

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Harberton **Ward:** West Dart

Application No: 3628/17/FUL

Agent/Applicant:

Mr Bill Brown
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Science Park Square
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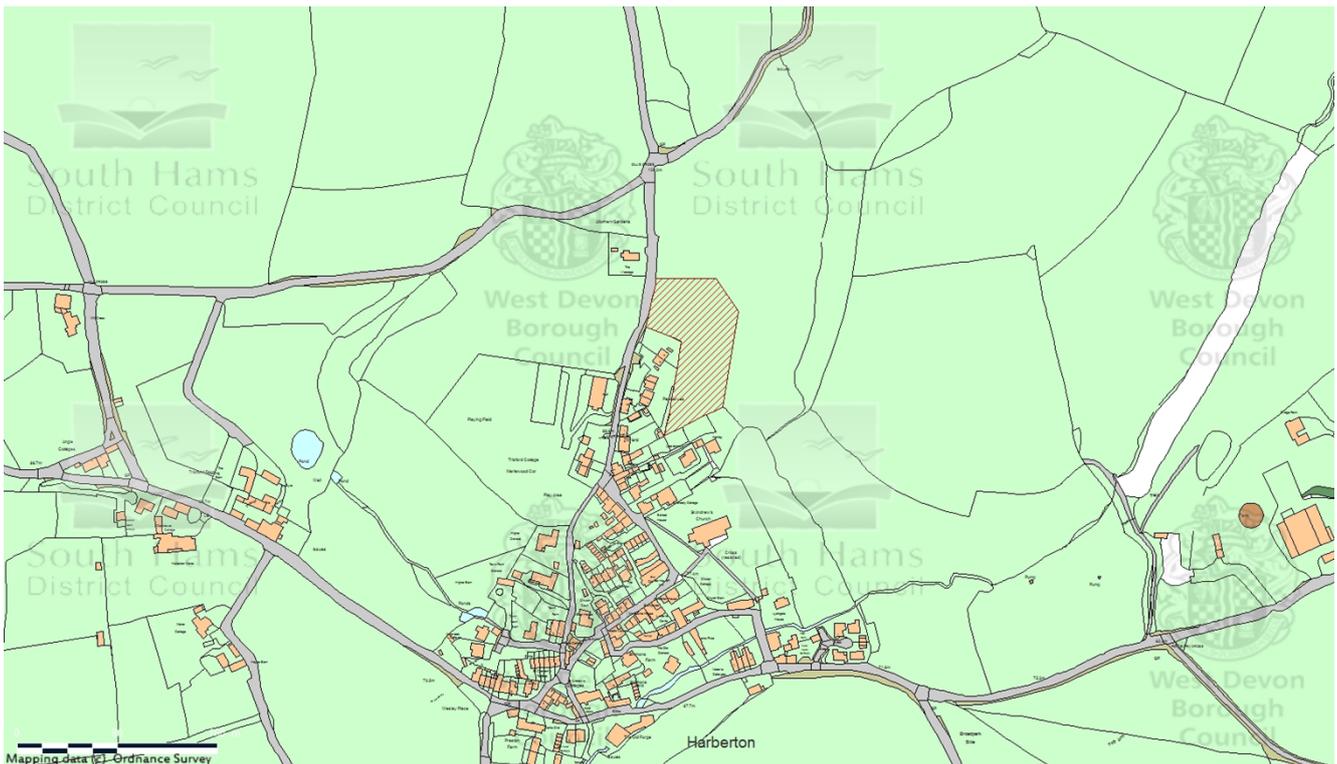
Applicant:

Mr Nick Williams
2 The Old Hall
Tristford Road
Harberton, Totnes
TQ9 7SD

Site Address: Oak Tree Field at SX 778 588, Tristford Road, Harberton, Devon

Development: Erection of 12 dwellings, workshop/office, associated landscaping and site development works

Reason item is being put before Committee: On request of Cllr Tucker who states that this is the type of community development that the Council should be encouraging and he disagrees with the Highways Officer conclusions.



Recommendation: Refusal

Reasons for refusal

1. The roads giving access to the site are by reason of their inadequate width, poor horizontal alignment and junctions are unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.
2. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the National Planning Policy Framework.
3. A final Section 106 Agreement to secure planning obligations appropriate to the scale of development proposed has not been completed and signed. The proposal is therefore contrary to the LDF Planning Obligations SPD; Policy DEL1 of the emerging Plymouth and South West Devon Joint Local Plan; and the National Planning Policy Framework.

Key issues for consideration:

Principle, design, visual impact, heritage, drainage, highways, neighbour amenity.

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

It is estimated that this development has the potential to attract New Homes Bonus of £1,336.80 per dwelling, payable for a period of 4 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. In addition, the Government has said that the New Homes Bonus scheme is ceasing in 2020 and details of any replacement scheme will not be published by the Government until September 2019.

Site Description:

The site is situated to the north of the village of Harberton on the eastern side of Tristford Road. There is a short frontage directly onto Tristford Road, with the site then extending southwards towards the village to the rear of existing residential properties fronting the highway. To the north and east of the site lies an open field, which slopes down fairly steeply from the crossroads to the north, with the application site itself being more level.

