

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Kingswear **Ward:** Dartmouth and East Dart

Application No: 0253/16/FUL

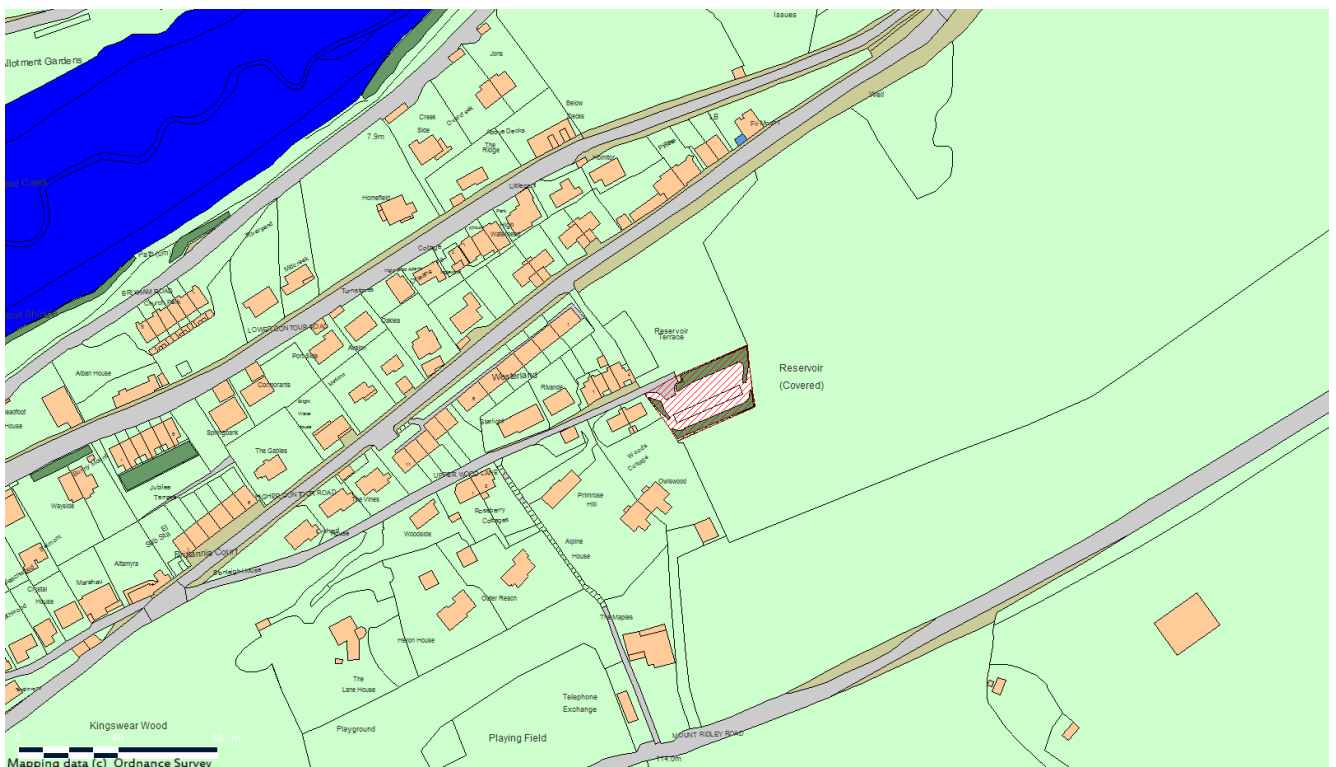
Agent/Applicant:
Mrs Amy Roberts
Sowton Business Centre
Capital Court
Bittern Road
Exeter
EX2 7FW

Applicant:
C/O Agent

Site Address: Putts Reservoir, Upper Wood Lane, Kingswear, Devon, TQ6 0DH

Development: Application for redevelopment of brownfield site (redundant reservoir) to provide one dwelling

Reason item is being put before Committee: At the request of Ward Councillor who cannot support officer recommendation



Recommendation:

Condition approval

Conditions

Time

Accord with plans

Details of landscaping, including natural planting

Construction management plan

Unsuspected contamination

Details of reptile method statement

Removal of vegetation outside of bird nesting season

Adherence to the Arboricultural report

Key issues for consideration:

Principle of the location

Design and visual impact on landscape

Transport

Ecology

Site Description:

0.09ha site consisting of the redundant Southwest Water Putts Reservoir site, located at the eastern end of Upper Wood Lane that forms the eastern boundary of the Kingswear settlement. The site is bounded by a wooded slope to the north, agricultural land to the east, agricultural land and residential properties to the south and housing on Upper Wood Lane immediately to the west. The site is accessed via Upper Wood Lane.

The site is within an Area of Outstanding Natural Beauty and the site is subject to a Tree Preservation Order.

The Proposal:

Erection of a two-storey, three bedroom dwelling, with an internal garage and space for parking/turning. The dwelling would be cut into the bank and have flat green roofs, it would have a raised ground floor terrace and a first floor terrace on the west side of the dwelling.

