

PLANNING APPLICATION REPORT

Case Officer: Tom French

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

Application No: 3227/16/OPA

Agent/Applicant:

Mr James Wells
Top Floor Unit 2 Western Hangar
Lawrence Road
Mount Batten,
Plymouth
PL9 9SJ

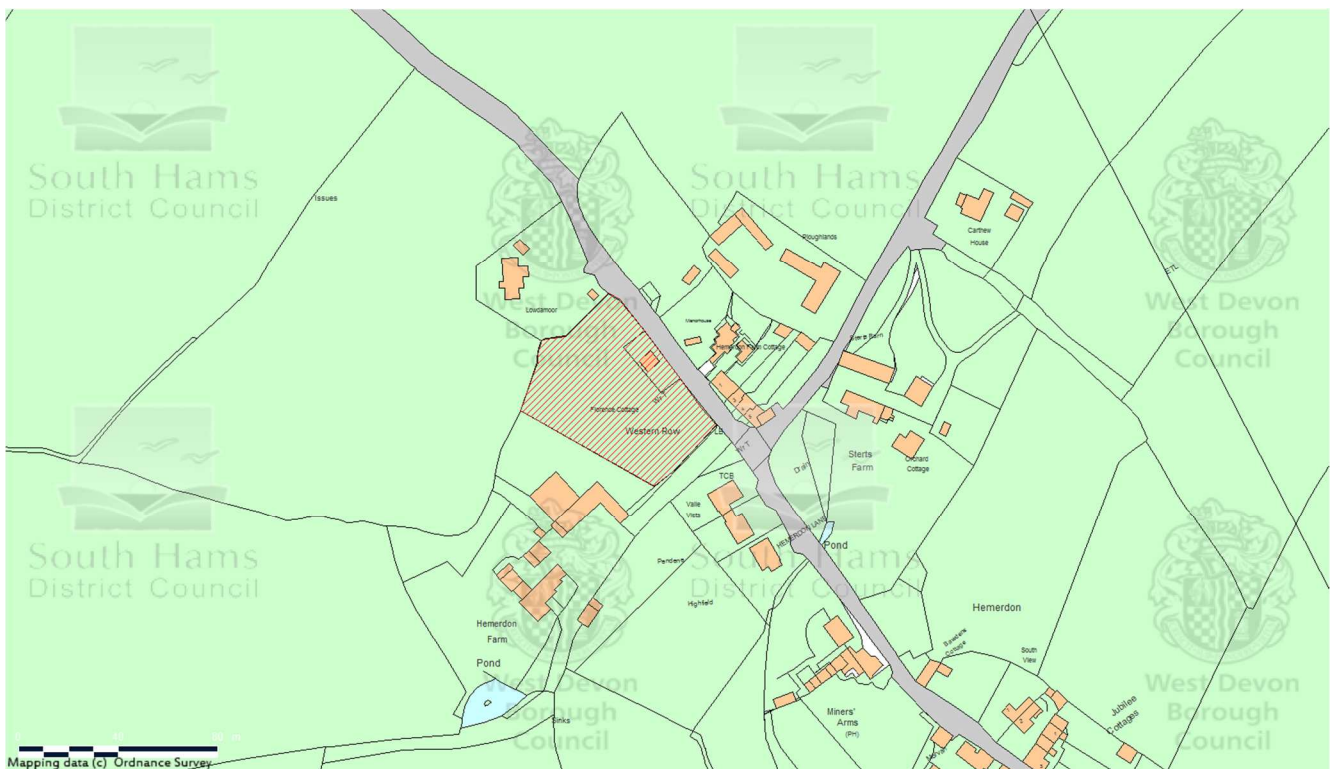
Applicant:

Mr J Gamble
Alma Cottage
Hemerdon Lane
Hemerdon
PL7 5BU

Site Address: The Paddock, Hemerdon Lane, Hemerdon, Plymouth, PL7 5BU

Development: Outline application with all matters reserved for the erection of three detached dwellings

Reason item is being put before Committee: Referred By Cllr Blackler who supports concerns raised by Sparkwell Parish Council



Recommendation: Conditional approval

Conditions:

1. Standard Outline Time Limit
2. Standard Outline Conditions
3. Approved plans
4. Retention of boundary hedges
5. Drainage details for surface/foul
6. Approved parking areas to be provided before occupation maintained
7. Refuse/recycling areas to be provided before occupation/maintained thereafter
8. Unexpected contamination
9. Samples of materials
10. Existing access to be retained for development
11. Any access improvements required implemented prior to commencement.
12. PD for means of enclosure removed
13. Landscape and boundary details & implementation

Key issues for consideration:

1. The principle of the development in this location
2. Whether the application provides adequate framework for the consideration of the design and appearance of the dwellings
3. The impact upon the amenities of neighbouring properties
4. The adequacy of access and parking arrangements

Site Description:

The Paddock is a small site of about 0.2 acres in size with a gentle slope running away from the nearest cottages at Western Row. Access into the site is provided by a five bar gate that serves the two existing stables and paddock area. The site is contained by hedges on all sides and is located on the eastern side of the village and is surrounded by development on all sides. There is no record of a planning history on the site although the land has been used for stabling horses and as amenity space, it also contains three septic tanks belonging to cottages in Western Row.

