

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Yealmpton **Ward:** Newton and Yealmpton

Application No: 0579/16/FUL

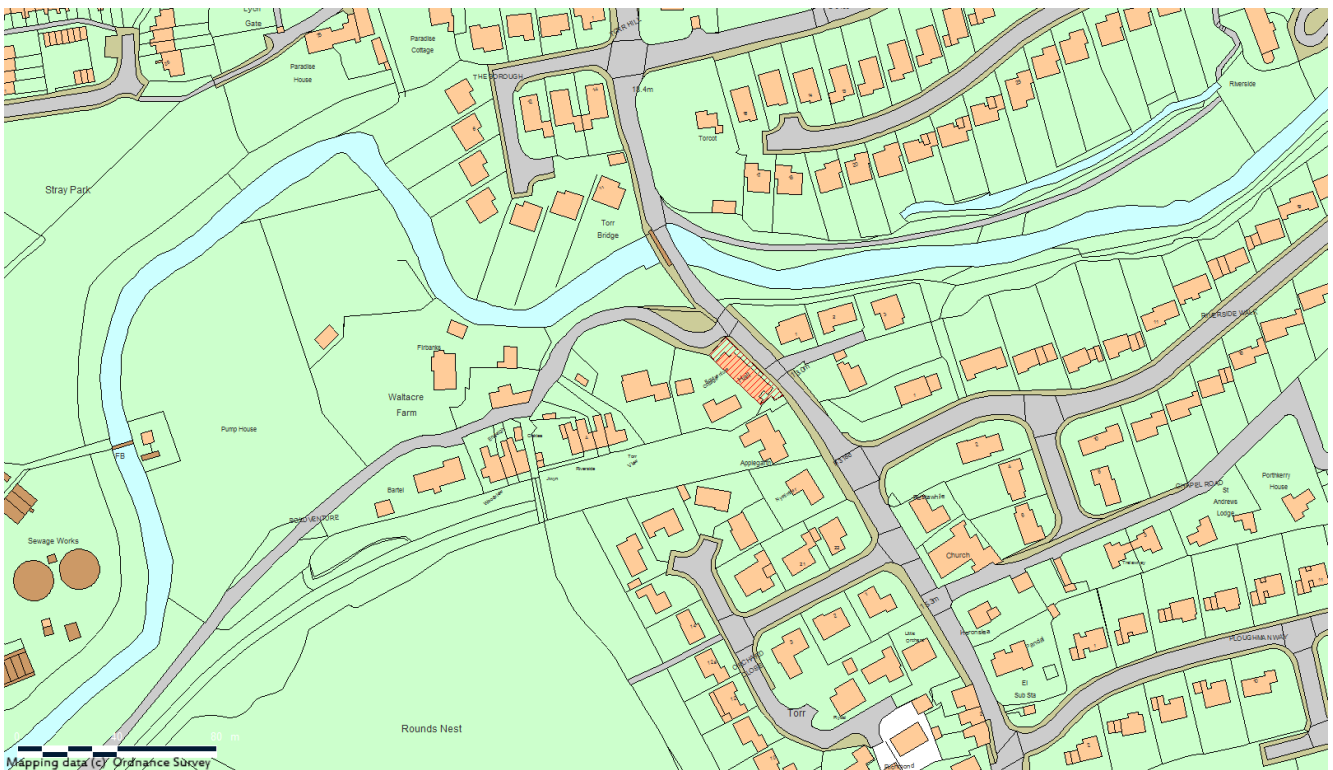
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Site Address: Site Of Wi Hall, Ford Road, Yealmpton, Devon, PL8 2NA

Development: Erection of a detached house on land previously used for WI hall

Reason item is being put before Committee: At the request of Cllr. Ian Blackler, Ward member for Newton and Yealmpton: 'I am asking for this application to go to Development Committee due to the objections that have been raised, I personally feel it should be approved'



Recommendation: Refusal

Reasons for refusal

1. The proposal is flood zone 3, but does not provide safe access and egress during a flood event, a requirement of the Exception Test.

Key issues for consideration:

- Flood risk and drainage issues
- The design and appearance of the proposed house
- The adequacy of the proposed residential environment
- Impact upon the amenities of neighbours
- The adequacy of proposed access and parking arrangements

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of **£1.165** per annum, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site is a small rectangular shaped area of land approximately 0.03ha in size located adjacent to the Ford Road (B3186) and to the south of the Yealm river.

It was previously occupied by a Women's Institute (WI hall). This was a single storey building which has now been demolished leaving a vacant site. There is one tree within the site. Other are trees close to the boundary.

The surrounding area is residential in character with 'Applegarth', a large detached house to the south, Boldventure another house to the east and Tuckers Close, a small residential cul-de-sac, to the west.

The Proposal:

Permission is sought for the erection of a three bedroomed, reverse level, house. Accommodation is provided on four levels in this split level house: a car port at lower ground floor level; an entrance hall, two bedrooms and a bathroom at upper ground floor level; a living room at lower first floor level and a kitchen and another bedroom, with ensuite bathroom at upper first floor level. External finish would be mostly render on a stone plinth with a natural slate roof, part hipped and part gabled and extending into catslides.