The Haberton Conservation Area lies with the south of the site, along with the Grade I listed Church of St Andrew (which dates from the 14th and 15th centuries). The site lies outside but immediately adjacent to the established Harberton Development Boundary.

The Proposal:

Full planning permission is sought for the erection of 12 dwellings, 10 of which would be self-finish affordable units. The scheme has been developed by the Harberton and Harbertonford Community Land Trust (CLT). One unit would be a market value dwelling for the landowner with the final unit being a market value dwelling for the CLT to sell to subsidise the affordable homes. The housing mix comprises:

- Four x 3-4 bed semi-detached units
- Three x 4 bed detached units
- Two x 2 bed semi-detached units
- One x 2 bed bungalow
- Two x open market units

The above is intended to reflect the identified needs of the CLT membership (along with the two open market units). Access to the site would be taken from Tristford Road, with the dwellings arranged in a cul-de-sac. An open space area is proposed in the south east corner of the site for recreation and as part of the drainage solution. A workshop/office and store is proposed adjacent to Tristford Road along with a bin assembly and storage area. Parking areas would be spread through the development including electric car charging points powered by solar car ports. It is intended to facilitate a car sharing scheme which would be available for wider community use. External finishes are proposed to include natural timber cladding, render and mono-pitch meadow roofs.

Revised plans were submitted and made available for comment in response to some initial concerns raised by technical consultees.

Consultations:

- County Highways Authority – Final comments received 28/02/19:

“Observations:

The Highway Authority notes the location of the site is served from the C208 road (Tristford Road), which is situated to the north of the heart of Harberton village. The Highway Authority previously advised the Planning Authority in a call for sites process the principle of development served from this road was unacceptable from a highway safety perspective, since the roads are unsuitable. TRICS evidence would indicate a site in a rural location such as this would be likely to generate in the region of 72 two way daily vehicle movements.

The fundamental issues arise when considering the likely directional route of traffic generated from the proposals on a daily basis. Having observed traffic for half an hour on the C208 road, it is evident that the majority of traffic when accessing the village heads to the south towards the C204 road (Vicarage Ball Road), which is the main village thoroughfare that eventually leads east towards the A381. The alternative routes to the north of the site are very narrow 2.5m - 3.0m, lengthier (around 0.5km longer), poorly aligned in the horizontal plain and have a limited number of passing places making reversing difficult.

Assuming correctly most traffic would head south as observed, the C208 road splits into an upside down 'Y' shaped arrangement just before it intercepts the C204. Both junctions at the southern end of the 'Y' have their difficulties, but in particular the eastern one is extremely substandard. Having observed traffic at the 'Y' for half an hour, it was observed that most traffic tends to use the eastern arm of the 'Y' which as mentioned is the most substandard.

This is probably because the other route has a restricted width due to parked cars and third party property walls/buildings. The Highway Authority also asked the opinion of the locals and they confirmed that these assumptions were correct. If accepting this is the case the eastern side of the 'Y' junction has zero visibility in either direction due to the presence of buildings either side of the junction. It is also located on a convex shaped main road (Vicarage Ball Road), which means drivers using the main road have little if any time to react to an emerging driver. It is estimated 85th percentile speeds are around 15 - 20mph at this point on the main road. Manual for Streets recommends a junction visibility splay of 17m x 2.4m x 17m x 600mm height should be provided in these circumstances. The alternative (western side of the Y) has no visibility to the east again due to the presence of a building. The main road is also quite narrow with parked cars at the same point.

Overall the roads are also predominantly 3m in width at best with a limited number of passing places. Generally the only available passing places are private driveways, which of course could be chained off or gated at any time legally. There is no visibility at the junctions which are to be relied upon daily by site users, which indicates that the proposals are likely to give rise to additional road safety issues at these points. It is estimated the proposals are likely to increase movements at the junctions mentioned by approximately 5 - 10% daily.

The above issues give rise to overriding highway objections noting the severity of the lack of visibility.

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Notwithstanding the above overriding highway objections, if the Planning Authority disagrees and decides the application should be considered acceptable, there are other issues with the level of detail submitted with this full planning application. These can be summarised as follows -

- It has been confirmed the internal estate roads are to remain private.

- The access visibility splays shown now appear to be located within the extent of the public highway or the site and therefore do not cross third party land to the south. Whilst the applicant has pledged in writing the internal access roads will remain private and that road gradients will not exceed 1:12, no details are provided still demonstrating this is possible. A topographical survey is still recommended at the access to cover at least 30m either side of the proposed access on the main road, plus at least 20m into the site. At this stage no levels are shown other than on an onsite topographical survey. This survey indicates the existing land levels fall towards the road, which gives rise to drainage surface water concerns whereby water from the site is likely to discharge onto the existing highway. (Has a drainage solution been submitted that deals with this matter?).

- It is now confirmed the road will be 1:20 for 15m from the highway which is acceptable.

Typical cross sections should also be shown demonstrating the internal road cross sectional levels are between 1:30 and 1:40 gradient. Also typical cross sections should be provided through the newly proposed visibility splay so that verge heights are shown at 1:500 scale in relation to the removed/relocated hedge. This information could be conditioned should the Planning Authority decide to approve the application.