The Proposal:

Outline planning permission is sought for the erection of 3 dwellings with all matters reserved for subsequent approval.

Consultations:

- County Highways Authority – Standing advice applies.
- SHDC Environmental Health Section - Have reviewed the planning application and suggest a standard unexpected contaminated land condition:
- Sparkwell Parish Council –
Our considered response to the above planning application is negative in its current format as we consider that a number of issues need to be addressed before it could be given our support, these are detailed as follows:-

1. The western end of the village where this scheme is proposed has an existing problem with a lack of off-street parking for the 5 cottages at Western Row not having any private parking. This causes congestion in the Immediate entrance to this new proposal, to the extent that at times emergency vehicles such as fire engines and ambulances cannot get through to the properties further west down this lane. On one occasion a fire engine had to be left at the top of this lane whilst the crew ran to deal with a fire further down the lane.

The entrance to the proposed development is shown as using the existing gateway to the paddock, we consider that this will provide insufficient visibility for what IS likely to be upwards of

an additional 6 plus cars, no provision appears to have been made for refuse collection or the additional traffic of delivery vehicles etc. Hence this scheme can only add to the current unacceptable level of congestion.

2. The proposal also shows a development of two-storey houses. We are concerned that any development of The Paddock should take due note of the surroundings given its proximity to two listed properties (Manor House and Hemerdon Farm) and a row of traditional cottages. We believe that the development should be limited to single storey bungalows as exist on the south east side of the site, or one and half storey houses designed in sympathy with the traditional cottages nearby to prevent overcrowding of the current open aspect, enjoyed by its neighbours and to prevent any negative impact on the character of the village.

3. The remaining part of the paddock left undeveloped contains several old septic tanks taking the waste from the cottages at Western Row. The new development shows a single package treatment plant for the new houses presumably discharging directly into the spring and local watercourse, we would ask that a more coordinated approach and detailed environmental investigation is undertaken to establish the current situation with waste processing and potential to pollute before the scheme can be considered further.

4. We consider that these points need to be addressed before we could support this scheme, which could include a section 106 agreement whereby the developer provides an off-street parking area by relocating the stone faced bank opposite the cottages at Western Row to remove existing cars from the road, Including a waste collection area for the new and existing houses, this would also open up the entrance to the Paddock which along with further work to the west of the gate could provide acceptable visibility. The agreement should include any upgrade to the proposed and existing waste processing if contamination is proved or likely to exist or be exacerbated by this scheme.

- Drainage Engineer - Applicants have provided percolation tests, however no details of proposed soak-aways have been included, such details and foul drainage information will be required
- Conservation Officer – No objection subject to retention of existing vehicular access point (with modifications if required) for the proposed dwellings. The site is sufficient to accommodate the dwellings without causing harm to nearby LB's. The form of the proposed dwellings should be simple, with low eaves, rural appearance and a linear traditional form.

Representations

Objection comments

- Disruption from building works
- Lack of communication
- Trees removed
- Parking/access issues in respect of large vehicles
- Few pavements in Hermerdon
- Loss of views to Western Cottages
- Drainage issues

Support comments

- Former residents of 4 Western Row Cottages lived at address for over 40 years, did not witness any problems with large vehicles
- Current resident of Western Row states no issue with service vehicles accessing Hemerdon Lane

General comments

- Properties should have low rooflines
- Development should take into account sites heritage setting

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The application site is located outside of the Development Boundary and therefore this proposal represents a departure from the Development Plan due to conflict with policies CS1, DP15 and saved policy SHDC1. However, in the absence of a five year housing supply the National Planning Policy Framework challenges the amount of weight which should be given to these policies on a site by site basis, and with reference to all other material planning considerations.

A nearby site for a new infill dwelling was approved on appeal under reference APP/K1128/W/15/3130855. The Inspector concluded that whilst Hemerdon is not listed within CS1 as being a sustainable location for development, it has village facilities such as a public house and village hall and that small scale development would provide positive social impacts as well as providing economic benefits to the local services in Hemerdon and neighbouring settlements, as well as providing employment during construction of the dwelling.

The Inspector concluded that due to the proximity of Hemerdon to the urban fringe of Plymouth, which is less than a mile away and accessible by both bus and private motor vehicle, the site had good access to services.

The application site is sited slightly further north of the appeal site but still within the village, the small scale development of three dwellings will offer social, economic benefits that outweigh the potential environmental impact of reliance on the private motor vehicle.

Design/Landscape/Impact on adjacent occupiers:

With all matters reserved, there is not a detailed design and landscape scheme to consider at this stage.

