

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Bere Ferrers **Ward:** Bere Ferrers

Application No: 4043/17/OPA

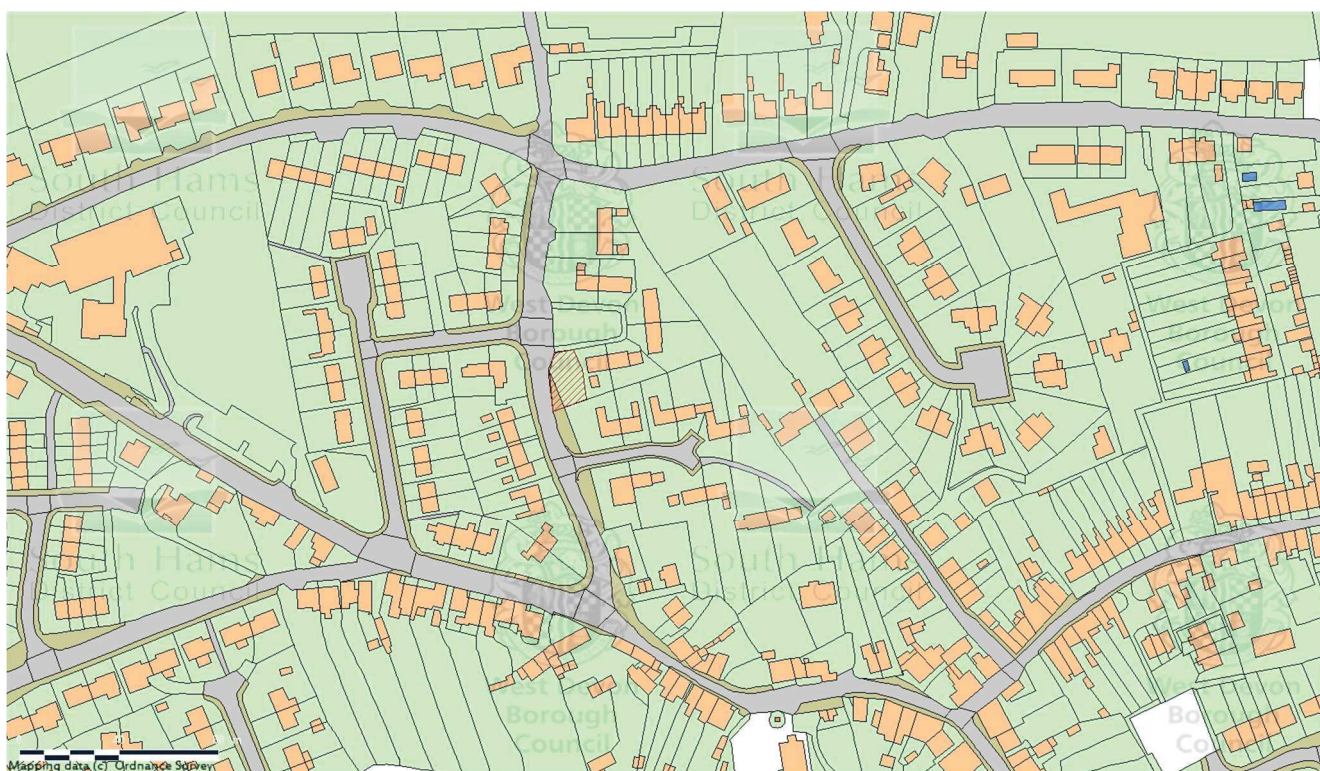
Agent/Applicant:
Rowan Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:
Mrs P Bird
8 Drakes Park
Devon
PL20 7DY

Site Address: 8 Drakes Park, Bere Alston, Devon, PL20 7DY

Development: Outline planning application for the erection of one dwelling

Reason item is being put before Committee: It has become apparent since the submission of the application that WDBC has an interest in the land which has since been formally registered with HM Land Registry.



Recommendation: Conditional approval

Conditions

Time limit for Reserved Matters submission and implementation

Accord with plans

Reserved Matters including reference to visibility splays

Foul drainage

Surface water drainage

Unsuspected contamination

Key issues for consideration:

Principle of development.

Site Description:

The site is situated within the village of Bere Alston, on the eastern side Drakes Park and currently forms part of the garden area of No.8.

The site lies within the Bere Alston Settlement Boundary.

The Proposal:

Permission is sought in Outline with all matters reserved for the construction of a single dwelling. The application initially proposed two dwellings, and after discussions with Officers revised details were received and the additional publicity carried out with an amended description of development.

