

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

Application No: 1372/16/FUL

Agent/Applicant:

Mr Andy Coughlan
The Chicken Shed
Beacon Hill
Newton Ferrers
PL8 1DB

Applicant:

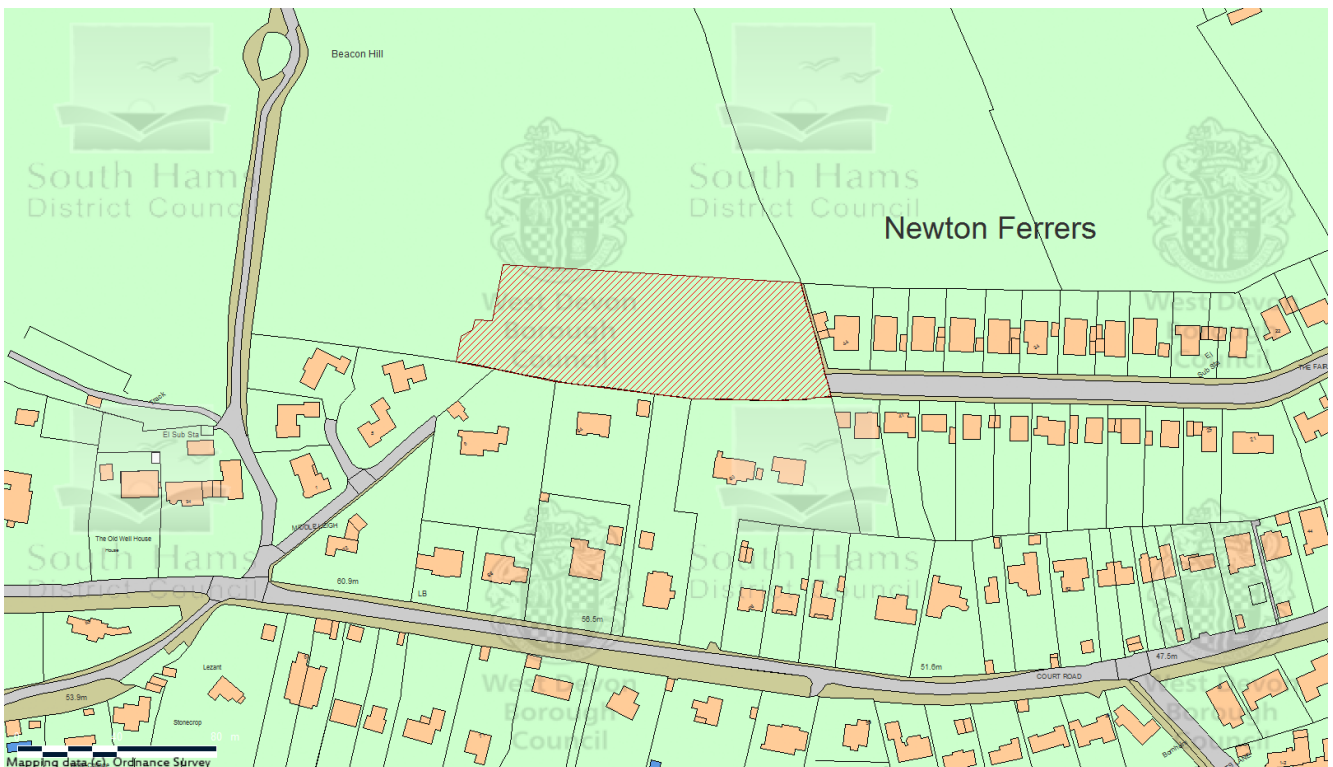
Mrs C Hitchings
c/o Court Farm
Court Road
Newton Ferrers
PL8 1DH

Site Address: Land at The Fairway, Newton Ferrers, PL8 1DP

Development: Construction of 5no. DDA-compliant dwellings and change of use of land

Reason item is being put before Committee At the request of Cllr Baldry for the following reasons:

1. The high level of public objection.
2. The site is outside the development boundary.
3. It is not allocated for housing.
4. It is in the AONB and the development will not enhance the AONB.
5. I am concerned about the increase in traffic. It will pass along Court Road and as shown in your report, there is no footway. This is the route for pedestrians to the village centre for whom the road is already unsafe.
6. There is no affordable housing, nor a contribution for off-site affordable.



