

## PLANNING APPLICATION REPORT

**Case Officer:** Claire Boobier

**Parish:** Ivybridge **Ward:** Ivybridge West

**Application No:** 1944/19/FUL

**Agent:**

Mrs Gill Baker Totnes Planning  
Flat 7 Elwell House  
Plymouth Road  
Totnes  
TQ9 5LH

**Applicant:**

Mr G James  
1 Henry Close  
Plymouth Road  
Lee Mill  
PL21 9EX

**Site Address:** Land between 19 & 21, Clayman's Pathway, Ivybridge, PL21 9UZ



**Development:** Construction of new dwelling with associated groundworks and landscaping

**Reason item is being put before Committee:** Cllr Austen has requested that this application be referred to Planning Committee for determination as he is concerned that the development will have some implications for flooding and it may have an impact on adjoining properties and will result in a loss of an area that is used as a local play area and site for nature.

**Recommendation:** Conditional Approval

**Conditions:**

- Time Limit (3 years);
- Adherence to plans;
- Compliance with Sustainability Statement in Design & Access Statement;
- Vehicle Parking spaces to be provided as shown prior to first occupation of dwelling and retained thereafter;
- Refuse and recycling receptacle provision prior to first occupation of dwelling and retained thereafter;
- Permitted Development Removal for extensions and outbuildings;
- Surface water drainage details;
- On-site flood mitigation features plan for agreement;
- No alteration to garden layout with regard to position and height of dwarf walls and level details acknowledged in the on-site flood mitigation features plan to be submitted;
- No extensions or outbuildings to be erected within 2m of the DCC Flood Mitigation Wall shown on the onsite flood mitigation plan that shall be submitted;
- Prior to occupation, an 'as constructed survey' is to be submitted to ensure that the finished floor level and dwarf walls have been constructed in the correct position, level and at the gradients identified in the onsite flood mitigation plan;

**Informative:**

-This consent is subject to Unilateral Undertaking agreement for recreational impacts on Marine Site

**Key issues for consideration:**

Principle of Development  
Impact on residential amenity  
Design and Landscape  
Highways/Access and Parking Considerations  
Flood Risk and Drainage Considerations  
DEV32 Compliance

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**Site Description:**

The site is located at the end of Clayman's Pathway, a cul-de-sac which is part of the 'Woodlands' housing estate.

It is a 478 sqm piece of land on a mound, believed to be created as a result of builder's spoil. It is located between Nos 19 and 21 Claymans Pathway, both detached dwellings. The front boundary is the pavement and road, whilst the rear boundary follows the verge to an unmetalled track providing access to Stibb Farm.

The site is not located within a Conservation Area and there are no listed buildings within the vicinity of the application site that would be impacted by the proposed development

**The Proposal:**

Planning permission is sought for a two storey detached dwelling with associated groundworks and landscaping.

The proposed dwelling is a three bedroom property comprising kitchen, living room/dining room, study, ground floor wc, three bedrooms, two with en-suite facilities, bathroom and robe room. Two on-site parking spaces are provided.

**Consultations:**

- County Highways Authority Standing advice
- Ivybridge Town Council Support for revised proposals

Town Council comments:

In October 2020 the Planning Committee objected to the application due to flooding concerns, and made a recommendation to defer for 6 months until after the winter months to enable the new drainage scheme to be tested and proven. At their meeting in November 2020 they resolved to SUPPORT the re-advertised application, but approval was only given following verbal assurances at the meeting by the applicant that all the engineering work and tests have been undertaken to ensure there will be no flooding, and that these had proven to be successful.

- Environment Agency No objections

Environment Agency Comments

The Flood Map for Planning shows that parts of this site lie within Flood Zones 2 and 3, defined as having a medium to high probability of flooding. There is also a long history of flooding in this location. The source of this flooding is from surface water. Devon County Council are planning to build a flood defence scheme here in Autumn 2019.