Consultations:

- County Highways Authority – Standing Advice
- South West Water – Applicant/Agent advised to contact South West Water if they are unable to comply with their requirements (public sewer and mains water in the vicinity, no development will be permitted within 3m of sewer or main water and ground cover should not be substantially altered). Condition regarding foul drainage. Proposed method to discharge surface water into ground is acceptable.
- Bere Ferrers Parish Council – Object – *“Committee object to this application on the grounds of the adverse effect it will have on neighbours, over development of this area and highway safety. There are major traffic issues in Drakes Park, parking being the primary problem. Also we note that South West Water’s reply states ‘there is a public sewer and water mains in the vicinity and that no development will be permitted within 3 metres of the sewer or water main, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer and water main will need to be diverted at the expense of the applicant’. A vote was taken on committee’s objection to this application, 4 for and 2 abstentions, motion carried.”*

Representations:

9 letters of objection have been received following two rounds of consultation with concerns raised summarised as follows:

- Car parking is already a problem in this area, plans do not state provision for parking and there is no space for more cars on the road

- Highways safety – additional traffic, visibility
- Insufficient space for three bedroom properties on this site
- Verge included on plans appears to be Council property (grass cut by Council)
- Local residents should be given opportunity to purchase verge area for preservation as open space
- Overlooking of neighbouring property (29 Drakes Park)
- Impact on slowworms
- Historic refusal for single dwelling at 8 Drakes Park (OA/3/19/1339/1990/)
- Plans do not have sufficient details

Relevant Planning History

- OA/3/29/1339/1990/: Erection of a dwelling in garden. 8 Drakes Park Bere Alston Refusal: 28 Aug 90

Also of interest on a nearby site:

- 01994/2011: Erection of 2 dwellings and associated works. 9 Drakes Park Bere Alston Yelverton Devon PL20 7DY. Conditional Consent: 04 Jan 13

ANALYSIS

Principle of Development/Sustainability:

The site is located within the Bere Alston Settlement Boundary, where new residential development is acceptable in principle. There is nothing within the emerging policies of the JLP that would alter this position.

Reference has been made by third party objectors to a historic refusal of planning permission for a dwelling on the site (LPA ref. OA/3.29/1339/90/10861, decision date 28/08/90). This application was refused on the grounds the development would have been out of keeping with the spacious character of the area, over-dominant in relation to the highway, residential amenity and lack of on-street parking. Having regard to the age of the decision, changes in planning policy since that time and a more recent approval for two dwellings on a nearby site, it is considered that the Council could reasonably come to a different conclusion on the current proposal. In view of current adopted and emerging planning policies, the National Planning Policy Framework, and the more recent nearby approval on a site with similar characteristics it is considered that the principle of a single dwelling on the site can be supported.

Design/Street Scene:

The application has been submitted in outline for with all matters of detail reserved for subsequent approval. Indicative details have been provided showing how a single dwelling could be achieved on the site with some allowance for outside amenity space and parking. Officers consider that two dwellings on the site as originally proposed would not be an appropriate scale of development (taking account of how the recent development to the south now sits in the street scene). Whilst concern has been raised about the level of detail shown on the drawings, it is considered sufficient for consideration of an Outline application.

Neighbour Amenity:

Neighbour relationships would need to be considered further at the Reserved Matters stage but no in principle objection is raised – it is considered a single dwelling could be achieved on the site having regard to current standards for amenity.

Highways/Access:

The submitted indicative layout shows provision for on-site parking. Further assessment would be made at the Reserved Matters stage in terms of visibility splays and turning, but it is considered there is no substantive grounds for objection at Outline stage.

A number of third party objectors have raised concern about the impact of the development in relation to on-street parking, which they consider is already a problem in the locality. There are no minimum parking standards for residential development with the Development Plan, and as such refusal on this basis would be difficult to justify. Devon County Highways have advised that they could only consider objection on the grounds of 'parking shortfall' if there would be a clear hazard to highway safety, having referred to the Standing Advice in their formal response. It is considered that refusal on such grounds for a single dwelling at Outline stage could not be substantiated on the basis of current adopted policies and guidance. Paragraph 32 of the NPPF states: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"

Drainage:

Objection has been raised by the Parish Council having regard to the consultation response from South West Water regarding the public sewer and water main. Consent would need to be sought directly from South West Water regarding their requirements, and the result financial cost to the Applicant is not a material planning consideration. Bearing in mind the site is in a low risk area it is considered from a planning perspective the final drainage solution can be appropriately agreed at the Reserved Matters stage.

Other Matters:

Land ownership – it has been suggested that part of application site immediately adjacent to the public highway is on the ownership of the Council. The Agent provided a completed Certificate C prior to determination of the application, and on this basis it is considered the correct procedure has been followed. Further investigation of the Council's historic records revealed WDBC does have an interest in the land.

Concern has been raised regarding impact on slow worms – the proposal did not trigger any of the thresholds for an ecology survey to be a validation requirement.

The Planning Balance:

The site is considered to be a sustainable location for a new dwelling. Detailed matters can be appropriately dealt with at the Reserved Matters stage. Notwithstanding concerns raised by third parties particularly in relation to highways matters it is considered these do not justify refusal at Outline stage. 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

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP9 – Meeting Housing Needs
SP19 – Biodiversity
SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

H28 – Settlements with Defined Limits
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

National Planning Policy Framework

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV31 Specific provisions relating to transport
DEV37 Managing flood risk and Water Quality Impacts

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.