

- Distorts the character of Salcombe's economic activities and the nature of the Conservation Area.
- Earlier application was rejected on grounds of continuing need for the marine industry and prominent three storey development being out of keeping with the Conservation Area.
- Ground floor is designated as retail when the Inspector stated light industrial space.
- Massing of the building is out of keeping and compromises the Conservation Area.
- Overlooking of Jilmar and its garden from balconies to the north-western elevation.
- Use of the ground floor as retail rather than light industrial
- Overdevelopment of the site and insufficient parking
- Out of keeping.
- Salcombe is crying out for manufacturing and light engineering
- Development will have an unintended consequence on Salcombe as a boating centre.
- Should be providing three or four workshop units and be restricted to B2.

Relevant Planning History

23/2364/13/F – Redevelopment of former gas works to comprise erection of five dwellings. Refused planning permission on 30/04/2014 and subsequently dismissed on appeal on 17/11/2014.

ANALYSIS

Principle of Development/Sustainability:

The application site lies within the Salcombe Development Boundary and is close to the town centre, with its associated facilities. It cannot be argued that the site is not located in a sustainable position. What must be addressed is the matter of principle, which was a key aspect in the previous appeal.

The previous appeal decision:

The fundamental issue which arose at the time of the previous application was that the site's position, close to the estuary has led to its protection and allocation for employment uses, given the marine based economy within the area. It was stated at the time of the previous submission that there are limited sites benefiting from this proximity to the water and that a non-employment use of the site would be unsustainable were the local marine-based economy to continue. What must be emphasised was that at the time of the previous application, no employment-based use was being proposed whatsoever, and that the application was refused and subsequently dismissed on appeal as being contrary to Local Plan Policy DP14, which seeks to protect employment land.

This application once again proposes residential development but now seeks to provide 300 square metres of commercial floorspace. The amount of residential floorspace proposed is 625 square metres, so the amount of employment generating floorspace represents approximately one third of the total development area.

The applicant has provided viability evidence which considered alternative uses of the site, either that of a marine workshop or an office use. It is stated by the applicant that using the Community Infrastructure Levy (CIL) template for viability, the report robustly demonstrates that both development options are financially unviable at the site. At the time of the previous appeal, this was a point that was agreed in principle by the Council, and the Inspector acknowledged that no developer-built employment development would be viable in Salcombe.

However, the Inspector subsequently stated (para 16):

“However, just such a development is under construction on land on the edge of the Town adjacent to the small park-and-ride site within what I understand to be RA Proposal RA3: Bonfire Hill. Mr Elwell gave evidence about this (as the land owner) and uncontested written evidence that Hillborough Properties have planning permission to replace their existing building next to the appeal site with a new commercial building. This is within the Proposal RA4 site and the building was fenced off at the time of my site inspection. Mr Elwell also explained that he had been unsuccessful with a bid of about £173,000 for the appeal site although he understood that he was not the nearest under bidder. He outlined his plans for the appeal site as being the provision of basic sheds for boat builders in order to encourage a resurgence of this traditional and important trade within Salcombe. He confirmed that in doing so he was aware of the extent of contamination and the likely remediation costs for the use proposed and accepted that there was an element of philanthropy in his scheme. He however simply took a different and longer term commercial view of the development to the appellant”.

The Inspector continued (para 17):

“There is therefore clear and credible evidence that employment development within the Proposal RA4 site is going ahead now and may in future pursuant to a planning permission. There is also credible evidence that the appeal site would come forward for marine-based employment development under different ownership and/or a different business model. That in my view amounts to a reasonable prospect of the site being used for the purpose for which it is allocated in the development plan”.

The Inspector therefore concluded that the development of residential properties would result in the loss of land which in his view has a reasonable prospect of being developed for that purpose.

It is clear, from the appeal decision that the Inspector gave significant weight to the potential and in his view, probable chance that the site would come forward for marine-based employment uses and refused permission on that particular basis.

Reference to allocation RA4: Shadycome states:

“Development is proposed by 2016, to include:

- *0.5ha of employment land; and*
- *Cycle and footpath provision including enhanced access to the town centre”*

What must be emphasised is that the allocation does not specifically dictate that the employment uses must be marine-related, notwithstanding the stance adopted by the Inspector.

The applicants have provided a supplementary comment after being asked to comment specifically on the Inspector's comments cited above.

They state:

"As you are aware, the Inspector acknowledges at paragraph 15 of his decision that the provision of employment development would be unviable and that the commercial development assessed in the viability appraisal would make a loss."