Technically, as the mapping shows that the site is located in Flood Zones 2 and 3, the applicant should submit a Flood Risk Assessment (FRA) to support this development. The mitigation which we would expect in this location is finished floor levels raised about surrounding site levels. Such mitigation appears to be proposed in this instance. Therefore, we are satisfied from the information submitted, that the development will be safe from flooding and not increase flood risk elsewhere. However, we wish to point out that this proposal does not provide any betterment over the current situation.\*

Case Officer note: \* Since this comment was received the FRA sought has been received.

### Drainage Specialist Comments

Based on the information provided we have a neutral stance on the proposed development. We understand that the ground floor level of the dwelling has been lowered to overcome other planning concerns and whilst the FRA has shown that the dwelling is safe for most storm events it is now fully reliant on the DCC flood alleviation scheme and secondary flood defences. Therefore the LPA will need to consider this in their decision, to balance flood risk and planning needs.

The new DCC flood alleviation scheme does protect the site but it can't be relied upon as it is not a flood defence and as a worst case it could fail.

As drainage consultee we have worked extremely hard with the applicant over the last year to ensure that the FRA acknowledges the flooding risks and includes modelling information to demonstrate that the existing flood alleviation wall does not overtop. Therefore based upon the information provided there is little more consultation that can be undertaken. As has been detailed throughout this advice the scheme is reliant upon the presence of the wall which it will be up to Devon County Council to maintain accordingly.

Given the importance of the wall, and secondary defences, in terms of flood mitigation we strongly recommend that if permission is granted then suitable conditions are included to ensure that they are all fully designed, installed and maintained for the life time of the development.

#### Suggested conditions –

1. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the attenuated drainage scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. SuDS to be designed for a 1:100 year event plus 40% for climate change.
- b. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
- c. The FRA acknowledges the possibility of groundwater flooding so the drainage features should be designed to ensure they can resist a high water table and uplift pressure.
- d. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the high water table, a mitigating drainage alternative shall be agreed with the Local Planning Authority
- e. Once approved the drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

2. Prior to commencement of development and notwithstanding the submitted details within the drainage report, full details of the specific onsite flood mitigation features shall

be submitted and approved by the LPA. Plan to be titled "Onsite flood mitigation plan" and minimum details to include:

- a. Label the features that form the flood mitigation
- b. Design levels and location
- c. Gradients of exceedance routes.

Reason: The FRA acknowledges that the DCC defence wall could over top so the secondary mitigation is required to protect the property in such an event

3. The garden layout with regard to the position and height of dwarf walls and level details acknowledged in the onsite flood mitigation plan submitted to satisfy condition 2 above shall not be altered.

Reason: parts of the garden form the secondary flood mitigation and must not be altered or removed without written consent from the LPA

4. No extensions or outbuildings to be erected within 2m of the DCC flood mitigation wall, shown on the Onsite Flood Mitigation Plan submitted to satisfy condition 2 above.

Reason: To ensure there is always an Exceedance route for flood water in the event that the DCC flood defence wall is over topped.

5. Prior to occupation, an as constructed survey is to be submitted to the LPA to ensure that the FFL and dwarf walls have been constructed in the correct position, level and at the gradients identified on the Onsite flood mitigation plan

Reason: The design levels and mitigation are fundamental in protecting the building from an extreme flood event and is essential that these have been installed and constructed as per the design.

## **Representations:**

The application has attracted 37 objections and 1 letter of support from the applicant's partner which sets out how it is considered the proposal addresses the previous outline refusal reasons and highlights that it is not considered the proposal will create overlooking concerns.

It should however, be noted that the application has been subject to two consultations meaning some are from the same householders.

In summary the objections raise the following concerns –

- The development will exacerbate flood risk beyond the site;
- Report works have started and query whether consent granted;
- The development is a two-storey dwelling which is higher than and dominates adjoining dwellings including single-storey properties
- Overlooking/loss of privacy due to height of new dwelling
- Overbearing impact on adjoining properties
- Loss of play area

The issues raised are considered below.