- No construction methods including kerb details or proposed internal road material engineering drawings have been submitted. It may be possible to condition this although the changes may have implications from a aesthetical planning perspective due to type of kerbs/materials etc so should be sought at this stage as this is a full application.

- The tracking for the fire appliance supplied confirms the layout is still too tight however a condition is suggested to deal with these issues in detail should planning permission be granted. The remaining issues can be summarised as follows - There is no tracking for the car parking spaces situated adjacent to the proposed 4.0m estate road. The fire appliance tracking shows that the fire appliance will need to drive through a parked car. The Highway Authority will leave the decision whether a condition or reason for refusal is appropriate to the Planning Authority to decide.

- A refuse storage collection area is still needed within 20m of the public highway. Again this information could be conditioned should the Planning Authority decide to approve the application. The Highway Authority will leave the decision whether a condition or reason for refusal is appropriate to the Planning Authority to decide.

- It is noted several drainage options have been put forward for the site in the Flood Risk Assessment. If the roads are to remain private the Highway Authority will expect to see a condition which looks to prevent mud, stones, water or debris from entering the public highway at any time from the site. It is noted no drainage solution is presented with the planning application directly at the access junction with the public highway. There is therefore a concern water will be allowed to discharge from the site roads onto the existing public highway. The applicant has now said they will include a channel between the non-permeable surface at the junction and the private roads and parking area. However, there is some uncertainty as to where the water will be channeled to?

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. *The roads giving access to the site are by reason of their inadequate width, poor horizontal alignment and junctions are unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.*
2. *The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to the National Planning Policy Framework.*

Notwithstanding the above overriding highway objection, if the Planning Authority disagrees and decides the application should be considered acceptable the following conditions should be applied.

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;*
- (b) daily hours of construction;*
- (c) any road closure;*
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;*
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;*
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;*
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;*
- (h) hours during which no construction traffic will be present at the site;*
- (i) the means of enclosure of the site during construction works; and*
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site*
- (k) details of wheel washing facilities and obligations*
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.*
- (m) Details of the amount and location of construction worker parking.*
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;*
- (o) Details of AA temporary signs during the construction period.*

*2. No mud, stones, water or debris shall be deposited on the public highway at any time.
Reason - In the interests of highway safety.*

3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road

maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

4.No part of the development hereby approved shall be commenced until:

- The access road and visibility slays have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway*
- The ironwork has been set to base course level and the visibility splays required by this permission laid out*
- A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority*

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

5. A refuse storage area within 20m of the public highway shall be submitted for approval by the Local Planning Authority prior to commencement of any part of the site. The refuse storage area shall be completed prior to occupation of the first dwelling.

Reason - In the interests of highway safety.”

- Highways England – No objection
- Strategic Planning –
 1. *“This planning application relates to a site of previously undeveloped agricultural land situated on the northern edge of Harberton, a small village settlement, some 3 miles south west of Totnes. The proposal is for 12 residential units (2 market & 10 self-finish affordable units) and is a Full application.*
 2. *Planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise). The development plan for South Hams is in transition from local plan and local development framework documents to the new Plymouth and South West Devon Joint Local Plan (JLP).*
 3. *This planning application seeks planning permission for a housing development on an unallocated site in the countryside. It is a departure from the adopted Development Plan as it falls outside the development boundaries in the adopted 1996 South Hams Local Plan that is maintained and saved as Development Plan policy to the present day.*
 4. *The village of Harberton is included in the current adopted Local Development Framework Core Strategy Policy CS1 where development is considered to be acceptable in principle. However, the site lies outside the established settlement development boundary as previously stated and has not been identified in respect of Core Strategy housing allocations and is unallocated. Neither does it have land allocated for housing development (or any other development) in the 2011 Rural Areas Site Allocations Development Plan Document. That said, Harberton is a small sustainable settlement that benefits from a church, public house and parish hall. The village does not have its own school.*

5. *In relation to decision-taking on development proposals, the NPPF at para.14 advises that those in accord with the development plan should be approved without delay, and that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless material considerations indicate otherwise.*
6. *In this case, consideration of the sustainability of the proposal would clearly be material. A key element in considering the sustainability of residential development is the location of the site, in physical and visual terms. The site is located at the edge of the built-form of Harberton where residents would have a relatively short walk to a basic level of services and facilities and visually would form an acceptable extension to the village.*
7. *The new Joint Local Plan provides an up-to-date, emerging development plan context. Although it is currently under Examination, the plan is at a relatively advanced stage and therefore carries some weight in the decision-making process.*
8. *Harberton lies within the Thriving Towns and Villages Policy Area of the JLP and is identified as a Sustainable Village. The JLP allocates sites at Main Towns, Smaller Towns and Key Villages across the policy area but not at the smaller villages. Therefore, the application site is not proposed for housing development in the Regulation 19 version of the JLP which was submitted for Examination in July 2017.*
9. *However, Policy TTV30 enables development to come forward in villages which reflects their sustainability, and which will respond to local needs. Importantly, any development in the Sustainable Villages must also respect the character of the villages and any landscape designations. The application meets the requirements of this policy.*
10. Conclusion
In summary, for reasons stated above it is recommended that this application for a small scale development be supported as it is located at the edge of the village of Harberton, which is identified as a Sustainable Village in the new JLP, and in this context the development is considered to be sustainable. The proposed development is also considered to be an appropriate scale for its location.”

