

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

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

Application No: 0579/16/FUL

Agent/Applicant:

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Applicant:

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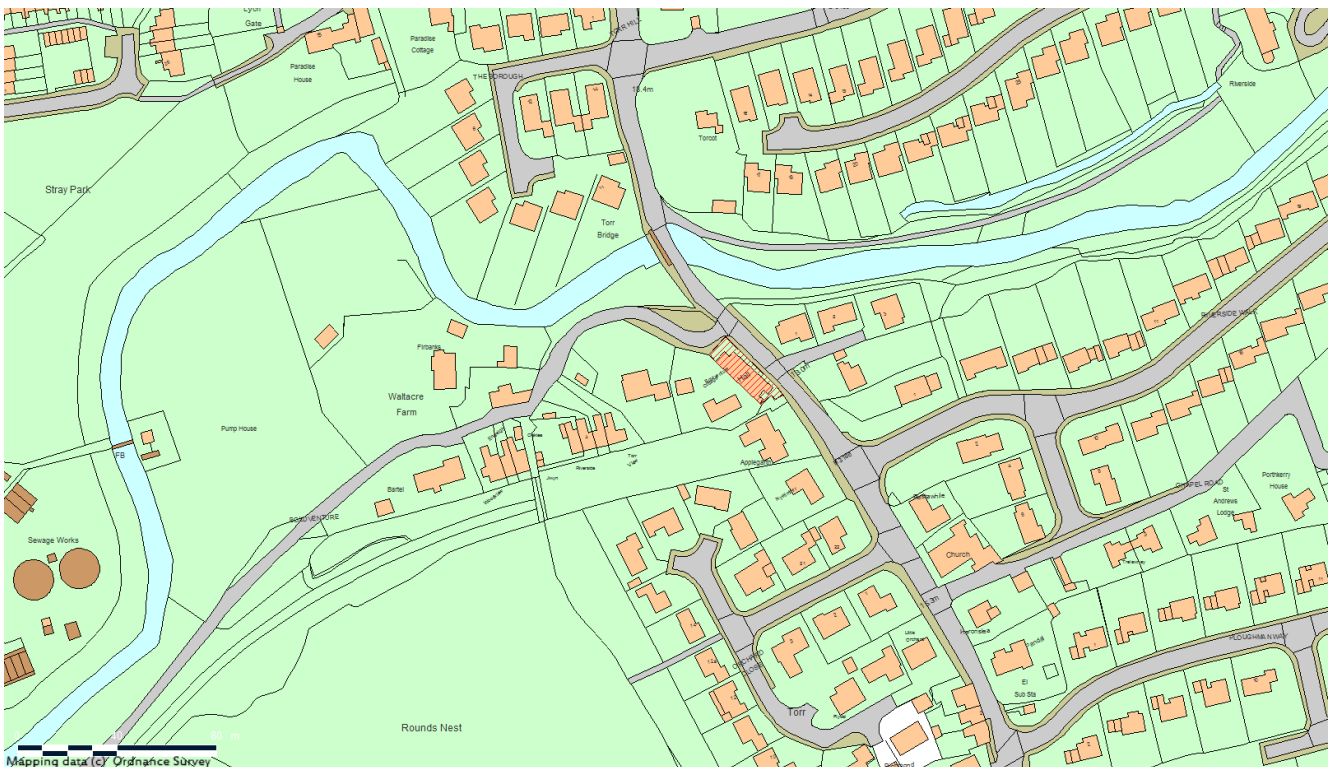
Site Address: Site Of WI Hall, Ford Road, Yealmpton, Devon, PL8 2NA

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' (Note that these comments were made in relation to refusal; recommendation, before flood risk issues were resolved)

This application was tabled for consideration at the 11th May 2016 Planning Committee, but consideration was deferred to a later Planning Committee at the applicant's request in order to allow for further exploration of the flood risk issue with the Environment Agency and SHDC Emergency Planners. This request was granted.

Since the 11th May a process of dialogue, meetings and consultations and clarifications in relation to flood risk issues has taken place between the applicant, the Environment Agency and SHDC Emergency planners. This has resulted in SHDC Emergency planners revising their position on flood risk in relation to the proposal. SHDC Emergency planners are no longer raising objection to the application, but are recommending conditions in relation to emergency access in the event that the application is approved. On this basis your planning officers have also revised their recommendation and are now recommending that conditional planning permission be granted.



Recommendation: Conditional Approval

Conditions (see end of report)

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. Most of these are late twentieth century additions.

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 – (18th March 2016)** 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 a 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.

Note:- As a consequence of further consideration since submitting the comments listed above the EA has revised its position. It acknowledges that flood mitigation measures have been proposed and will propose planning conditions should the Council be minded to approve the application. The detail of these revised comments and the proposed conditions will be verbally reported at Committee.