### **Relevant Planning History**

0843/16/OPA	Outline application for a new dwelling	Refused	17/03/2016
271783/15	Outline application for a new dwelling	Withdrawn	02/10/2015

### **ANALYSIS**

#### **Principle of Development/Sustainability:**

The application site is located within the built up residential area of Ivybridge. As the site is within the Main Town of Ivybridge it is considered that the principle of development is acceptable and in accordance with policies SPT1, SPT2, TTV1 and TTV2 of the Joint Local Plan.

The proposed dwelling would be read as a continuation of the street scene. Similar materials, form and fenestration would allow the development to blend in with the neighbouring properties.

However, the site is within a known flood risk area and, whilst the principle is acceptable and did not feature as a reason for refusal in the case of application reference: 0843/16/OPA (an outline application for a dwelling at this site), this is considered to be a key determining issue, as well as other detailed matters considered below:

#### **Neighbour Amenity:**

Although the proposal would create a two-storey dwelling, due to orientation, it is considered that the proposed dwelling would not result in any material overlooking of Nos 19 and 21 the nearest neighbours. No. 19 and no. 21 are both detached properties. Having considered the relationship between the proposed dwelling and the nearest neighbouring properties it is concluded that no material loss of daylight or sunlight would result or any overbearing impact. The area is mixed in character and two storey dwellings are not out of character with the area.

No neighbouring amenity concerns are raised.

#### **Design/Landscape:**

The site is not within the South Devon AONB national landscape designation or the local landscape designations of Undeveloped Coast or Heritage Coast set out in the Joint Local Plan. The proposal is not therefore within a designated landscape.

Furthermore, the proposal is not located within a Conservation Area nor are there any listed buildings within the vicinity of the site that would be impacted by the development.

The proposal would provide an additional dwelling within an established housing estate at the end of a cul-de-sac.

Unlike the previously refused application (0843/16/OPA), this application is in the form of a full submission and therefore officers have the benefit of seeing the full details of the scheme compared with that previously submitted. Furthermore, it is worth noting that at the time of the

previous refusal Devon County Council (DCC) were looking at providing a Flood alleviation scheme so the refusal allowed for the proposed development to be reconsidered if and when the DCC flood alleviation scheme was installed.

It is considered that the site is of sufficient size and regularity of shape to accommodate the proposed dwelling once levelled and cleared. The site is comparable in size to neighbouring curtilages.

The design has been revised during the consideration of this application to remove the previously proposed cladding to all elevations which was considered out of keeping with the material palette of the area replaced with a render finish. The revisions also removed all balconies including Juliet balconies from the proposal which again were not considered compatible with the surrounding area and during the course of the application the ridge height has been reduced by 750mm from the original submission so that the ridge height is more comparable to neighbours and the roof form has been simplified.

With these revisions made, officers conclude that, on balance, the design is acceptable in design terms and that the material palette proposed would be compatible with the surrounding area. The proposal is not considered to adversely impact the visual amenity of the area.

Given that the proposal would complete an existing residential cul-de-sac the proposal does not raise any landscape impact concerns given that it will be read in the context of the existing residential housing estate.

In terms of landscaping of the site, it is proposed that permeable pavements would be used for the parking area, paths around the property and a patio area and that the rest of the site would consist of a grass lawn. A timber fence and gate would be provided between the parking area and garden and the existing boundary treatment would be retained along site boundaries. It is concluded that sufficient detail is submitted with the application to not need to condition for landscape details to be agreed and the intended landscaping is compatible with that found for the residential curtilage of neighbouring properties.

In order to ensure that an adequate curtilage is retained to serve the dwelling given its fairly limited size a condition is recommended to be applied to remove permitted development rights for extensions to the property and for erection of outbuildings without separate planning consent being granted to retain control over the size of the curtilage of the dwelling in order to ensure that adequate outdoor amenity space is retained to serve the development.

### **Refuse and Recycling Storage:**

The plans submitted do not detail the location for refuse and recycling receptacles however there is considered to be adequate space on site for their storage without them needing to be left on the highway for collection. It is not therefore considered necessary to secure details of the receptacles themselves however a condition is recommended to be applied to ensure the provision of refuse and recycling receptacles prior to first occupation of the dwelling to ensure that adequate facilities are available for future occupiers prior to their occupation of the dwelling.