- Environmental Health Section – Recommend standard unsuspected contamination condition
- Devon County Historic Environment Team – No comments to make
- Lead Local Flood Authority – Final comments on the revised details are awaited and will be reported to Members at the Committee meeting. It is understood their objection is likely to be withdrawn subject to condition and as such would not form a holding reason for refusal.
- Devon County Education – *“Following the previous response to the pre-application for this development, the Education Section 106 Infrastructure Approach has been updated and therefore some of the contributions may have changed.*

Regarding the above planning application, Devon County Council would need to request an education contribution towards primary education and school transport.

The proposed 12 family-type dwellings, will generate an additional 3 primary pupils and 1.8 secondary pupils.

There is currently capacity at the nearest secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will likely seek a contribution towards additional education infrastructure at the local primary school that serves the address of

the proposed development. The contribution sought will likely be £40,956.00 (based on the current DfE extension rate for Devon of £13,652) which will be used to provide education facilities for those living in the development.

We would likely require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Harbertonford Primary School. The costs required would now be as follows: -

3.00 pupils

£8.86 per day x 3 pupils x 190 academic days x 7 years = £35,351.00

In addition, a contribution towards Early Years provision is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £3,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.”

- *Affordable Housing – “The Affordable Housing Enabling team support this application as it provides much needed affordable housing in the parish. There is a high level of housing need in Harberton and a parish housing needs survey that was undertaken in March 2013 identified a need for 28 affordable homes in the parish within the next 5 years.*

South Hams District Council has worked with Harberton & Harbertonford Community Land Trust CIC on writing the allocations policy to ensure it is fair and transparent and legally compliant.”

- *Historic England – “On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”*

- *Conservation Specialist –*

“Heritage Impacts

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.

Assessment of impact of the development proposal on surrounding identified heritage assets.

Earlier this year I offered comments on the initial scheme with reference to potential impact on the ‘setting’ of the highly graded Church of St. Andrew. (summary of those comments attached below)

It was suggested that further to a more detailed analysis of the contribution that the setting of the Church made to its overall significance there might be an opportunity to mitigate against any potential impact.

This view was expressed with particular reference to the established public views of the Church and its dominating tower when viewed from a northerly direction (Gill's Cross, Tristford Road).

It is thus most pleasing to see that the Applicants through their advisors have indeed undertaken the suggested further analysis which has led them to reconsider the site layout to mitigate against potential impacts to the Church and its setting.

The re-ordering of the Site Layout Plan (as demonstrated through the supplied cross sections) would appear to confirm that the existing important public vista of the Church when viewed from the North across Oak Tree field will now be maintained.

As I feel that this considered re-ordering of the site addresses my previous concerns I now raise NO OBJECTION to the proposals.

Initial comments dated 07/03.2018

The below assessment concentrates on the potential impact of the proposed development on the highly graded Parish Church of St. Andrew.

- It is noted that the churchyard to its northern boundary is bounded by residential development. To a northwest a number of buildings of historic note (much altered with addition) and to the northeast a couple of 20th century houses slightly more set back. Intervisibility from the churchyard across to the site in the northerly direction only occurs from the eastern boundary of the churchyard. There appears little intervisibility at ground level from the main body of the Church in a northerly direction towards the site due to the established residential properties (as referenced).*
- At the point adjacent to Gills Cross there is a prominent public view of the Church and its Tower. Although it is accepted that this viewpoint represents a limited view, nevertheless it is an established public view afforded by the existing access into Oak Tree Field via the five-bar gate. When viewed from this vantage point the Church is seen in the wider rural landscape and as one might expect the church tower offers the most dominant and imposing structure in the vista. It is recognised that views of the main body of the church are somewhat compromised through the development of the two 20th century residential properties (as referenced above) which abut the southern boundary of the site.*
- Given the information to hand (and please forgive me if further requested information has indeed already been submitted) I would suggest that in order to properly understand the potential impact on the 'setting of the Church' when viewed from this public vantage point at Gills Cross it would be most useful if a cross section were provided from the northern edge of the field boundary (the five-bar gate) across the site through to the church tower to establish what if any the impact will be, i.e. will the new development (especially those located at the upper northern edge on the higher ground) effectively impinge upon the public view of the Tower? The Heritage Statement discusses the use of 'cut and fill' but I am unclear as to how much and where this would be happening and the resulting impact on the levels and ultimately the juxtaposition of the new build elements and the Church. An accurate photomontage taken from the northern aspect might also offer a useful representation.*
- Although the Heritage Statement is welcomed it doesn't really address in any great depth the significance of the Tower when viewed in the wider landscape and how such views contribute to the 'setting' of the Church. I would suggest further assessment could be undertaken as and when the above requested information is presented.*
- If due to the immediate topography it transpires that the new development will indeed impinge on important views of the Church and its imposing Tower I might suggest that this could be mitigated against by thoughtfully re-examining the site layout to perhaps offer a 'framed view' of the Church through the site and to the north beyond. Given that the red line indicating the site extents seems to be a fairly arbitrary line then I would have thought that if needed this would be a relatively simple exercise.*

I hope the above is viewed as a constructive assessment on the potential impacts on the identified heritage assets and I would be more than happy to discuss further with yourself and indeed the project Architects.”