The proposed house is shown occupying the southern part of the site leaving the remainder as amenity space, permeable hardstanding, turning area and a soakaway drainage system. Access is shown onto the Ford Road (B3186) with only a low stone wall proposed along the frontage to allow a visibility splays of 2.4x45m in both directions

The application submission is accompanied by a Design and Access Statement, Tree Survey, Homecheck contamination risk, flood risk, radon and ground stability and a copy of the Yealmpton Parish Emergency flood plan.

The architect explains the rationale for the design in the Design and Access statement. It states:-

'The layout of the site is greatly influenced by the existing constraints. The site is long and narrow fronted by a public footpath.

Due to overlooking issues the property has been designed so that the main aspects face away from existing properties. This configuration coupled with the optimum location for parking access, and private amenity areas has generated the layout on site.

The building has been designed to place all living space at a minimum height of 14.300TBM to avoid potential flooding issues.'

Consultations:

- **County Highways Authority** – It is noted the access has been relocated and it is now considered adequate visibility splays are available noting the speed of traffic on the B road. The application provides adequate parking and turning and therefore all previous objections can be removed
- **Yealmpton Parish Council** – No comments to make
- **Environment Agency** – Object to the application on flood risk grounds. It has not been demonstrated that the proposal can satisfy the second part of the Exception Test because there is no safe access and egress during a flood event. This is sufficient reason to refuse planning permission.

Furthermore the development should not be permitted unless your authority is content that the flood risk Sequential Test can be satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF). As you will be aware, failure of the Sequential Test is also sufficient justification to refusing a planning application.

The application site lies within Flood Zone 3, defined by the Environment Agency Flood Maps having a high probability of flooding, and has previously flooded. Paragraph 103, footnote 20 of the NPPF requires applicants for planning permission to submit an FRA when development is proposed in such locations.

We confirm that, based on the flood risks of the area, the ground floor level of the dwelling (including habitable and non-habitable rooms) should be elevated above the 1 in 100 year flood level including an allowance for climate change

Regardless of this, it is expected for a new dwelling that there should be a safe access and egress route from the development during times of flooding. Paragraph 7-038 of the Planning Practice Guidance is clear that access and egress needs to be part of the consideration of whether new development will be safe. We advise that the safety of this route should be considered for a 1 in 100 year flood event (including some allowance for climate change) to determine the risks over the lifetime of the development.

The hazard rating for this development site falls into the 'danger for all' classification based on Defra/Environment Agency guidance, which is the most severe rating. We note that a 'stay put approach' is being proposed during flood events. While we acknowledge this could be viable, this does not eliminate the risks and our expectation is that occupants or the emergency services should be able to safely enter or leave an dwelling during times of flooding. Based on our understanding of the risks, we consider that this would not be possible for the development proposed in this application.

However, if you are minded to approve the application on the basis that other material considerations outweigh the flood risks, you may wish to consult internally with your Emergency Planners to determine their views on safe refuge as an alternative to safe access and egress. They will need to confirm that they can incorporate the additional occupants into their emergency evacuation plans.

- **SHDC Emergency Planners** - Based on the Environment Agency's response I would agree that there is no safe access or egress to the property during a flood event, and I would share concerns that using a "stay put" approach is not always deemed suitable due to the lack of access to emergency services during the extent of the flood incident. Minded to follow the advice of the Environment Agency on this application.

Representations:

Six letters of representation (LOR's) have been received. All object to the proposal. The grounds of objection can be summarised as follows:-

- Flooding
The issue of future flooding has not been addressed. The site is located in level 3 Flood Plain where it would be against government advice to allow a new dwelling. Can see no reason for Environment Agency to change its' views. The Council seems intent to ignore the EA's advice. There is concern about position of proposed soakaway.
- Character of the area
The proposal is even higher than previous applications. It is too high. It is out of keeping with the height of adjacent properties. The old WI building has simple single story. Only a single storey acceptable.
- Height overlooking./ overbearing
Extreme loss of privacy. The building will severely infringe upon privacy of existing properties opposite and adjacent. At the height proposed it will tower over the neighbouring cottage, adversely effecting light at certain times of the day. It will also overlook several local houses and gardens.
- Traffic and access
The proposed access is onto a very busy main road. It would be extremely dangerous with parked cars and a bus stop where the vehicular access is shown
- No need for this application
There is no need for new house in area with 5,000 new houses planned for extended area (Sherford)

Relevant Planning History

Ref 62/1298/15F erection of a house Withdrawn by applicant October 2015 following advice from EA and SHDC Emergency Planners that it would not be supported.