Recommendation: Delegated authority be given to the Community of Practice Lead to grant Conditional Approval subject to the prior satisfactory completion of a Section 106 Agreement to secure the following:

Education Infrastructure - £13,680

Education Transport - £3,097

Improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers. - £19,500

Management Company to secure implementation of LEMP which will secure hedgerow management.

Highway drainage schedule of works to be agreed and implemented

Conditions: (included in full at end of the report)

Time

Accords with plans

Details of levels to be provided and agreed

Details of surface water drainage to be submitted to and approved in writing by the LPA

Recommendations on Extended Phase 1 Habitat Survey and Ecological Appraisal to be adhered to.

No external lighting unless details previously agreed with LPA

Requirement for heavy metal soil sampling

Unsuspected contamination

Pre-commencement - Construction Management Plan

East facing dormer windows to be obscure glazed and fixed shut.

Materials to be agreed

Hard and soft landscaping to be agreed and implemented

Tree and hedgerow protection measures during construction to be agreed

Details of any retaining walls to be agreed

Construction details of estate road, footways, verges etc to be agreed and provided.

Removal of PD – roof extensions and means of enclosure

Pre-commencement – LEMP

Highway, parking and turning to be laid out prior to occupation

All off site highway improvement works shall be complete prior to the occupation of the first dwelling

No mud, stones, water or debris shall be deposited on the public highway

Key issues for consideration:

The site is located within the South Devon Area of Outstanding Natural Beauty (AONB) and Heritage Coast. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in these areas. South Hams Local Development Framework (LDF) Policies CS9 (Landscape and Historic Environment) and DP2 (Landscape Character) also give great weight to the conservation and enhancement of AONB's. This is the leading issue in the consideration of this application and it is noted that due to the sites location in the AONB the provisions of paragraph 14 of the NPPF which sets out a presumption of favour of sustainable development do not apply.

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, a further issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date and a key issue is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

In reaching this balanced decision great weight should be given to conserving landscape and scenic beauty in this Area of Outstanding Natural Beauty, as mentioned above.

Given the issues that have been raised in connection with the application, the potential adverse impacts on the following matters are to be considered:

- Landscape (AONB and Heritage Coast)
- Traffic
- Ecology
- Access

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

It is estimated that this development has the potential to attract New Homes Bonus of **£5,900** per annum. The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site is the lower south east corner of an agricultural field that adjoins the west end of The Fairway, a residential road of mostly bungalows located on the northern boundary of Newton Ferrers. Access to The Fairway is via Court Road.

The site is a rectangular parcel of land that is 0.47 hectares in size. The site is outside of the Development Boundary but immediately adjoins it. The site is also within the South Devon Area of Outstanding Natural Beauty and the South Devon Heritage Coast.

The southern site boundary adjoins the rear gardens of properties on Court Road and Middle Leigh. This boundary is defined by a mature hedge and some trees. Two trees close to the common boundary, in the garden of 80 Court Road, are subject to Tree Preservation Orders. The eastern boundary with The Fairway is defined by a field gate and a mature hedge.

The dwellings on Court Road are set at a lower level than the application site due to the topography of the land which slopes downwards from north to south

There is a second field access gate, this one is on the south site boundary, opening into Middle Leigh.

The Proposal

The application proposes the construction of 5 detached dwellings, proposed to be compliant with the Disability Discrimination Act (DDA complaint).