- *Landscape Specialist – “The site lies within Landscape Character Type 3G: River Valley Slopes and Combes, characterised by:*
 - *Secluded, rural tranquil valley landscape which is not interrupted by modern large scale development or busy roads;*
 - *A clustered settlement pattern of historic villages in sheltered locations above the floodplain;*
 - *A strong vernacular of whitewashed cottages with thatch or slate roofs, as well as exposed stone. The church towers form distinctive local landmarks;*
 - *Sparse network of narrow sunken lanes bounded by high Devon hedges and hedgerow trees which often create tunnels through the landscape.*

The character of the immediate site area is heavily influenced by the deeply incised landform, within which Harberton is nestled. Harberton and its surroundings positively contribute to the character of the area, displaying a number of the key characteristics and valued attributes of the area. The development of the site with 12 low-density units is not considered to significantly affect the character of the area. The pattern of built form, with some detached, and some semi-detached dwellings, is appropriate for the village context. Set well down on the sloping site, the siting of the proposals would reinforce the ‘nestled’ form of the village within the landscape.

The site is visually well-contained by topography and vegetation, sitting low down on the rising land to the north and east. Glimpsed views of the new development are likely during times of leaf-fall from the approaches to the village from the south, but would be seen as well-related to and in the context of the village. The proposed development is not considered to adversely affect the visual amenity of the area.

In terms of detailed design and materials, the efforts made to integrate the site into its landscape setting by creating an environmentally sustainable design are noted and welcomed. The proposed Landscape and Ecology Plan (13-14/planning/ 001 (Rev B/23-05-2018) contains features and indications of appropriate management principles that could benefit the character of the area. We should condition both detailed hard and soft landscape proposals, and management details through a Landscape and Ecology Management Plan (LEMP) to secure these valuable features of the scheme in perpetuity.

In terms of built design, whilst timber cladding is not a vernacular material, it is recognised that the ethos of this development is one of environmental sustainability and along with the use of green roof technology will result in an aesthetic that is not necessarily characteristic, but is relevant to the landscape setting. The dwelling and window proportions are sensitive to the rural context, and I would raise no issue with these. It isn’t explicitly clear which materials are proposed on which elevation, and how the render shades will be distributed. I’d suggest a simple condition to clarify this, seeking details of the external materials by plot number.

Finally, there doesn’t appear to be any lighting proposed with this scheme, and given the rural countryside location this is considered to be appropriate. To secure this I would also suggest a conditioned lighting scheme to ensure that any lighting needed for pedestrian safety is low-level and sited and designed to avoid light spill.

For the reasons outlined above, I would raise no objection to the proposed development on landscape grounds under policies DP2 and CS9 (and emerging policy DEV24), subject to the following conditions:

- *Samples of all facing materials, and a clear plan for their proposed use on each plot*
- *Hard and Soft Landscape Scheme*

- LEMP
 - Lighting scheme”
- Biodiversity/OSSR –
“Biodiversity

The site has been subject to Extended Phase 1 Survey, a Preliminary Ecological Appraisal and Bat Activity Surveys. The surveys confirm that the western boundary hedgerow feature is species-rich, and of high ecological importance (and a s41 Habitat of Principal Importance). Towards the northern end of the sites western boundary the hedgerow contains old coppices grown out into with mature standards, while at the southern end of the sites western boundary the hedge has been kept short and there is an absence of coppice/mature trees. The feature has some potential for use by dormice (although not surveyed due to the limited anticipated hedgerow removal for access, their presence would nonetheless be assumed), nesting birds and reptiles.

The western boundary hedgerow has been shown to be used by individual foraging bats, both along the adjacent road under the tree canopy (particularly adjacent the northwestern part of the site), and also on the field side of the hedge including by greater horseshoe bat (albeit not associated with a Sustainance Zone or Strategic Flyway of the South Hams SAC). The field itself is described as grazed improved pasture and has some foraging interest for bats given the associated invertebrates it would support.

The ecology reports clearly highlight the importance of this western boundary hedgerow for wildlife, and likewise draws attention to the impact that breaks and disturbance of the hedgerow could have on wildlife, in terms of foraging/nesting and commuting activity.

The access to the development site is clearly located in a less sensitive section of this western hedgerow, although the extent of the visibility splay seems in question at present – clearly the bigger the splay, the bigger the impact. While it would be possible to remove a small section of this hedgerow for access without dormice surveys (under a presumed presence and precautionary/timed working methodology), removal of any more significant section (if a large splay is required) would require detailed dormouse surveys (noting the reference in the ECOP (Green Ecology).