"However, in contrast with that conclusion, at Paragraph 16 of the decision it is highlighted that verbal evidence provided by Mr Elwell at the appeal hearing indicated that a commercial building was currently under construction within the allocated site known as Proposal RA3: Bonfire Hill. The Inspector therefore considered that this verbal evidence demonstrated that there was clear evidence of commercial buildings being developed on the edge of the town, irrespective of the evident viability issues."

*"However, since this verbal evidence was raised at the appeal hearing, it has become apparent that the commercial building was actually part of a wider full planning application for mixed use development, including the erection of 44 residential dwellings and the creation of 269m² of office/workshop space (application reference 41/1915/13/F). Here it is important to note that the Inspector was not made aware of the fact that the **commercial space was coming forward as part of a mixed use development (where the commercial element represented approximately 7% of the proposed development on a greenfield site). It is therefore evident that the development of this modest commercial building, as part of a wider residential scheme, cannot be considered to demonstrate that the development of new commercial office or workshop space within the area is viable or deliverable in its own right.**" (emphasis added).*

The applicant essentially makes the claim that the Bonfire Hill development referenced at the appeal was not a development in its own right, but was brought forward as part of a wider residential scheme.

The applicant continues:

"In contrast to this, we are redeveloping a far more complex contaminated brown field site but, in recognition that the site is an allocated employment site, the proposal does include a high level of commercial floor space (300m² of commercial space against 625m² of residential space which represents approximately 1/3 of the scheme)."

*In addition to the above, the Inspector highlighted that uncontested written evidence had been provided that an application for a replacement industrial building had been granted planning permission in October 2013 (ref: 41/1876/13/F) at the Proposal RA4 site which is the wider allocated site in which the application site is situated. As a result, the Inspector noted that he considered there to be **'clear and credible evidence that employment development within the Proposal RA4 site is going ahead now and may in the future, pursuant to a planning permission.'**"*

With regard to the above, we would clarify that this development has still yet to come forward on the site, even though the permission for a replacement industrial building is due to expire in October 2016. Furthermore, following discussions with Hillborough Properties, we have been advised that the owner had alternative reasons for submitting the application proposal which related to a dispute with an existing tenant. The owner has also recognised that the

development permitted is unviable and the replacement industrial building is therefore unlikely to come forward in the near future.

It is also important to note that the same site obtained outline planning permission (reference: 41/0603/01/O) for light industrial and office development on 31st May 2001. On 2nd October 2002 an application for Reserved Matters was subsequently approved (ref: 41/1544/02/RM), nearly 13 years ago. However the site lays empty and, to date, we are not aware of any activity to suggest that this site is being developed."

Thus the claim is made that the extant approval for an industrial building is unlikely to come forward as a consequence of the viability of the site (caused primarily by the need to decontaminate the site).

The applicant's continue further, commenting on the likelihood of the development being proposed by a third party:

"At Paragraph 16 of the decision, the Inspector also highlights that Mr Elwell had unsuccessfully bid for the appeal site and that Mr Elwell would have built a commercial scheme consisting of basic sheds for boat builders if he had been successful. With regard to this, the Inspector noted that Mr Elwell accepted that he would lose money and that there was an element of philanthropy with this approach."

"With the above in mind, it is important to note that Mr Elwell was not the next nearest bidder for the site, as accepted by the Inspector in the appeal decision. As such, there were other bidders next in line to acquire the site. Moreover, when we bid for the site we were also not the highest bidder. The highest bidder for the site was in contract for a number of months but eventually pulled out due to the onerous environmental conditions which were required to be entered into by the vendor, National Grid. That condition namely required the owner to take full responsibility for the contaminated condition of the land and indemnify National Grid in respect of all liabilities arising from, or consequent upon, the condition of the land."

"In other words, should environmental damage have occurred in the past and be associated with the site then the purchaser would take the liability for that damage from the point of completion onwards. It was important to National Grid that the purchaser was a sound developer with a substantial track record and business behind it for these conditions to be met and for a bid to be accepted. When we submitted a bid we had to go through a thorough process of providing evidence of our experience as developers and ability to develop the site in order for National Grid to feel confident that they had sold the site to a company able to achieve these overage conditions. As such we do not believe that Mr Elwell's offer would ever have been accepted as a loss making commercial enterprise."