- **SHDC Emergency Planners** – Following discussions with the Environment Agency Emergency Planning is satisfied that safeguarding can be achieved by evacuating between the two flood

events (i.e. Surface Water Flooding and then Fluvial Flooding events). This can be controlled through a planning condition requiring the production of a detailed emergency plan.

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 DP9 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 development has been designed to be flood resistant with all living accommodation except the entrance hall set above the relevant flood level, a void below the building will prevent displacement of flood water elsewhere. Nevertheless the development needs to be considered against relevant flood risk policies.

This policy framework sets out a two stage process whereby a development proposal is considered, in the first instance against the provisions of the Sequential Test, and only in the event that it fails to meet these requirements can an Exceptions Test be applied.

The site does not satisfy the requirements of a Sequential Test. There are sites in the wider local area that could accommodate a new dwelling that are not subject to flood risk. However, the Sequential Test needs to be applied in a way that considers the wider context. This is a 'brownfield' site, previously occupied almost in its entirety, by a community building. It is a site located in the centre of a settlement surrounded by residential property, much of which is relatively modern, and residential offers a viable long term use in alignment with the wishes of the present owner. In these circumstances the advantages of securing a future use for the site and making a small contribution towards increasing housing supply in the District are, on balance considered to outweigh the rigid application of the Sequential Test .

Where the requirements of the Sequential Test cannot be met an Exceptions Test Can be applied.

The first part of the test requires that the development provides wider sustainability benefits to the community that outweigh flood risk. In this case the redevelopment of this brownfield site, returning it to an economically viable use that contributes to housing supply in the area provides a sustainability benefit that outweighs the level of flood risk and satisfies the first part of the Exception Test.

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. This includes timely forewarning procedure and safe evacuation route for residents, for the duration of the flood event. This is particularly important for those groups who are most vulnerable: the young, elderly disabled and with a chronic medical condition, as 'a stay put' flood solution, waiting for the flood waters recede, may expose them to significant risk. Following extensive consideration between the applicant's representatives, the Environment Agency and the Council's Emergency Planners it has been established that it is possible to put in place a conditional regime which provides adequate warning and safe evacuation from the site in a future flood event, On this basis the Council's Emergency Planners have withdrawn their earlier objection. This satisfies the second part of the Exception Test.

It is considered that, subject to adherence to appropriate conditions, the proposal satisfies the requirements of 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.

Proposed Planning Conditions**Time limit**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved drawing numbers

The development hereby approved shall in all respects accord strictly with drawing numbers 630.07 RP; 630.08RP Rev.A; 630.09P; Rev.B; 630.10RP Rev. B; 630.11RP Rev B; 630.12RP Rev.C; 630.13RP Rev. A;

630.14RP Rev.B; 630.15RP received by the Local Planning Authority on 16th March 2013.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

Materials

Prior to their installation details of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

Tree protection during construction

The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.
- (ii) No fires shall be lit within the spread of the branches of the trees
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees
- (iv) Any damage to the trees shall be treated with an appropriate preservative.
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans. Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

Removal of PD windows first floor south west and south east elevations

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), all windows at first floor level and above on the south west and south east elevation shall be obscure glazed prior to first occupation and shall be permanently maintained as such.

Reason: In the interests of amenity to prevent overlooking of neighbouring residential property

No construction or vegetation growth within sight lines

Within the sightlines at the vehicle entrance shown on the approved plan the applicant, and successors in title shall not construct any structure or allow vegetation to grow above 0.5m.

Reason in order to ensure that adequate sight lines are [provided for the development.

Updated Emergency Plan Required

Prior to first occupation of the residential elements of the premises an emergency plan will be produced detailing the trigger points for evacuation, safe routes to safe harbourage, and contact details for emergency responders within the community. This plan once approved will be made available to future residents by means such as in the welcome pack of sale.

No mud, stones, water or debris shall be deposited from the site onto the public highway at any time.

Prior to works commencing a dust suppression scheme shall be submitted to and approved by the Local Planning Authority. Such scheme shall include details of vehicle wash off points. The approved dust suppression scheme shall be implemented upon commencement of the works hereby approved and maintained during the period of construction/works on site.

Reason: In the interests of residential amenity

Removal of PD - extensions & garden structures

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To ensure that flood risk is not increased elsewhere.

Space under house to be kept permanently void

The voids shown located underneath bedrooms 1 and 2 on drawing number 630.14RP rev B set immediately below the finished floor level 14.300, shall be kept permanently void and clear of obstruction. They shall not be utilised for storage or incorporated into the habitable part of the house.

Reason:- To ensure that flood risk is not increased elsewhere.