Materials: Walls timber cladding at first floor and natural stone at ground floor, galvanised metal gutters and downpipes, windows and doors powder coated aluminium light grey colour, retaining wall around raised terrace to be natural stone.

In support of the application the applicant has submitted:

- Planning Statement – Ben Cornwell LLP
- Landscape and Visual Impact Appraisal – Redbay Design
- Arboricultural Survey – Advanced Arboriculture
- Letter from Transport Planning Liaison
- Ecological Impact Assessment – Ambios Ecology
- Contaminated Land Survey – ASI Ltd
- Landfill Gas Assessment – LG Solutions
- Drainage Strategy – Clarke Bond

Consultations:

- County Highways Authority – no objection, standing advice
- Environmental Health Section – no objection, subject to condition on unsuspected contamination

- Town/Parish Council – objection on the grounds it is a prominent site overlooking the River Dart Valley, Dartmouth, in AONB and coastal preservation area, outside of development boundary surrounded by established hedgerows and visited by curlew buntings. Located at the end of an unadopted track with limited parking so it would cause extensive traffic problems.
- Specialist landscape officer - The LVIA is sound and officers broadly concur with the findings and appraisal, the viewpoints are noted. The report submitted by Advanced Arboriculture is sound and officers broadly concur with its findings. Further comments are included in the analysis section below.

Representations from Residents

10 objections have been received and cover the following points:

- Outside the settlement boundary
- Woods Lane used Kingswear Primary school and no risk assessment submitted
- Woods Lane has no turning spaces
- Woods Lane is not suitable for heavy vehicles
- Disruption from construction
- Heavy vehicles do not currently access the reservoir so no net improvement
- Insufficient space during construction for vehicles to turn
- Loss of trees will harm the visual amenity of the area
- Loss of habitats
- There has been no local consultation
- The five bar gate is shared access with Boohay Estate, Hightrees and SW Water –there the development would block access during construction
- It will create a high value house when the town needs lower value housing
- Boohay Estate claim to own the rights to the site and have not been consulted or will grant access
- Wood Lane is the main water supply and also sewage for Upper Wood Lane
- Curlew bunting have been seen on site
- Although unused the existing reservoir could be brought back into use if needed
- The ecology surveys were not undertaken at the correct time.
- Much wildlife on the site
- Wood Lane is considered unsuitable for waste collection lorries

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The site of the proposed dwelling is adjacent to but outside the settlement boundary of Kingswear and as such policy CS1 states development will only be permitted where it 'can be delivered sustainably and in response to a demonstrable local need'. In addition, policy DP15 sets out the conditions in which development in the countryside may be acceptable. It is noted that the proposal would not meet the criteria (a) on the essential needs of agriculture or forestry and neither would it meet (b) 'the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.' However, due to the Council's failure to demonstrate a five year supply of land for housing, the continued integrity of the relevant local planning policies is subject to challenge. Officers are obligated to consider each proposal against the criteria for sustainable development set out within the National Planning Policy Framework.

It should also be noted that the site is considered to be a B8 Use Class Storage Facility and a brownfield site. However, as the site is in the AONB change of use from B8 to C3 is not deemed permitted development as prescribed by the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereinafter referred to as the GPDO 2015).

In this instance, great weight is given to the fact the site adjoins the Development Boundary of Kingswear. In addition, further weight is also afforded to the fact that this is a brownfield site, and given the cost of developing the site limited other uses are considered likely to be viable. The site is considered by officers to be a sustainable location with specific regard to access to services, being a sensible walking distance to the services provided within the town.

These specific, mitigating factors are considered by officers to provide the justification for which a departure from the development plan can, in principle, be supported.

Design/Landscape:

The proposed house would be cut into the steep bank such that only part of it would project forward. The existing water reservoir would be converted into back of house storage, utilities spaces as well as a TV room at ground floor with a study and bathroom at first floor level. The dwelling has been designed with large flat green roofs across the existing structure and the two-storey extension which are considered to help blend the proposal into the surrounding landscape. In addition, the use of natural stone and cladding is considered to help soften the appearance of the new dwelling in this edge of settlement location.

The landscape and visual impact assessment has concluded that the study area with the AONB has a medium-high sensitivity to the proposed dwelling. While it was considered there would be some harm to the landscape in the short term due to the loss of trees/vegetation on the site, this is considered to correct over 7-10 years as the new planting matures. While the proposed building is different in design and materials to the surrounding houses, the proposal is considered appropriate to its subterranean setting and edge of settlement location. The study concludes that due to the small scale of the development, retention of some trees and the limited opportunities to view the site from within Kingswear and surrounding area the proposal would not harm the character of the area over the medium to long term.

The council's landscape specialist concurs with the findings of the applicant's landscape appraisal. The overall impacts are considered limited in nature given the context, scale and massing of the proposal on this brown field site. The land rises steeply to the south, behind the proposal, and is well screened from the south and east. To the north is a woodland and this also restricts views. Overall the site is visually constrained locally, with the impact of distant views low. The impact on character is also limited given the existing use and relationship to existing residential dwellings to the west; the wider character is maintained in accordance with policy.