In light of this information, whilst the Inspector made a judgement based upon evidence provided at the time, it is considered that due to the constraints and contractual agreements between the original land owner that any form of philanthropic or altruistic development to provide marine-based uses would not have a reasonable prospect of being developed.

The proposed use:

As already stated, this proposal seeks to provide 300 square metres of commercial floorspace, and the application has been submitted to seek consent for a mixture of A1, A2 and A3 uses. Whilst these are not marine-based uses, for the reasons above it is considered that it cannot be justified for the Council to insist on such a specific use taking place as the

likelihood of any development coming forward is minimal, primarily due to the viability and costs of decontaminating the site. In comparison to the previous application this site brings employment generating uses forward and in light of the viability information provided with the application, it is considered that, in principle, it would now be very difficult to sustain an objection to this proposal based solely upon the fact that no marine-based uses are to occur.

Since the application has been originally submitted, the applicants have provided evidence that a single end user of the entire ground floor area has been found (a major food retailer) and agreements are being entered into by the parties involved to move this forward. It is therefore the case that this is not speculative employment floorspace and in light of an end-user for the employment area, there is significant likelihood that the employment-generating use will occur.

It is noted that the Town Council wish for an agreement for the commercial uses to be brought forward ahead of the residential units being occupied – this is not considered to be a reasonable requirement, and in light of the evidence that has been submitted to Officers, would be unnecessary.

It is considered that the development would not result in the loss of employment land and would enable re-use of this currently and long-standing (since 1993) vacant site and subject to complying with all other development control policies, the principle of developing this site with a mixed use of residential and A1/2/3 class uses is acceptable.

Design/Landscape:

The previous application proposed a three storey building, which was arranged as a set of five gables, with quite significant vertical emphasis. On appeal, the Inspector stated that the elevation of the building “*would not be typical of the appearances of other terraces in the street scene within the Conservation Area*” and that “*it is typically the modest two-storey element that faces the street with the three or more storey element to the rear*” (para 27). The Inspector concluded that the three storey element facing the road would be a “*marked contrast to the adjacent two dwellings that would be read in the same street scene view*”, and concluded that the character and appearance of the Conservation Area would not be preserved.

Although this proposal once again proposes a development of three storeys overall with five gables, there exists less vertical emphasis, and the form of the building has been revised so that the upper two floors (the residential element) is set further back from the frontage. In other words, the retail element projects closer towards the street than do the upper levels. With reference to the dwellings adjacent to the site to the south (Nos. 1 & 2 Gould Road), these properties have the two storey element set further back, with retaining walls/steps projecting further forward towards the rear edge of the pavement. In light of the comment made by the Inspector, it is now considered that this revised design approach would ensure that the building is read in the same street-view, as those properties.

Roof-lines are comparable to No. 2 Gould Road, and although of a more contemporary appearance, the aesthetics and choice of materials (timber and render) are considered appropriate. The revised design proposes stonework on the ground floor element, which is respective of the existing wall to be demolished, and is comparable to existing buildings (Yeoward Boatyards) opposite the site.

In terms of the original boundary wall, which is to be demolished, this appears to have been constructed as part of the original gas works in the 1860s however it did then not have its present appearance as a continuous boundary wall but formed part of the lower south wall of the gasometer. The gasometer was demolished in 1950 to make way for the replacement gasholder and the wall was remodelled to its present form with a coped top. In historic terms, the addendum to the Heritage Statement states that the wall is a fragmentary remnant of the history of the site and in terms of architectural significance is considered to be low in historic terms, due to the way in which it has been altered over time.

Overall, it is considered that the application is now acceptable in design terms, and that the character and appearance of the Conservation Area will be maintained. At the time of the previous application, no impact was considered to occur on the wider landscape value of the AONB, and that continues to be the case with this proposal.

Neighbour Amenity:

The previous application was refused (in addition to the reasons discussed above) on the basis of serious and adverse levels of overlooking to the neighbouring property, Jilmar. On appeal, the Inspector (para 32) stated that he did not consider there would be any reason to justify a refusal of permission on that basis. With this revised submission, it is noted that balconies are proposed, however on the gable closest to Jilmar there exists no projecting balcony at the second floor level (it is noted that a Juliet style balcony with inward opening doors is provided however), and therefore levels of overlooking would be no different to those considered at the time of the previous appeal.

Given that the Inspector previously concluded that the building the subject of the previous submission would not be overbearing from Jilmar, it is considered that this remains the case with this application and refusal would therefore be very difficult to defend on this basis.