With the development as currently proposed (using the Site Plan and Landscape Layout for reference), the western boundary hedgerow would be subject to a gap (road and splay) which does not appear to have hedge planting adjacent to the splay (i.e. minimising the gap to continuity of the hedgerow/bank). To the northwestern corner there is a dwelling proposed in close vicinity to the section of the boundary feature used by foraging bats. This would almost certainly be subject to light illumination which would lead to deterioration of this feature for light-sensitive foraging bats. The layout (namely this northwestern dwelling) does not reflect the advice given in the Preliminary Ecological Appraisal (namely the plan in section 6 of the PEA, and as reproduced in the Design and Access Statement). This corner of the site especially needs to remain free of illumination (I would expect no illumination above 0.5 lux of this hedgerow – this would need to be modelled).

It is also noted the field side of the western boundary feature as proposed would fall into the residential garden, thus removing any potential for ongoing management in a method which would enhance or safeguard the feature.

A new hedgebank with associated native planting is proposed along the northern and eastern boundary (along with standards at intervals as reflected on the Landscaping Layout plan). This does have some potential (once established) to compensate for impact on the western boundary feature (in terms of potential for foraging/nest sites/connectivity, etc), but only if it is effective – i.e. appropriately established, managed and unlit. As proposed, there are various dwellings in close proximity to this new hedgerow which will illuminate the hedgerow, and the hedgerow also would

fall into the various gardens, so there would be no control upon ongoing management of the hedgerow.

No detailed reptile survey was undertaken, however the potential for reptile use of the western hedgebank is noted in the PEA. Accordingly the ecologist has recommended a planted buffer alongside the southern hedgerow to accommodate reptiles and hibernacula. Currently these are not reflected on the proposed layout (although there might be scope to incorporate this into the open space feature surrounding the SUDS pond).

At present, considering the impact on the western boundary feature, and loss of grazed improved grassland, despite the new proposed hedgebank I do not consider it possible to conclude that the proposal is policy compliant (in so much as maintaining or enhancing the biodiversity value of this site). I consider there is potential to improve the layout and biodiversity value, by:

- Potentially incorporating open space into the northwestern corner (this could include additional planting as a buffer), ensuring the boundary remains dark.
- Setting back the northwestern dwelling, and avoiding any windows on the road facing elevation (or evidencing that the dwelling as proposed will not exceed 0.5 lux along the feature).
- Retaining boundary features in 'public' management, enabling consistent management which can maintain/enhance the quality of the feature, and avoiding the boundaries falling into the private residential gardens (and then subject to residents own interference).
- Setting back dwellings from the new proposed boundary hedgebank, or evidencing that new external/internal lighting will not exceed 0.5 lux along the feature.

So, in conclusion – at present the proposal is unlikely to maintain or enhance wildlife value of the site, however with some further thought with respect to layout, there is some potential to ensure the boundary hedgerows can be dark and managed as one habitat feature which would then provide a net gain for biodiversity (and be policy compliant).

(NB – various conditions will be required, I have not specified this yet, as I will await a response from the applicant).

Open Space, Sport and Recreation

I make comment on OSSR in the knowledge that a high percentage of these dwellings would be affordable, and for this reason presumably the scheme may be unable to meet the typical planning obligation – accordingly I am conscious that you will balance this request against the other benefits of the scheme to the local community.

Nonetheless, it is noted that the site is within 200m walking distance of the village play area on Tristford Road. The Play Audit undertaken in support of the Joint Local Plan evidence base (South Hams OSSR Study, 2017) score the site a 3 out of 5 (average – needs improvement), noting 'site tired – requires improvement – room to expand.' It is inevitable that any new residents with young children in the proposed development will use this facility, both adding to the pressure on the existing facility, and the need for its improvement.

It is also noted that within the South Hams Playing Pitch Strategy (last updated May 2017), there is demand expressed for a Multi-Use Games Area in the Harberton area, a facility which (if it proves viable and deliverable) would be used by new residents of the proposed development.

If there is an expectation that new residents of the proposed development would come from outside of Harberton, then I would recommend that in accordance with SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) policy DP8 which set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the needs of the community a sum should be sought within the s106.

This sum should be based upon the SHDC OSSR Supplementary Planning Document (2006) and equates to £20,520 towards improvement of the Harberton play area, and £32,130 towards a Multi-Use Games Area for Harberton.

(NB – I appreciate that if the proposal for the dwellings is that they are restricted to existing residents of the parish, that there would be no ‘additional’ pressure on the facilities, and a s106 sum would not be justifiable).”

In response to revised details:

“Further to receipt of the letter dated 22nd June 2018 (Sustainable Design Collective) and the updates to planning drawing 13-14/planning/001 the concerns raised in my previous email have been satisfactorily addressed. The proposal can deliver net gain for biodiversity (albeit some of the maintenance will be defined in the subsequent LEMP).