Trees

It is proposed that six trees would need to be felled, all on the north eastern part of the site. In addition, tree T1 on the western border would need to be coppiced and the trees along the southern boundary of the site coppiced three years from completion of the works. Nevertheless, replacement planting of eight trees is proposed around the north, east and southern boundary of the site.

The Arboricultural Impact Assessment is clear and identifies the issues around development and long term management. The survey appears sound with the majority of the trees within the 'C' Category. It is acknowledged that works are required to the trees separately to the impacts resulting from the proposed development as part of an overall management strategy. However, with the proposed development management can still be achieved and a number of the protected trees retained under more focused works including re-coppicing.

The presence of the TPO is noted and has been carefully considered in the context of the proposal. The TPO provides the Council with the opportunity to review the site in context (with current tree stock) and assess any proposal in a timely manner, without the threat of premature felling. The order was modified from an Area order to two groups of trees. Officers believe the amenity can be retained longer term and any new tree planting considered for protection as part of mitigation.

The Council's specialist arboricultural officer raises no objections, but states that the development should be conditioned with adherence to the recommendations and guidance in the applicant's arboriculture report, including tree protection. Whilst it is acknowledged that the impacts will be clear initially, there are opportunities to mitigate the proposal medium term through new planting and tree management.

Neighbour Amenity:

In terms of amenity, the two-storey extension to the dwelling would be over 14m from the adjoining Woods Cottage. It is noted the side elevation of Woods Cottage contains a window, however this would face the adjoining bedroom window in the proposed dwelling at an angle, and would be further obscured by the retaining wall of the terrace and the handrail of the existing steps leading up the roof of the existing reservoir. While it is acknowledged that the use of the proposed first floor terrace may lead to some additional noise, given the existing close relationship of houses on Upper Wood Lane this is not considered to cause significant harm.

The proposed dwelling is therefore considered acceptable in terms of its impact on the amenity of the surrounding neighbours.

Highways/Access:

The dwelling would be accessed via Upper Wood Lane and the Highways Authority standing advice would apply. The plans have illustrated there would be space for vehicles to turn and parking for two vehicles, which includes one within the internal garage.

Residents have raised concerns that access leading up Upper Wood Lane is very narrow with limited passing spaces, contrary to the assertion in the application that there are ad-hoc passing spaces with good intervisibility. While officers agree that Upper Wood Lane is narrow with limited passing spaces, given this situation already exists, and despite the additional vehicle movement from the proposed dwelling, this is not considered a valid reason for refusal. The NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' In this case the cumulative impacts are not considered to be severe as the additional pressure from one new dwelling is not considered to be significant.

Concerns have also been raised on the disruption from construction, and in particular heavy construction vehicles. Due to the restriction on access to the site it is recommended that a construction management plan is conditioned that would, amongst other areas, deal with the delivery of materials to the site. The proposed long term residential use of the site is not considered to result in safety issues by the increase in vehicles using Upper Wood Lane.

Ecology:

The applicant's ecological impact assessment states that no protected species were identified on the site, and due to the limited structures and vegetation on the site it was also stated there is limited habitats for bats, nesting birds including Cirl Bunting. Nevertheless the specialist ecology officer has commented that the planting scheme should include some natural planting to compensate for the lost 'scrub' with its inherent bird nesting potential. In addition to a condition on landscaping details to include natural planting referred to above, conditions on reptile method statement and vegetation removal are also proposed.

In terms of when the ecology surveys were undertaken the Council's ecology specialist has stated that an initial survey can be taken at any time during the year (albeit that some months are better than others) and for non-sensitive sites this would be fine. It is noted that only detailed 'phase 2' protected species or vegetation surveys that have to be undertaken in a specific season.

Drainage

The applicant's drainage strategy states all surface water from the roofs and terracing areas will be attenuated on site, and the existing tarmac area will be drained via dispersed infiltration providing betterment to the overall surface water management. In addition, due to the sensibility to high

intensity rainfall, an exceedance system will be incorporated to handle these events. Foul water will be connected into the Southwest water combined sewer network located on Upper Wood Lane. Southwest Water have confirmed the connection into the existing network would be acceptable.

Other Matters:

The issue of access through the existing gate to the site is a private legal matter for the landowner to resolve so it outside the remit of this application. Southwest water have also confirmed that the reservoir is surplus to requirements and will not be brought back into use.

Conclusion

In conclusion, while the application site lies outside the settlement boundary of Kingswear, it adjoins this boundary and would be contiguous with the housing on Upper Wood Lane. It is therefore considered a sustainable location and so a departure from policy can be supported in this case. The design and materials are also considered acceptable, and subject to details of a full landscaping scheme it is considered to have a neutral impact on the landscape character in the medium to long term. The issues raised on transport are not considered to be severe to warrant a refusal, and issues on construction could be mitigated by a construction management plan. The proposed new dwelling is therefore recommended for conditional approval.

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

Planning Policy

National Planning Policy Framework

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

DP 7 Kingswear

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.