The Fairway will be extended to the west, through the existing field gate, into the adjoining field. The new road will run parallel to the existing hedgerow field boundary. The first half of the road will be adoptable and will include a turning head between the second and third dwelling. This turning head will be available for use by all road users. At present there is no turning head in The Fairway. The remaining section of the new road will be private and surfaced with permeable block pavements. The new road will terminate close to the existing field gate access to Middle Leigh, only pedestrian access will be possible into the adjoining field

The dwellings will all be sited on the north side of the new road. The first two dwellings on the eastern side of the site are designed as dormer bungalows, with all living accommodation and two bedrooms on the ground floor and a further, master bedroom with en-suite, located in the roof. A car port is provided on the side with additional parking in front.

The remaining 3 dwellings are split level, appearing as two storey from the south and single storey from the north. They are split level bungalows reflecting the topography of the land, an internal stairway links

the living level to the bedroom level however an area is allocated where a lift could be installed. The design includes standing seam metal roofs which is proposed as a means of reducing the roof pitch and therefore the size of the buildings.

Each plot has a front and rear garden.

It is stated that the dwellings will be DDA compliant and will use sustainable construction techniques including the following:

- To retain and provide soakaways for all storm water on site, via below ground water storage tanks for all external washing and garden watering requirements,
- To have a permeable private road surface to three houses, (Devon Highways require turning head run-off to go to their drain),
- To use a highly insulated timber frame construction, with blockwork and traditionally rendered exterior to Passive House standards and,
- Air or ground source heat pump for underfloor heating throughout, and
- As much on site material will be retained and reused to form Devon Banks, and landscaping and grading as possible.

The Draft Heads of Terms accompanying the application propose the following:

Education Infrastructure - £13,680

Education Transport - £3,097

Improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers. - £19,500

Implementation and Management of a Landscape Management Plan

Consultations:

County Highways Authority - *The Highway Authority notes the site is located at the western end of The Fairway. Whilst The Fairway has footways, Court Road and a section of the B3186 (Parsonage Road) does not afford any footways meaning the shops and school are difficult to reach for vulnerable road users, such as parents with prams/children, disabled, elderly or younger children.*

Ordinarily the Highway Authority would consider raising objection on grounds that the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework. However, in this case there is a road safety improvement being offered in the form of provision of a turning head for The Fairway to consider against that negative. On balance noting the existing accident statistics show there is not an accident issue on the roads mentioned above, the Highway Authority considers a maximum of five dwellings proposed here is reasonable for the developer to provide sufficient funding for the offered turning head improvement.

The applicant has now demonstrated subject to drainage remedial's that will need to be undertaken prior to commencement under a S278 legal agreement the new highways can be drained adequately. It is recommended the drainage schedule of works and the delivery of the turning head be included in a S106 legal agreement. The schedule is attached and the drawing showing the turning head is to be resubmitted by the applicant.

The applicant has now added a taper to the new road to make the transition from 7.3m to 5.5m. This is also accepted.

Noting the need for a S278 above, a combined Section 38/278 legal agreement will be required if planning consent is granted for the proposals.

- Environmental Health Section – no objection subject to conditions

- Drainage – No objections subject to conditions
- DCC Education – requests financial contributions towards secondary school infrastructure and towards secondary school transport (£18,241 and £3,097 respectively).
- SHDC Open Space Sport and Recreation – no objection subject to financial contributions:

There is no provision on site of any public open space, pitch or play facilities. Nonetheless, the new residents will add to the pressure on existing facilities within Newton Ferrers. The nearest facility offering play, open space, and playing pitch facility is nearby at 'Butts Park.' The play area at this park has been flagged up as a quality score of 2 out of 5 (which indicates 'weakness and needing improvement') within the SHDC 'Play spaces quality assessment' (2016) which will form part of the evidence base for the forthcoming Joint Local Plan. It was noted that the site had potential to expand with a requirement to improve the facilities and landscaping. The SHDC Playing Pitch Strategy (2016) identifies the requirement to upgrade the cricket changing facilities at Butts Park as a priority project.

Investment in the facilities at Butts Park will assist with making them sustainable and mitigate for the pressure on these facilities generated by the proposed development, and accordingly make the proposed development acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

Accordingly, a s106 contribution of £19,500 (calculation using OSSR SPD shown below) should be sought towards 'improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers.'