### **DEV32 Compliance:**

The Design and Access statement in section 3.6 sets out the intentions of the applicant to comply with the sustainability requirements of building regulations in order to comply with policy DEV32 of the Joint Local Plan.

A condition is recommended to be applied to ensure that the development is built in accordance with the sustainability requirements of building regulations as indicated.

### **Highways/Access:**

Access to the site would be off Clayman Pathway turning head which already serves as the access to residential properties and two parking spaces are proposed to be able to be accommodated on-site vehicle parking to serve the development.

Devon County Council Highways have been consulted however have chosen not to specifically comment on this application but have referred the Council to consider the Highways Standing Advice issued by them.

The amount of parking proposed accords with the requirements of DEV29 for a dwelling of this size and it is recommended that this parking be secured by condition to be provided prior to first occupation of the dwelling and retained thereafter to ensure adequate parking provision is available to serve the dwelling from the outset and for the life of the development.

The test to be considered in the NPPF in relation to highway safety is whether or not the proposal would result in 'severe' harm to the highway. In this case it is considered that the use of the cul-de-sac to serve as the access to one additional dwelling would have a negligible impact on the local road network.

Whilst, the access would come off the turning head there is adequate visibility on access/egress and by its very nature the turning head should be left free of obstruction to allow vehicles to turn at the end of the cul-de-sac which would ensure accessibility to the proposed parking spaces on the application site. It is concluded that there is adequate on-site parking provision being provided to prevent vehicles from the proposed development using the turning head of the cul-de-sac for parking.

No highway safety concerns are raised with regard to the proposed development.

### **Flood Risk and Drainage:**

The site lies within a Critical Drainage area and has a history of surface water flooding. The previous outline application at this site, 0843/16/OPA was refused on grounds that it would result in displacement of water into the surrounding estate and exacerbate existing flood risk issues.

The Environment Agency has advised that the Local Planning Authority needs to be satisfied that the flood risk Sequential Test has been met. The Sequential Test aims to steer new development to areas with the lowest probability of flooding (NPPF para.101). Residential development is classified as a 'More Vulnerable' use within the National Planning Practice Guidance (NPPG). Table 3 of the NPPG states that the Exception Test is applicable as the site is within Flood Zones 2 and 3 described as having a medium to high probability of flooding.

According to the Environment Agency flood maps the extremities of the site and the access road Clayman Pathway which also serves other residential properties is in part in Flood Zone



2/3. During the course of the application the ground floor level has been raised from that considered under the previous application but is still lower than the perceived original ground level due to the need to have a level site to achieve a ridge line comparable with neighbouring properties. This, the Council Drainage Specialist advises puts more of the site in Flood Zone 2/3.

The site of the dwelling itself had it not been for the floor level required to achieve an appropriate ridge height would not have been in the higher risk flood zones and it would have only been the access that would have been within the higher risk flood zones.

Taking this into account and that the source of flooding is from surface water and that the new Devon County Council (DCC) Flood Alleviation scheme whilst not classed as a flood defence does protect the site from surface water flooding. On balance, the scheme is considered acceptable in terms of flood risk. However, it is noted that the scheme is reliant upon the presence of the wall and Devon County Council's maintenance of it to protect the property and therefore given the importance of the wall, and secondary defences given in the Flood Risk Assessment in terms of flood mitigation it is advised that suitable conditions are included in any decision to ensure that they are all fully designed, installed and maintained for the life time of the development and that the FRA is complied with. These conditions are set out in the Council drainage consultation response above. Subject to these mitigation measures being adequately installed and maintained it is concluded that the development would be safe from surface water flooding and that the proposal would not increase flood risk elsewhere.

The Environment Agency have not objected to the application. On balance, given the circumstances of the site, the proposal is considered acceptable in flood control terms.