Highways/Access:

Highway Officers raise no objections to the application citing the fact that there are two car parks in close proximity to the site, and visiting motorists use these facilities. The A1 uses consequently have sufficient parking available. Highway Officers state that the roads near to the site are restricted and would not object on highway safety grounds.

Although five parking spaces are proposed to serve the five dwellings, it is acknowledged by Highway Officers that this is a reduction in the level of parking standards, however they cite the restricted roads and two public car parks in close proximity as offering a suitable alternative for the occupants.

The proposals for the new loading bay for the retail units, and a new pavement so that adequate visibility is achieved for the access to the residential properties will require a Section 278 agreement to allow the works to commence on the existing public highway. Overall, no objections are raised to the development subject to conditions requiring the demarcation of the existing public highway, submission of a Construction Management Plan and the access works to be completed prior to occupation of any part of the site.

Flooding/Flood Risk:

The site is located within Flood Zone 3 and it therefore falls for the Council to apply the Sequential and Exceptions Tests as set out within the NPPF. Ordinarily a “more vulnerable”

use, such as residential would not be sequentially acceptable within Flood Zone 3 and it would be desirable for the proposal to be located in an area of lesser flood risk. However, given the situation that South Hams District Council does not have a five year housing land supply, it is considered that were the application refused on sequential test reasons, it would be very difficult to justify on appeal. The site lies within a development boundary, and will make use of previously developed land. In this particular case, given the lack of a five year housing land supply, and on the merits of the case, in this instance, the sequential test is considered to be passed. It should be noted that at the time of the previous application, the Council raised no objections in terms of flooding and flood-risk.

Turning towards the exception test (whether or not the development can then adequately mitigate against flooding and flood risk), the Environment Agency raise no objections subject to conditions. The application is therefore considered to pass both sequential and exception tests, and flooding and flood risk are able to be adequately mitigated against.

Ecology

The site lies within close proximity to an SSSI, however the Council's Ecologist raises no objections and advises that the submitted Ecological Assessment makes reasonable conclusions and places pollution measures to avoid any impacts. Conditions are recommended, and therefore no undue effects on ecology arise.

Financial Contributions:

At the time of the previous application, the Council refused permission based upon lack of the appropriate financial contributions for Affordable Housing, Open Space, Sport and Recreation and towards education provision. During the appeal however, a draft Section 106 was submitted and agreement was given to these contributions. The Inspector duly determined the appeal in accordance with this.

- Affordable Housing:

Due to the size of the development, it becomes eligible for a financial contribution towards the provision of off-site affordable housing. The Council's Affordable Housing Officer has advised that the contribution due is £138, 856.

- Open Space, Sport and Recreation:

The Council's Natural Environment and Recreation Team have advised that it is not possible to provide On Site Sport and Recreation facilities as part of the development. Given the scale of the proposed development, an additional 20 residents (based from calculations) would contribute to existing deficiencies towards Open Space, Sport and Recreation (OSSR) within Salcombe.

The nearest play facility to the proposed development site is at Courtenay St (circa 250m straight line, or 400m walking distance). In order to sustain this facility for continued use (the facility requires renewal of equipment), and to meet the play facility requirements from the new residents at the proposed development the Council's Natural Environment and Recreation Team has advised that an off-site contribution is sought to improve this facility. Based upon the additional 20 residents, and using Table 6 of the SHDC OSSR SPD as a guide on current costs, the sum of £7,600 is sought for 'improvements to play facilities at Courtenay Park, Salcombe.'

Playing pitch facilities in Salcombe are focused around 'The Berry' area (which includes open space, football pitch and play facilities). Based on up to date and robust evidence presented in the South Hams and West Devon Plain Pitch Strategy (Consultation Draft – Jan 2015), there is an identified requirement to improve drainage and create changing facilities at the football pitch at 'The Berry' to enable this facility to meet existing needs and the additional pressure from new residents. Based upon the additional 20 residents and the needs outlined above, and using Table 6 of the SHDC OSSR SPD as a guide on current costs, the sum of £11,900 is sought for 'improvements to football facilities at The Berry, Salcombe.'

- Education:

Devon County Council's Children's Services have advised that the secondary school that would serve the area of development is Kingsbridge Academy, which currently has a shortfall of pupil spaces, so a contribution of £13,680.75 is sought towards additional school facilities. In addition, as the development is further than the recognised safe walking distance to school for the secondary aged pupil, it is further required for the development to contribute to transport costs to the sum of £3,287.00.