I have also reviewed the comments of Katherine Jones, these are very thorough and there is little for me to add to the comments and proposed conditions by Katherine – they are consistent with those I would have recommended, albeit that the reason I would request such conditions are for the benefit of wildlife (e.g. hedgerow maintenance schedules within a LEMP), and mitigation of potential impacts on wildlife (e.g. lighting strategy). “

- Harberton Parish Council – *“It was resolved to SUPPORT the application on the condition that:
i) details of the foul drainage plan be approved ensuring that there are no additional flooding risks for people living down-stream, before planning application is finally approved
ii) there is a removal of permitted development rights.”*

Representations:

20 letters in support of the application have been received, with comments made including:

- Well-designed scheme
- Excellent solution to housing needs of area
- Truly affordable housing
- New and affordable housing limited in area
- Genuinely community led scheme
- Access for all residents in village to communal electric car share scheme would be very beneficial
- No increase in traffic
- Innovative, environmentally sustainable

9 letters of objection have been received with issues raised summarised as follows:

- Highways safety due to narrowness of Tristford Road and surrounding roads, during construction phase and then permanent increase in traffic volume generated by the development
- Support for DCC Highways objection
- Structural damage to buildings and walls from large vehicles
- Traffic noise
- Proposed access to site would be dangerous
- Size of proposed dwellings when identified need was for two/three bedroom properties
- Ability for the four bedroom properties to be affordable
- Drainage
- Biodiversity
- Allocation of the dwellings needs to be closely considered and vetted, circumstances are always changing

- Noise from workshop
- Support for development at an alternative site near Meadow Close
- Development would devalue existing nearby property

The RSPB have offered the following comments/recommendations:

- The site lies within curlew breeding territories recorded in 2016. Curlews are a rare farmland bird and are of high conservation concern.
- The site is within 500m of a greater horseshoe bat commuting/foraging corridor.
- Proposed development should avoid adverse impacts on the above species.
- Support the recommendations made in the submitted ecology report and these should be included in conditions/S106 agreement for the development.
- A number of specific recommendations are made including:
 - Ensure dwellings are not located adjacent to retained or proposed hedges
 - Ensure mature oak is safeguarded
 - Timing of vegetation removal outside bird nesting season
 - New native planting
 - Minimise light spillage
 - Condition/planning obligation for construction (Construction and Environmental Management Plan) and operation phases (Ecological Management Plan).

Relevant Planning History

- 2994/15/PRM Pre-application for proposal of development of site to include 12 new Dwellings. Oak Tree Field, Tristford Road, Haberton. Pre application not concluded (Application to be submitted)

ANALYSIS

Principle of Development/Sustainability:

The site is located outside the adopted Development Boundary for Haberton. Since the application has been submitted the Council's position in respect of its five year housing land supply has changed in that it can now be demonstrated. The Plymouth and South West Devon Joint Local Plan (JLP) has continued to progress through its examination. The site is located on the edge of Haberton, which has been identified as a Sustainable Village within the emerging JLP with an indicative level of 20 new dwellings to be delivered within the plan period. MM36 of the Main Modifications Consultation Version of the JLP, which Officers consider should be given moderate weight, states:

"Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan."*

The National Planning Policy Framework (NPPF) states at paragraph 77-78:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet

identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Having regard to the above policy framework it is considered the site is a broadly sustainable location for new residential development and meets the relevant requirements in respect of affordable housing provision. Two of the twelve units would be market housing which is well below the 40% threshold identified in the emerging JLP. The Council's Strategic Planning team have expressed support for the application. Site specific and other policy considerations still need to be considered in detail as set out below. The site has been identified in the draft Harberton Neighbourhood Plan, but this is still at an early stage of preparation and in itself carries limited weight at this time.

The high proportion of affordable housing proposed for the development (which is supported by the Council's Affordable Housing Specialist) weighs heavily in favour of the application. Some third party objectors have queried the affordability of the four bed units and the allocation process. On the basis that Affordable Housing Specialist is supporting the application is considered no objection should be sustained in this regard.

Design/Landscape:

Officers consider the dwellings themselves are well designed and would provide an attractive form of development. The site layout would provide for private amenity spaces appropriate to family sized homes, and the site would not appear cramped. The environmental ethos behind the design is welcomed. The Council's Landscape Specialist has provided detailed comments as above and raised no overall objection, noting in particular: *"In terms of built design, whilst timber cladding is not a vernacular material, it is recognised that the ethos of this development is one of environmental sustainability and along with the use of green roof technology will result in an aesthetic that is not necessarily characteristic, but is relevant to the landscape setting."* They have requested a number of conditions in the event the application is approved, all of which would be considered reasonable and necessary.

Heritage:

The Council's Conservation Specialist visited the site and surrounding and initially raised some concern regarding the impact of the development on the setting of the Parish Church of St. Andrew. As can be seen from the consultation response above: *"This view was expressed with particular reference to the established public views of the Church and its dominating tower when viewed from a northerly direction (Gill's Cross, Tristford Road).*

It is thus most pleasing to see that the Applicants through their advisors have indeed undertaken the suggested further analysis which has led them to reconsider the site layout to mitigate against potential impacts to the Church and its setting.

The re-ordering of the Site Layout Plan (as demonstrated through the supplied cross sections) would appear to confirm that the existing important public vista of the Church when viewed from the North across Oak Tree field will now be maintained."

The Conservation Specialist has confirmed they now have no objection to the proposal.