### **Open Space:**

One of the reasons for refusal of the previous outline application for a dwelling on this site (application reference: 0843/16/OPA) was on the grounds of loss of open space without a compensatory contribution towards provision of off-site open space. This was refused against the Development Plan documents at that time (Core Strategy and DPD Document) which had this requirement. These have since been replaced by the current Development Plan (Joint Local Plan) and this application needs to be assessed against the current local plan policies which do not have the same requirement for compensatory open space provision for a development of this scale.

The site sits between two detached residential dwellings and their gardens at the end of Clayman's Pathway, the last cul-de-sac on a branch of the larger housing estate known as 'Woodlands'.

Whilst, some concerns have been raised in representations received with regard to loss of play space and amenity space. The site has not been made in to a play space since the construction of the dwellings forming the cul-de-sac known as 'Clayman's Pathway' over 25 years ago.

It was intended in the original planning application for the Clayman's Pathway dwellings that the small parcels of land, left between some of the dwellings would become play space for children. The application site was one such site, however the play space provision was never provided and no funding for the provision of Open Space, play provision or ongoing maintenance was secured by legal agreement. As a result there has been no play space provision made on the site since the housing estate was built and it became overgrown and unkempt.

Furthermore, the South Hams District Council mapping identifies the public space type for this land as amenity greenspace rather than play space.

Planning policy DEV27 of the Joint Local Plan sets out that existing neighbourhood green spaces, *“should not be built on unless it can be demonstrated that the open space is surplus to requirements; or the loss will be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss. In making this judgement regard will be had to evidence of the identified value of the green space’s attributes as set out in relevant open space assessments and account will be taken of the plan’s green space and play accessibility standards. Development will be resisted on sites where the functions and characteristics of the greenspace will be lost and mitigation is not possible.”*

In support of the application an open space, sport and recreation (OSSR) statement is provided setting out justification for developing the site.

The statement sets out that the site is currently an area of uneven raised ground located at the end of a residential cul-de-sac and is the last plot in the Woodlands housing estate before the developed land becomes farmland.

The statement submitted refers to the planning history of the site that when the road and houses forming Clayman’s Pathway were constructed over 25 years ago as part of the Woodland housing development scheme the site was set aside along with two others to be turned into play areas. However, this use of the site was not tied to a Section 106 Agreement and subsequently was never used as a play area with no funds allocated to play equipment and no ongoing maintenance undertaken at the site resulting in it becoming overgrown and not used for the purposes for which the land was set aside.

Referring to the SHDC OSSR Supplementary Planning Document the land is too small to be the smallest of the play facility types defined as ‘casual play area’ after the 5m required boundary strips to the dwellings either side have been applied and the land take for a suitable ramped access installed. The guidance also sets out that play areas should be sited where they are subject to view and a degree of overlooking. This site at the end of the cul-de-sac has limited footfall and therefore is not overlooked as the guidance recommends. This results in the space only being able to be considered as amenity greenspace which is how it is defined on the planning mapping layers for public open spaces.

The South Hams District Council Open Space, Sport and Recreation (OSSR) Study 2017 (an evidence based document for the Joint Local Plan, describes Amenity Greenspace as:

*“Amenity Greenspace provides opportunities for informal activities close to home or work and enhances the appearance of the area. Typically these are relatively small areas of mixed vegetation, but largely grassed, scattered through the towns or villages, and often used by children for informal play. These areas often provide open space within residential areas but frequently lack a clear use and are often used for informal recreational activities e.g. kick around areas.”*

Considering this definition of amenity greenspace, against the site characteristics of the application site, due to the topography of the site comprising several steep banks and a small uneven plateau it would be unsuitable to be used for the kick around informal recreational activities given as an example due to the uneven terrain for health and safety reasons.

Furthermore, as part of Devon County Council's Flood Risk Management Plan for Ivybridge a surface water drainage culvert is now located on it with a large grate to protect the inlet. This being part of an informal public open space would also raise health and safety issues were children to use the area for informal play. In addition, given that no funding was secured as part of the original development for the ongoing upgrade and maintenance of the site to comply with OSSR use standards in its present condition and without means to secure its improvement the quality of the surface would not meet OSSR requirements.