- SHDC Ecology – No objection, proposal has the potential to lead to an enhancement in wildlife value from the site; conditions recommended to secure adherence to survey report
- AONB Unit – Neutral view, comments summarised as follows:

The proposal is likely to result in a small degree of erosion to landscape character and will therefore contribute cumulatively to the harm that housing development is causing within this area of the AONB. However, considering the scale of the proposal in combination with the existing land use to the south and east of the application site; and the screening effect of existing tree cover, the proposal does not in our view sufficiently harm the landscape, scenic beauty, natural beauty or special qualities of the AONB to merit an objection from the South Devon AONB Unit in this instance.

Recommend that conditions be used to ensure mitigation measures identified within the Extended Phase 1 Habitat Survey and Ecological Appraisal are adhered to. In particular:

- the retention and enhancement of existing hedges and mature trees
- the provision of a Devon hedge located entirely within the agricultural land and not to form part of the domestic curtilage to the new dwellings, to provide continuity of landscape character, habitat and a degree of screening around the northern and western boundaries to the application site.
- the control of external lighting.

- Town/Parish Council – Objection:

The proposed development:

- *Would have an impact upon and affect the skyline. The plans suggest one storey but reflect two storey buildings.*
- *Lies outside the Village Development Boundary.*
- *Is within and would adversely affect an Area of Outstanding Natural Beauty.*

- *Would lead to an increase in traffic in a residential area.*

Representations:

Approximately 50 letters objecting to the development have been submitted for reasons including the following:

- The site is outside the Development Boundary and not an allocated site.
- Claims of links to adjoining agricultural land and intention for one dwelling to be used as a farmhouse are unjustified; land is rented to another farmer and has been for many years.
- If there is a justified link to the farmland there should be an agricultural tie on one or more dwellings.
- Without any agricultural tie these are open market dwellings anyone could buy.
- No justification for this to be an exception site; does not include affordable housing.
- Adverse impact on the AONB and Heritage Coast.
- Visible from many public viewpoints, this is a skyline development
- AONB should be afforded great protection as required by legislation and guidance.
- No access should be allowed to Middle Leigh, this will cause nuisance to residents; historically this has just been a farm access.
- Should be considered against the emerging Neighbourhood Plan, premature to consider this application before Plan is adopted.
- Concern this will be a precedent for more housing.
- Housing Needs Survey did not identify a need for this type of housing.
- Will increase traffic on The Fairway, Court Road and within the area generally. The Fairway and Court Road are narrow roads with no pavements, this will increase danger to pedestrians including children.
- Enough houses already being built in and around Newton Ferrers.
- Site has a history of flooding, this will make it worse.
- Incorrect to say dwellings are essentially single storey
- AONB Unit has not been consulted
- Not put forward as a SHLAA site
- Contrary to Local Development Plan and AONB Management Plan
- Additional pressure on sewage system may prejudice Yealm Estuary SSSI
- Construction Management Plan required.
- Construction traffic will make poor quality roads worse
- No dwelling should be allowed to become a farmstead due to impact on neighbours.
- Need clarity on siting and distance from boundaries
- Should be cut further into slope to reduce impact on neighbours
- If not managed hedge could grow too tall and block light to neighbours
- No capacity in local schools

Approx. 11 letters have been submitted in support of the application, stating reasons including the following:

- Natural extension to The Fairway
- Will have no greater impact than existing houses
- Will allow a local family to live together that include two households with special mobility needs
- Will enhance setting of AONB with additional planting
- Adequate services exist
- Additional traffic will be modest and offset by the provision of a new turning head for The Fairway.
- Lower cost housing is welcomed
- Small area of land to be developed

- Provides a house type lacking in the village

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, for decision taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Paragraph 115 of the NPPF states the following:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

This paragraph 115 within the NPPF indicates that development within AONB's should be restricted and this outweighs the presumption in favour of development as set out on para 14 of the NPPF.