Drainage:

Discussions with Devon County Council as the Lead Local Flood Authority (LLFA) have been ongoing for a considerable time period since the application was submitted. The Applicant and their advisors have been proactively engaging with the LLFA to reach a solution which would enable a planning consent to be granted subject to conditions(s) for the final drainage details to enable the scheme to move forward in this regard. A revised Flood Risk Assessment was submitted in February 2019, and final comments from the LLFA will be reported to Members at the Committee meeting. It is understood the objection from the LLFA is likely to be withdrawn on the basis of the latest information subject to a condition.

Neighbour Amenity:

It is acknowledged that the proposed development would result in some amenity impact on existing residential properties immediately to the west and south of the site particularly as it is currently undeveloped, and the introduction of dwellings to the site will be therefore be apparent. Plots 10-12 would have the most potential to result in neighbour impacts due to their position in relation to the existing properties. Officers are of the view that the significance of the impact would not be grounds for refusal having regard to their orientation and distances from shared boundaries.

Noise from the proposed workshop has been raised as a concern by a third party. This building would be in relatively close proximity to some existing residential properties as well as those proposed within the development. The Environmental Health Specialist has raised no objection to the application. A condition restricting the use of this building to B1 purposes only (B1(a) relates to offices and B1(c) light industry appropriate in a residential area) would be appropriate to ensure the building did not cause any amenity issues.

Highways/Access:

Devon County Highways have maintained an in principle objection to the development proposed. Their final consultation response has been included in full above, which sets out their concerns regarding the suitability of roads in the locality to serve the development. They consider that the development would increase traffic at junctions with no visibility. This is a fundamental highways safety issue and DCC Highways have recommended refusal of the application on this basis. Their initial response raised a number of technical issues with the development on the site itself, and the Applicant and their advisors have proactively sought to address these matters and revised details have been submitted prior to determination.

Officers consider the remaining technical issues raised by DCC Highways could be dealt with by condition in the event of an approval. The main issue for Member of the Committee to consider is the fundamental issue of highways safety in respect of the ability of the local highway network to accommodate the development proposal, with particular regard to the visibility at the junctions future occupiers would have to use on a daily basis. As is stated in their consultation response DCC Highways as the Highway Authority consider the severity of this issue warrants refusal of the application.

Ecology:

The Council's Ecologist provided a detailed first response raising some issues with the proposal as detailed above, which have been addressed through the submission of revised details. Conditions would be recommended in the event of an approval in line with the final consultation response.

Planning Obligations:

Harberton & Harbertonford Community Land Trust have developed the allocation policy for the affordable units in discussion with Officers, and the Affordable Housing Specialist is in support of the

application. A Section 106 agreement would need to be completed and signed prior to the issuing of a planning approval to secure the on-site contribution specified within the application, and as this not been completed and signed it forms a holding reason for refusal. The agreement would also include reference to the maintenance of the surface water drainage management system.

In terms of an Open Space, Sport and Recreation (OSSR) contribution, there is acknowledgment of the high level of affordable housing and that the residents would come from within the Parish. On this basis a Section 106 contribution is not being sought by Officers on this occasion.

The draft Heads of Terms provided by the Applicant do not make reference to the financial contribution towards education provision which is being sought by Devon County Council.

Other Matters:

The Parish Council's support for the application is conditional on the basis that flood risk for people living down-stream is addressed and permitted development rights are removed. The LLFA is now satisfied the final drainage scheme can be appropriately dealt with by condition. Recent appeal decisions have made it very clear that permitted development rights should only be removed in exceptional circumstances. Members are advised that in the event the Officer recommendation is overturned the precise nature of the exceptional circumstances to remove permitted development would need to be included in any associated planning condition.

In response to other issues raised in representations not considered above:

- Impact on nearby property values – this is not a material planning consideration.
- Support for development at an alternative site near Meadow Close – this site has been also been identified in the draft Harberton Neighbourhood Plan, which as stated above carries limited weight at this time. A formal application on this site has not yet been submitted.

The Planning Balance:

The application would provide for much needed affordable housing in a generally sustainable location, which would make a positive contribution to the area in terms of its design and would preserve the setting of nearby heritage assets notably the highly graded Church. The Applicant and their advisors have proactively sought to address concerns raised by technical consultees, and the scheme now presented is considered to broadly address the matters raised. A number of planning conditions would still be required to secure final details. There remains a fundamental highways safety objection from the Highway Authority to the principle of the development in this location, which is otherwise considered to accord with the adopted and emerging local policy position and the NPPF. The Highway Authority objection is considered to be overriding and Officers are obliged to recommend refusal on this basis. A further holding reason for refusal is recommended as the Section 106 Agreement has not been completed.

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

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:

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

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

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

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV29 Site allocations in the Smaller Towns and Key Villages

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes

DEV37 Managing flood risk and Water Quality Impacts

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

A Harberton NP area has been designated, and a draft plan was published in April 2018. The site subject of this application is identified as Housing Site 5 within the draft plan, and draft Policy H1 specifically identifies it as a CLT site with 10 affordable units and 2 market units. The NP has not yet reached Regulation 14 stage and therefore carries only limited weight.

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.