Furthermore, taking into account the two other amenity greenspaces in the housing estate and that the development consists of detached properties with their own gardens it is considered that this site can be considered as surplus to requirements and its loss therefore would not be resisted by policy DEV27. The lack of justified need for this site is also apparent in that the site has not been developed as an informal play space since the dwellings were erected over 25 years ago which suggested that there was not a need for this provision on the site. There are also several equipped large parks in and around Ivybridge which comply with OSSR standards and are better placed to cater for the need for play space in the area.

In addition, the only types of green space that were identified as lacking in the South Hams South Hams District Council Open Space, Sport and Recreation (OSSR) Study 2017 were Outdoor Sports Facilities & Allotments as such the strategy did not identify amenity greenspaces as being an area of concern in terms of public open space provision and the loss of this amenity greenspace would not result in a lack of this type of provision.

The Strategy also set out that "where existing amenity greenspace is of low public benefit alternative uses may be sought" and in relation to quality "Amenity Greenspaces should serve a positive function and contribute to the quality of the public realm – not merely be left over spaces and a drain on maintenance".

Looking at the characteristics of this site it is concluded that the amenity greenspace offered by this site is of low public benefit and does not serve a positive function nor does it without adequate funding and maintenance having been secured contribute to the quality of the public realm it merely represents left over space which the Strategy would now seek to avoid.

Based on current policy given that the existing amenity space is of low public benefit and there is no funding for its improvement or ongoing maintenance and given the Devon County Council flood management scheme on part of the site which would make it unsuitable to provide informal play space it is considered appropriate to consider an alternative use for the site. The consideration of an alternative use of the site would not conflict with policy DEV27 of the Joint Local Plan for the reasons set out above as it is assessed that the site does not meet current green space and play accessibility standards and is surplus to requirements.

### **Ecology:**

The site falls within the Zone of Influence for new residents having a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be secured via a financial contribution towards mitigating the recreational impacts of development on the Marine Site through a Unilateral Undertaking, and this approach has been agreed by Natural England.

The applicant has committed to providing a financial contribution for the recreational impact on the Tamar European Marine Site through a Unilateral Undertaking having been secured for the required financial contribution to mitigate the impacts of the development. With, this contribution secured it is concluded that adequate mitigation has been provided to mitigate against the impacts of the development on the Marine Site to make this development acceptable in terms of its impact on the Marine Site.

### **Neighbourhood Plan:**

Having considered the relevant policies of the Ivybridge Neighbourhood Plan which this site lies within the designated area for it is concluded that granting consent for this development would not undermine the aims and objectives of the relevant policies of the Neighbourhood Plan. The addition of one additional dwelling is not considered to exacerbate traffic movement issues in the Town as sought by Neighbourhood Plan policy INP7 and the proposal would also not have an adverse impact on the historic environment given that it is not in the vicinity of listed buildings and not in a conservation area nor would it have an adverse impact on the natural environment given that it will be read against the established built form in this residential location as such the proposal would not undermine the aims of policy INP8 of the Neighbourhood Plan. Furthermore, the proposal is not considered to conflict with policy INP6 of the Neighbourhood Plan.

### **Conclusion:**

On balance, for the reasons given above conditional approval is recommended.

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

### **Planning Policy**

#### Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19

February 2019. On 13<sup>th</sup> February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22<sup>nd</sup> December 2020).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT12 Strategic approach to the natural environment  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Ivybridge Neighbourhood Plan (December 2017)**

The application site lies within the designated area for the Ivybridge Neighbourhood Plan the relevant policies of the Neighbourhood Plan to this proposal are:

Policy INP6: Housing and Employment  
Policy INP7: Traffic and Movement  
Policy INP8: Historic and Natural Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.**

## **SHDC OSSR Supplementary Planning Document**

### **South Hams Public Space Strategy**

#### **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.

#### **Conditions:**

1. 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.