Paragraph 116 of the NPPF states that planning permission should be refused for major development in these designated areas (AONB's) except in exceptional circumstances and where it can be demonstrated they are in the public interest. In this case, the proposal for 5 dwellings is not considered to be major development.

In assessing the acceptability of the principle of development a key issue therefore is the impact on the AONB and great weight is to be given to its conservation.

While the AONB and Heritage Coast designation removes the **presumption in favour** of sustainable development it does not rule out development that does not harm the designated area or where the level of any harm is outweighed by benefits.

Whilst the AONB designation removes the presumption in favour of sustainable development, any development within the AONB is still required to be sustainable.

The application site is not allocated for development in the South Hams Local Development Framework and is located adjacent to but outside the Newton Ferrers development boundary.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan, for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the NPPF states that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites.’ An important question therefore is whether the Council can demonstrate a five-year housing supply.

It has been established through the appeal process, notably in light of the Kingsbridge K5 Appeal (APP/K1128/A/13/2210602) that, at present, the Council cannot demonstrate a five-year housing supply. As such the Council’s policies for the supply of housing, which will include LDF policy CS1, Location of Development (which sets out development boundaries) cannot be considered to be up to date or relevant.

The key issues to be considered in regard to the acceptability of the principle of the development therefore relate to the impact on the AONB and Heritage Coast and the sustainability of the development. The planning balance will give great weight to conserving the AONB.

Consideration of landscape impact and thus the impact on the AONB forms part of an assessment of the proposals sustainability:

Sustainable Development

LDF Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to all other material planning considerations. Newton Ferrers is included as one of the districts’ villages in which development would be acceptable in principle and is therefore covered by policy CS1. Newton Ferrers offers local facilities such as a small range of shops, a pub, village hall, a church and a Primary School. There is a bus service, albeit limited. Buses run to the nearest secondary schools. Newton Ferrers is therefore a sustainable location for additional development to take place.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role:

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of some 0.47 hectares of agricultural land, no farm buildings will be lost and farm access will be retained. This will not have significant impact on the viability of farming the remaining field.

On balance the economic impact of the development will be positive and in favour of the development.

The Social Role

As the scheme proposes only 5 new dwellings there is no policy requirement for the provision of affordable housing.

The scheme does provide 5 dwellings which will be DDA compliant. The Newton and Noss Housing Needs Survey has identified a demand amongst the over 55 age group for houses that are easy to maintain and on one level, amongst other criteria. These houses would provide for this demand.

The application states that 4 of the 5 houses will be built to house a local extended family, two households of which contain people with mobility restrictions. While this would provide a useful social benefit the houses would not be tied in any way and would be open market dwellings available to anyone the developer should choose to sell to.

Concern is raised about the adverse impact of additional traffic on the surrounding area, this issue is considered in more detail elsewhere in this report and it is concluded that the development will not result in any significant adverse impact on the safety or convenience of users of the highway, including pedestrians and will in fact deliver highway safety improvements.

The site is within walking distance of the local school and local facilities which will allow for social integration of new residents.

On balance, the provision of additional housing, in particular DDA compliant housing, will have a positive social benefit which weighs in favour of the development

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB and Heritage Coast which must be given great weight; ecology and bio-diversity and surface water drainage

Landscape Impact

The AONB Unit have provided a detailed assessment of the landscape impact of this proposal as follows:

Landscape Character

The proposed site lies outside of, though adjacent to the current defined development boundary for Newton Ferrers and would intrude into part of a large agricultural field currently used for arable cropping. With minor modifications, the field has retained largely the same shape for over 100 years and is clearly identifiable on the 1906 Ordnance Survey maps of the area. In permitting development as per the proposal there would be a negative change in landscape character, though it is accepted that the change would be small in magnitude.

Scenic Beauty and Visual Impact

As the application materials did not include a detailed landscape and visual impact assessment, but asserted in the document entitled "Environmental Impact Assessment, including landscape and visual comment" that the proposal is in-keeping with the AONB status of the area, I have undertaken my own assessment considering a number of key viewpoints in the vicinity of the application site.