The applicant has agreed to these contributions, all of which comply with the relevant Community Infrastructure Levy Regulations, and this recommendation is made subject to the completion of a Section 106 Legal Agreement to secure these payments.

Conclusion:

The application is considered to be acceptable and will not see the loss of employment land, will be of an appropriate and acceptable design that will preserve and enhance the character of the Conservation Area and AONB. The amenities of neighbouring properties will not be harmed, and the development will satisfactorily provide for off-site affordable housing, improvements to education and open-space, sport and recreation.

The application is therefore recommended for APPROVAL subject to the completion of the necessary legal agreements.

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

NPPF
NPPG

South Hams LDF Core Strategy

CS1 Location of Development
CS6 Affordable Housing
CS7 Design
CS8 Infrastructure Provision
CS9 Landscape and Historic Environment
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
DP14 Protection of Employment Land

South Hams Local Plan

SHDC 1 Development Boundaries
KP 7 Employment Development in Salcombe

Rural Areas Site Allocations DPD

RA4 Shadycombe

LDF Affordable Housing DPD

AH1 Affordable Housing Provision
AH3 Unallocated Sites

Affordable Housing SPD

Open Space, Sport and Recreation SPD

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Kate Price

Parish: Totnes

Application Nos: 56/1693/15/AD and 56/1694/15/LB

Agent/Applicant:

Browns of Totnes
14 Stone Park
Paignton
TQ4 6HT

Site Address: 16 Leechwell Street, Totnes, TQ9 5SX

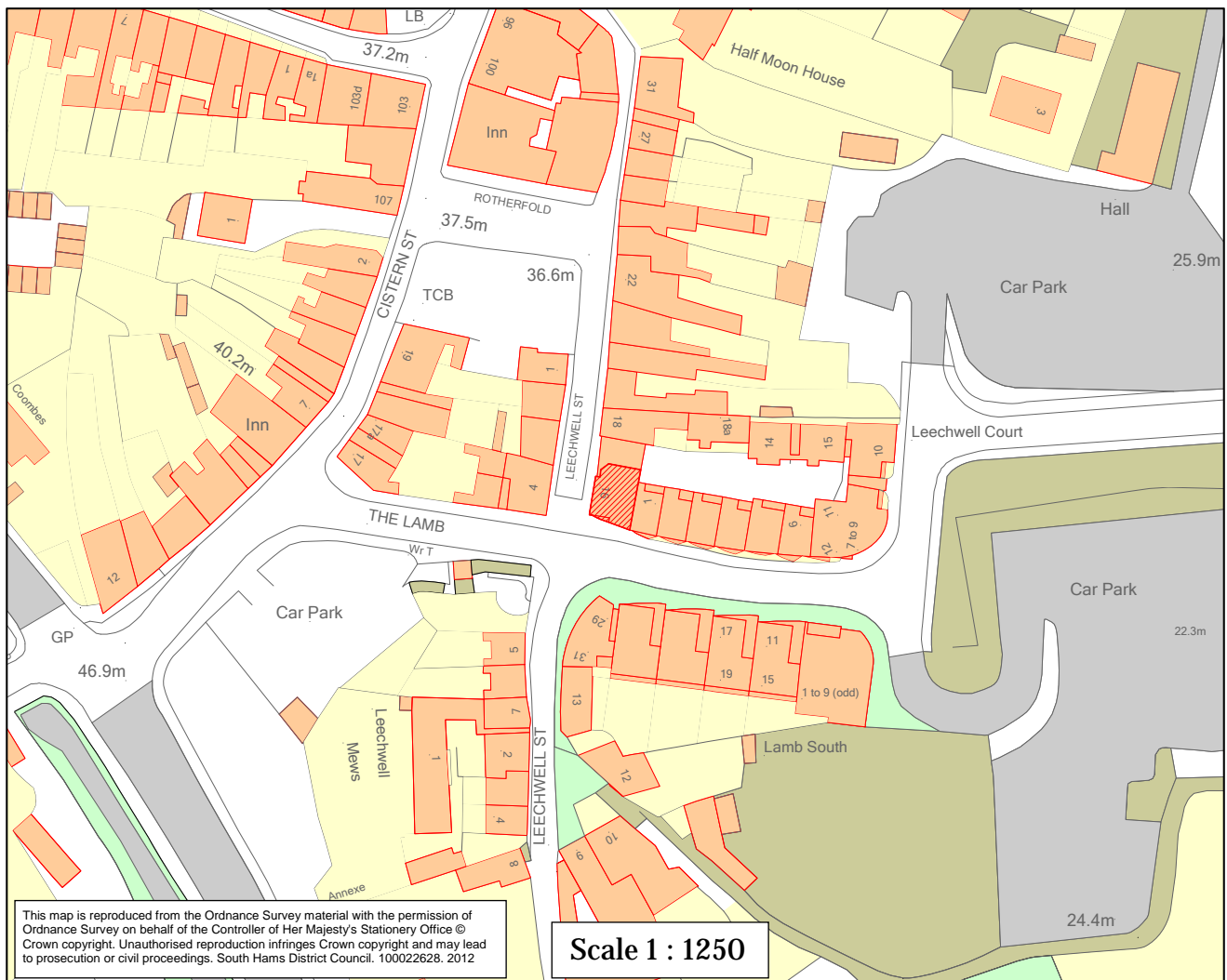
Development:

56/1693/15/AD - Advertisement consent for 2no. hanging signs and to add text to window and door and other minor internal alterations

56/1694/15/LB - Listed building consent for 2no. hanging signs and to add text to window and door and other minor internal alterations

Reason item is being put before Committee:

The property is owned by South Hams District Council and the applicant is the prospective lessee.



Recommendation: Conditional Approval

Conditions:

56/1693/15/AD:

1-5 Standard Advert conditions

56/1694/15/LB:

1. Time Limit
2. Accord with approved plans
3. External redecoration to be in a cream colour.

Key issues for consideration: The principal issues relating to these two applications are in respect of the proposed use of the property and the proposal design and the effect upon the amenity of the area, public safety, on the character and appearance of the listed building and its setting, and the overall desire to preserve the integrity and the special interest which it possesses, together with the overall setting within the Totnes Conservation Area.

The two proposed hanging signs and the film/text to windows and door respect the character and existing appearance of the listed property without harming the integrity of significant historic features or affecting the amenity of the area. The changes to the Listed Building do not cause any harm to the special character or appearance of the building.

Site Description:

16 Leechwell Street sits at the corner of Leechwell Street at the junction with The Lamb and continues under the projecting upper storeys with a splayed entrance door. The property is very visible in Leechwell Street itself, sitting on the east side of the street, but not so visible on The Lamb where it is adjacent to a modern early 21st century housing development which wraps around the gable end elevation of the application property. The property is grade II listed dating from the early 19th century and is 3 storeys high. This application is for the ground floor shop premises only, the upper floors being residential and laid out in 2 apartments.

The Proposal:

To fix a projecting sign, and fix film/text/graphics to 2 windows and one door together with other minor internal alterations – internal decoration lighting and floor coverings and external decoration.

Consultations:

- County Highways Authority – No highway implications
- Town/Parish Council – No objection

Representations:

None

Relevant Planning History:

56/2258/05/DC Conversion, change of use and new build to create 1 commercial unit B1 and A1:A5 use, total 17 residential units – Conditional Approval

56/2256/05/LB - Listed Building Consent for the change of use of ground floor to A1 or B1 use, and conversion of upper floors to provide 2 no. Apartments - Conditional Approval

ANALYSIS

The Principle of this development proposal is acceptable. Although the property has more latterly been let as offices this proposed shop is a use which has been established as A1 or B1 use in the 2005 applications listed above. The potential for active frontage and contribution to the overall amenity for this end of Leechwell Street is welcomed.

The Design of the projecting signage in the two proposed places is with a small wrought-iron metal sign on Leechwell Street and a larger metal gallows bracket with brown and cream timber rectangular sign set within the framework and with both signs unlit. The window film graphics to two windows and one door on the splay are acceptable.

The decoration of the external render to the ground floor has been proposed as alternative colours of brown or cream. Negotiations have taken place with the applicant and the landlord that the decoration should be carried out in cream, and this has been conditioned, as brown is not deemed appropriate for this listed property.

Neighbour amenity has been considered and this is modest signage with no associated lighting and is therefore acceptable and will have no adverse impact on the amenity of the residents or occupiers of adjacent properties and is likely to contribute in a positive way. Public safety has also been considered and no adverse issues arise.

Other Matters: the wider context of the Conservation area is also of consideration and the scheme design proposals are acceptable in this context, together with adjacent historic and listed properties.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

Planning Policy

NPPF & NPPG

South Hams LDF Core Strategy

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

South Hams Local Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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