2. The development hereby approved shall in all respects accord strictly with the documents/drawings received by the Local Planning Authority on:

#### 11 July 2019:

Location Plan Drawing no. 15-JAM-LP01-P1

Design & Access Statement Document Reference 19-JAM-DOC1 (approved in respect of section 3.6)

#### 7 September 2020:

Proposed site cross sections Drawing no. 20/JAM/GA20-P5 Rev P5 FIN Sept 20

Proposed Block & Location Plan Drawing no. 20/JAM/GA12-P9 Rev P9 FIN Sept 20

#### 11 November 2020:

Proposed street cross sections Drawing no. 20/JAM/GA21-P2 Rev P2

Flood Zone & Site Plan Drawing no. 19/JAM/GA17-P12 Rev P12 FIN Nov 20

Proposed elevations Drawing no. 19/JAM-GA15-P12 Rev P12 FIN Nov 20

Proposed Floor Plans Drawing no. 20/JAM/GA14-P12 Rev P12 FIN Nov 20

#### 11 January 2021:

Proposed site drainage layout Drawing no. 20/JAM/GA19-P7 Rev P7 FIN Dec 20

#### 17 January 2021:

Flood Risk Assessment and Hydraulic Model Report prepared by Ambiental Environmental dated 7 January 2021

2 February 2021:

Site Specific Flood Risk Assessment (JAM-D0C02-P7) dated 27th Jan 2020

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

3. The construction of the hereby approved dwelling shall be carried out in accordance with the sustainability details contained in section 3.6 of the submitted design and access statement.

Reason: To ensure that the development contributes towards delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and to contribute towards the use and production of decentralised energy.

4. Vehicle parking spaces shall be provided as shown on the submitted drawings prior to first occupation of the dwelling and retained thereafter for the life of the development.

Reason: To ensure adequate parking facilities are provided and retained to serve the development.

5. Refuse and recycling receptacle provision shall be made available prior to first occupation of the dwelling and retained thereafter for the lifetime of the development.

Reason: To ensure adequate facilities are available and retained for refuse/recycling provision to serve the development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions to the property or outbuildings as listed in Schedule 2, Class A, B, C, D or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) shall be constructed (other than those expressly authorised by this permission).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.

7. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the attenuated drainage scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. SuDS to be designed for a 1:100 year event plus 40% for climate change.
- b. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
- c. The FRA acknowledges the possibility of groundwater flooding so the drainage features should be designed to ensure they can resist a high water table and uplift pressure.
- d. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the high water table, a mitigating drainage alternative shall be agreed with the Local Planning Authority

e. Once approved the drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

8. Prior to commencement of development and notwithstanding the submitted details within the drainage report, full details of the specific onsite flood mitigation features shall be submitted and approved by the Local Planning Authority. Plan to be titled "Onsite flood mitigation plan" and minimum details to include:

a. Label the features that form the flood mitigation

b. Design levels and location

c. Gradients of exceedance routes.

Reason: The Flood Risk Assessment acknowledges that the Devon County Council defence wall could over top so the secondary mitigation is required to protect the property in such an event.

9. The garden layout with regard to the position and height of dwarf walls and level details acknowledged in the onsite flood mitigation plan submitted to satisfy condition 7 above shall not be altered.

Reason: parts of the garden form the secondary flood mitigation and must not be altered or removed without written consent from the Local Planning Authority.

10. No extensions or outbuildings shall be erected within 2 metres of the DCC flood mitigation wall, shown on the Onsite Flood Mitigation Plan submitted to satisfy condition 7 above.

Reason: To ensure there is always an Exceedance route for flood water in the event that the DCC flood defence wall is over topped.

11. Prior to occupation, an 'as constructed' survey is to be submitted to and approved in writing by the Local Planning Authority to ensure that the finished floor level and dwarf walls have been constructed in the correct position, level and at the gradients identified on the Onsite flood mitigation plan

Reason: The design levels and mitigation are fundamental in protecting the building from an extreme flood event and is essential that these have been installed and constructed as per the design.

## **INFORMATIVES**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.



2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. This consent is subject to a Unilateral Undertaking agreement to mitigate the recreational impacts of the development on the Tamar European Marine Site.