In protected landscape terms, the key consideration is will the proposal harm the landscape, scenic quality, natural beauty or special qualities of the South Devon AONB?

Close views

Due to local topography, close-in views of the proposal are only realistically possible from The Fairway itself. Visually, the proposal would read as an extension to the existing built development along The Fairway following a similar style and density.

Distant views from the south, south east and south west

Due to the proposed buildings being partially dug into the hillside, of 1.5 storeys in height and mature tree cover already present to the south, the outline of the new buildings would be partly masked in views of the proposal from the south, southeast and southwest.

The elevated nature of the proposal's location, local topography and existing built development in the vicinity mean that public views of the application site are only possible from equally elevated land. The closest viewpoint at a similar elevation is therefore from land across Newton Creek, on Stoke Road, Noss Mayo, at 0.75 kilometres to the southeast. Only glimpsed views of the proposal are possible in the vicinity of the church and are likely to be masked by existing tree cover to the south of the application site.

At 2km to the southwest views toward the application site from the iconic viewpoint on Revelstoke Carriage Drive, forming part of the south west coast path above Mouthstone Point, would be almost wholly unaffected by the proposal. Built development forms a small component of the overall scene and the eye is drawn to the more prominent large footprint buildings to the southwest of the proposal site. At this distance, the proposal would read as part of the existing developed area to Newton Ferrers.

Views from the estuary

At water level within the Yealm estuary, the application site is not visible from Yealm Pool, Newton Creek, Noss Creek or the Yealm heading northwards. On entering the Yealm estuary by boat and beginning to round Warren Point looking in a northeasterly direction, partial views of the proposal's upper building elements may be possible from around 1km away. These are likely to be significantly masked by the existing tree cover and vegetation as the application site itself is not visible. Other more prominent existing structures to the south west of the application site draw the attention with these buildings already breaking the skyline. At distances of less than 1km away in the same direction, views of the upper elements to the proposal's built structures are likely to be quickly cut off by topography as the steeper low sections of the hillside dominate.

Views from the west

The application site is not visible from the foot ferry landing point at Warren Point.

Views of the application site from public footpath Wembury 26 (Warren Lane) within Wembury Parish 1.1 kilometres due west are likely to be masked by local topography, existing tree cover and the built structures of Newton Ferrers. From this viewpoint existing housing forms part of the view within which the proposal sits. If any of the proposal is visible it would read as part of the developed area of Newton Ferrers.

National Planning Policy Framework

For this proposal, footnote 9 to paragraph 14 of the NPPF restricts the normal presumption in favour of sustainable development and transfers the starting point for the assessment of the application to paragraph 115 of the NPPF which sets out a restrictive policy. Great weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application.

At five houses in scale, the South Devon AONB Office does not regard this application to constitute major development and therefore the provisions of paragraph 116 to the NPPF do not apply in this instance.

South Devon AONB special qualities relevant to the application:

- Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses.
- Deeply rural rolling patchwork agricultural landscape
- Iconic, wide, unspoilt and expansive panoramic views

South Devon AONB Management Plan

Particularly relevant policies from the management plan include:

- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.

- **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impacts of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character.
- **Lan/P3** Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.
- **Plan/P2** Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB.
- **Comm/P3** People will be supported in building vibrant, healthy and resilient communities, enjoying a high quality of life with good access to facilities.

Duty of regard for the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB which is a material consideration in determining this application.

Summary

The proposal is likely to result in a small degree of erosion to landscape character and will therefore contribute cumulatively to the harm that housing development is causing within this area of the AONB. However, considering the scale of the proposal in combination with the existing land use to the south and east of the application site; and the screening effect of existing tree cover, the proposal does not in our view sufficiently harm the landscape, scenic beauty, natural beauty or special qualities of the AONB to merit an objection from the South Devon AONB Unit in this instance.

Biodiversity

The Council's Ecology Specialist has reviewed the Extended Phase 1 Habitat Survey and Ecological Appraisal submitted as part of this application and has concluded that the proposed development is likely to enhance wildlife habitat subject to the recommendations in the report being carried out.