The site is not within a designated landscape or conservation area, however there are listed buildings adjacent. The conservation officer has concluded that the site can accommodate the proposed dwellings without resulting in harm to the listed buildings, it is considered that the form should take a traditional layout with the dwellings being arranged in a row having the front elevations facing Hemerdon Lane with rear gardens facing west to the rear, this will allow for the dwellings to be set far enough away from the existing dwellings on Hemerdon Lane and will respect of the historic fabric of the mining village.

By taking a traditional form with low eaves, due to the ground sloping away from Hemerdon Lane, it is considered that the dwellings will not result in an overbearing impact on nearby occupiers. The loss of views are not a material consideration when assessing planning applications.

Comments have been made in respect of single storey dwellings being preferable, due to the ground levels and the ability for the design to have low eaves and a modest roof pitch, the two storey houses are considered acceptable, in addition, the character and form of the area is predominantly cottage style two-storey dwellings and therefore the traditional layout and appearance will be keeping the surroundings.

This form will also allow for sufficient parking and turning space at the front of the dwellings and offer space to accommodate refuse/recycling receptacles.

Landscaping will form part of the reserved matters stage, the boundary treatments within the site should take the form of post and rail fencing with planting, which will grow to form natural boundaries between the plots, this will respect the semi-rural nature of the site; therefore it is recommended that

permitted development rights for additional means of enclosure are removed. The site has no TPO (tree protection Order) trees on it and therefore existing trees can be removed without the need for planning consent. In addition, the existing hedgerows can be cut back/maintained without the need for consent. The submitted ecological appraisal demonstrates that the site does not accommodate protected species.

It is considered that there is scope to design a dwelling that is sympathetic to the character and form of the surrounding area. As planning legislation views an outline planning permission to be the substantive permission, a full conditional regime is recommended.

Highways/Access:

Adequate space is available on site to provide parking in compliance with Policy T8. The Highway Authority has offered standing advice in respect of the proposal. The existing access has sufficient visibility for the proposal and is capable of modification in order to offer wider visibility splays etc. The applicant is happy to accept a condition ensuring the existing vehicular access is used to serve the development. The reserved matters stage will ensure that the proposed development offers safe access and the development will not result in any narrowing of Hemerdon Lane.

Hemerdon has limited pavements, which is typical of such a village setting, the additional pedestrian movements arising from the proposed development, would not warrant the provision of additional pavements, which in the case of Hemerdon Lane, would result in the reduction of carriageway width and the provision of on-street parking, which is utilised by many of the older dwellings, which do not have dedicated off-street parking.

Other matters:

Disturbance from building works is not a material consideration when assessing planning applications. By their very nature, construction work does result in some disturbance to the locality, however environmental health legislation covers statutory nuisance control if construction work is happening at inappropriate times or excessive disturbance arises.

Issues of communication between landowners and neighbours do not form part of the consideration of the application, all comments received as part of the planning process are taken into account and considered as part of the decision making process.

Details of percolation tests have been submitted, which demonstrate the site can accommodate surface water drainage, the details of soak aways will form part of the reserved matters when the layout is agreed. The foul drainage details will also be approved as part of the reserved matters, the applicants have indicated a package treatment which is the preferred solution in respect of this matter. The existing septic tanks for Western Row remain unchanged, alterations to these details would fall outside the scope of this application. In addition, the replacement of septic tanks with package treatment details may well not require planning permission depending on the works involved.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP6 Historic Environment
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.

Conditions

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

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.

4. There shall be no removal of the existing hedges on the site boundaries, unless approved as part of the reserved matters. If any part of the boundary hedging becomes seriously diseased, or are damaged, they shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: In the interests of ecology and visual amenity.

5. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations and details of foul drainage shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained.

6. The dwellings hereby approved shall not be occupied until the parking, and garaging areas approved part of the reserved matters 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.

7. The dwellings hereby approved shall not be occupied until the refuse and recycling areas (bin stores) approved part of the reserved matters have been provided, the approved bin stores shall be retained permanently thereafter for the storage of refuse and recycling.

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.

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. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have

been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials and there finishes.

10. The existing vehicular access shall be retained and used in connection with the development hereby approved, no other vehicular accesses shall be formed on the site without the express written permission of the Local Planning Authority.

Reason: To ensure the existing vehicular is used for the proposed development to protect the character of the area.

11. Any modifications to the existing vehicular access required as part of the reserved matters shall be completed prior to the occupation of the dwelling hereby approved and maintained in accordance with the approved details permanently thereafter.

Reason: In the interests of highway safety

12. Notwithstanding the provisions 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:-
 - (i) 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 and locality.

13. No development shall take place until a schedule of landscape scheme including boundary treatments and maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of public amenity and local landscape character.

Advice Notes

1. Notwithstanding the submitted layout plan which is indicative only, the layout at reserved matters stage should take the form of a row of 3 dwellings in a north to south formation with the front elevations facing east towards Hemerdon Lane, this will be in keeping with the traditional form of the settlement in which the dwellings will form part of.