ANALYSIS

Principle of Development/Sustainability:

The site was last used to accommodate a WI hall. A WI hall can in certain circumstances be considered to be a community building. A proposal to redevelop the site for an alternate residential use therefore falls to be considered, in the first instance, against Policy DP9, Local Facilities of the adopted Local Development Plan. Point 2 of Policy DP 9 states:-

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

- (a) there is alternative local provision, and/or*
- (b) there is proven absence of demand for the facility, and/or*
- (c) It can be shown that it is non viable.*

Since submission, the applicant's agent has expanded upon the brief comment in the Design and Access statement about the use being unviable, He has explained that former the WI building was a corrugated iron construction in very poor condition which was demolished as it was not fit for purpose and due to the damage caused to it and its lack of use, the owners decided it was no longer economically viable. He has also pointed out that Yealmpton has a new parish hall linked to the school, which has provided all of the community facility which was required. This statement, together with the absence of any representations from the local community objecting to the proposal on grounds of loss of a community facility grounds, indicates that the proposal is acceptable in relation to policy DP9.

The site is a previously developed site located within the settlement boundary for Yealmpton, a designated local centre. The proposal complies with Core Strategy Polies CS1, Location of development and CS5, previously developed land and there is no, in principle, objection to residential development.

However, the site is also located in an area where there is a known risk of flooding. In such locations the provisions of Section 10 National Planning Policy Framework (NPPF) 'Meeting the challenge of climate change, flooding and coastal changes', Core Strategy Policy CS11 Climate Change and Development Plan Policies DP1 High Quality Design and DP4 Sustainable Construction overlay these, in principle, considerations.

Section 10 Paragraphs 100-103 of the NPPF are relevant, with paragraph 102 in particular most relevant. It states:-

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in area at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:-

- *Within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location, and*
- *Development is appropriately flood resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.*

Policy CS11 requires *management of impacts of climate change through design and location of development, including sustainable drainage, water efficiency measures and ensuring no loss of flood storage capacity.* Policy DP1 requires *layouts to promote health and well being ...cohesion and safety* and Policy DP4 requires point 1. *Development should be adaptable, anticipating change in household needs and family structures throughout their lifetime as well as anticipating the impacts of climate change.* And point 3 *Development will avoid or mitigate any increase to the risks of floods occurring or to their severity both on site and elsewhere*

The proposal is located within flood zone 3, where new residential development must demonstrate that safe access and egress can be provided during a flood event in order to satisfy the second part of the Exception Test. The Council's Emergency Planners have made clear that they are not prepared to support the 'stay put' option, proposed by the developers, or support the proposal whilst the Environment Agency retain objection.

The proposal is contrary to policy CS11, Climate Change of the Core Strategy and policies DP1, High Quality Design, and DP4, Sustainable Construction of Development Policies DPD and paragraph 102 of the NPPF.

Design/Landscape:

Policy DP1, High Quality Design, requires all development to display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.

The site is within the settlement boundary and was formally occupied by a utilitarian WI hall, of no special merit. It is relatively small and narrow, and constrained, but is of sufficient size to be considered a development plot.

The internal arrangement proposed are slightly contrived to avoid the creation of windows on the south western and south eastern elevations that would overlook neighbouring property. Furthermore, whilst there are some residual concerns that this proposal represents the shoehorning of a house into a tight plot and that a high proportion of the space is occupied by a vehicle turning area and soakaway, it is considered that the applicant's architect has managed the available space quite well, given the challenges on this constrained site and that, on balance, proposal is acceptable in this location.

Apart from being established residential the character of the wider area is quite mixed. Bonaventure Cottage the nearest neighbour, to the west, is low level, set back in its plot and of some age. The

houses in Tucker's close, opposite and Applegarth, neighbour to the south, are modern and solid rather than architecturally remarkable.

Neighbour Amenity:

Policy DP3, Residential Amenity, requires, among other things, that new development does not have an unacceptable impact on the living conditions of occupiers of nearby properties. It makes clear unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from:

- a. loss of privacy and overlooking;
- b. overbearing and dominant impact;
- c. loss of daylight or sunlight;
- d. noise or disturbance;
- e. odours or fumes.

The main aspect of the house and its windows faces towards the north east and north west towards the road to avoid overlooking of the neighbours. The height of the building has been increased in an effort to try and overcome concerns about flooding, and it is higher than its neighbours, but the closest neighbour at Bonaventure Cottage presents a flank elevation to the site and is partly screened by foliage. Applegarth, the neighbour to the south, does have windows on its northern elevation that face at an oblique angle towards the site, but its principle elevations are east west. The proposed impact of the proposed house upon its neighbours is considered to be satisfactory in terms of Policy DP3.

Highways/Access:

The highway authority is satisfied with the proposed access and parking arrangements and satisfies the requirements of Policy DP7.

The achievement of a visibility splay of 2.4x45m onto Ford Road in the south easterly direction is dependent on the with proposed low front boundary wall shown. A condition to ensure that this sight line is permanently retained and ensure that is not replaced at a subsequent date with a higher, or vegetation allowed to grow that obscures this sight line is considered necessary.

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

Planning Policy

NPPF

South Hams LDF Core Strategy

- CS1 Location of Development
- CS7 Design
- CS9 Landscape and Historic Environment
- CS10 Nature Conservation
- CS11 Climate Change

Development Policies DPD

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

South Hams Local Plan

- SHDC 1 Development Boundaries

MP 15 Yealmpton

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.