Concern has been raised by local residents with regard to the capacity of the mains sewage system that the development proposes to connect into. Concern is raised about the impact on the Yealm Estuary SSSI should the sewage system fail to cope with added demand.

South West Water have accepted the applicant's proposal to connect to the mains and raise no objection to the proposed development. The Council therefore has no reason to challenge the foul drainage capacity locally.

Surface Water Drainage/ Flood Risk

The site lies within Flood Zone 1 where flood risk is low. Council Drainage Engineers are satisfied that the development can be satisfactorily accommodated on the site without having any adverse impact from surface water drainage subject to conditions ensuring the provision of a fully designed scheme.

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. Some ecological benefits have been identified but more compelling is the impact on the AONB and Heritage Coast, the protection of which is afforded great weight by the NPPF. The impact on the AONB has been thoroughly assessed by the AONB Unit who have concluded that whilst there would be an impact on the landscape character it would not be of such harm as to justify the refusal of planning.

It is concluded that the environmental impact of the development will on balance, be neutral, neither providing significant environmental benefit nor harm to the identified areas of potential concern.

Sustainable development conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. The environmental impacts are considered to be neutral, creating neither significant harm nor benefit.

On balance it is concluded that the proposed development is sustainable and therefore should be permitted unless there are other material considerations that would outweigh its benefits

Design

The proposed dwellings are designed to sit into the slope of the land and from the rear will appear as single storey. Two of the dwellings are more typical dormer bungalows, the remaining three are split level dwellings and will appear as two storey from the road despite providing only one level of accommodation. Nevertheless the roof heights are kept low and the development, set on the lower part of the field will be set well below the ridge of the rising field and will not be prominent in the landscape.

The design of the dwellings is conventional modern architecture although the use of a standing seam metal roof adds a more contemporary feel. The dwellings however are in keeping with the area making a neutral architectural addition to the street scene.

There will be adequate amenity space for each dwelling and with appropriate landscaping it will be possible to create a pleasant, green living environment.

Highways/Access:

The proposed new road will include a turning head at the end of the adopted part of the road and available for use by all road users. At present The Fairway has no turning head, the Highway Authority sees the provision of this new turning head to be a positive addition to highway safety and convenience which mitigates against the additional traffic movements that the development will cause.

Access to The Fairway is via Court Road which is narrow and without pavements and is a route used by school children amongst others; concern is raised about the impact on pedestrian safety as a consequence of the development, both during construction and when in use. The Highway Authority consider that any resulting increase in adverse impacts as a result of increased traffic movements will be mitigated by the added safety that will arise from the new turning head.

It is proposed that a planning condition be applied to require a Construction Management Plan to be agreed and implemented to keep adverse impacts from development to a minimum.

It is also proposed that a planning condition be applied to ensure that there is no vehicular access from The Fairway into Middle Leigh as this is not part of the proposal and the impacts of this have not been assessed; local residents have raised concerns about this issue.

Neighbour Amenity:

Due to the height, siting and design of the proposed dwellings it is considered that there will be no significant adverse impacts on the amenity of neighbouring properties. This is in part dependent however on the continued management of the hedgerow on the southern boundary and as such it is proposed that the management of this hedge be included as part of a LEMP to be controlled within the Section 106 agreement.

There is potential for overlooking from east facing dormer windows of House Type 2, these windows light the stairway. It is proposed that the windows be obscure glazed to prevent overlooking.

Subject to these planning conditions the impact on residential amenity is considered to be acceptable and in accordance with adopted local policy.

Agricultural Tie/Link

The application suggests that one of the dwellings will be occupied by the landowner who intends to farm the adjoining land (believed to be rented out at present). However the application is not described as being for an agricultural workers dwelling nor has the relevant information for such an application, such as viability information, been submitted. In any event it would only be appropriate to place an agricultural tie on a property if it is in an unsustainable location and only deemed acceptable on the basis of agricultural need.

This application has been assessed on the basis that the application seeks planning permission for 5 open market dwellings.

Concern has been raised about the possible creation of a farmstead around one or more of the dwellings and the adverse impact this may have. Any new farm buildings within the adjoining field would be subject to the same planning controls whether or not this application is approved.

Prematurity in advance of the Neighbourhood Plan

Concern has been raised about the fact that the development does not accord with the emerging Neighbourhood Plan and it is premature to permit this development in advance of the Plan being adopted.

The Neighbourhood Plan is at an early stage of development and as such carries no weight. In the absence of up to date local plans application proposals relating to housing supply must be considered in accordance with the NPPF.

Planning Balance

The proposed development would conflict with Development Plan policy and would result in residential development outside the development boundary. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing supply have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development but also, in making this assessment, to give great weight to conserving landscape and scenic beauty in this AONB.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

The AONB Unit have confirmed that the impact on the AONB as a consequence of this development will be minimal. On balance it is considered that despite giving great weight to the small amount of harm to the AONB than may arise from this development, the economic and social benefits outweigh this harm.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme.

With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a s106 agreement.

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

Planning Policy
NPPF

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Planning Conditions:

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 drawing number 'Location Plan', GG/PA/000/Rev E, GG/PA//02A, GG/PA/03A, GG/PA/07, GG/PA/04, GG/PA/05 and GG/PA/06

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

3. Prior to the commencement of development details of finished floor levels, ridge heights and cross sections through each dwelling to show the relative level of gardens, dwellings, parking areas and the new road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is set at a level that ensures it is assimilated into the landscape to minimise the visual impact on the AONB in which it is set.

4. PRE COMMENCEMENT: No development approved by this permission shall be commenced until full details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final drainage scheme, including testing and calculations;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable for construction;
- (e) a construction quality control procedure;
- (f) a plan for the future maintenance and management of the system.

The sustainable drainage scheme is to be designed for a 1:200 year event plus 40% for climate change and infiltration drainage must be supported with testing to BRE digest 365. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests or the discharge rate is too high then a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

5. The recommendations, mitigation and enhancement measures of the Extended Phase 1 Habitat Survey and Ecological Appraisal by The Magnificent Science Company dated 8 September 2016, shall be fully implemented prior to the commencement of the development hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

6. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development and in the interests of wildlife conservation.

7. PRE COMMENCEMENT: Prior to the commencement of works, a survey will be carried out to determine the level of Arsenic and other heavy metals shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
1. The results of the Phase 2 soil sampling survey and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 2. A verification report on completion of the works set out in (1) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the written consent of the Local Planning Authority.

Reason: The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 2 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

9. PRE COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) 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;

(h) 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;

(i) provision of wheel wash facilities, dust suppression and noise limitation measures;

(j) hours during which no construction traffic will be present at the site;

(k) the means of enclosure of the site during construction works;

(l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and

(n) a road condition survey using photographic evidence near to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

10. The first floor east facing dormer windows shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

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

Reason: In the interests of visual amenity.

12. No development above slab level shall continue until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, including all details of all boundary treatments.

The approved scheme shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

13. PRE-COMMENCEMENT: No development shall take place until such time as details showing how the existing trees and hedges that may be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the local planning authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved tree/hedge protection plan.

Reason: In the interests of visual and residential amenity

14. Details of all retaining walls to be built as part of the approved development shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

Reason: In the interests of visual amenity.

15. The proposed estate road, cycleways, footways, footpaths, verges, junctions, 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 in writing by the Local Planning Authority 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 enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal in the interests of highway safety and convenience.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations);
- (b) Part 1, Class C (roof addition or alteration);
- (c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse.
- (e) Part 2, Class A (means of enclosure).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality and to safeguard residential amenity.

17. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters.

Reason: In the interests of ecological interest and to secure long term management of existing and new hedgerows.

18. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to/it them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

19. All off site highway improvement works shall be complete prior to the occupation of the first dwelling.

Reason: In the interests of highway safety.

20. No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interests of highway safety.