

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Stoke Gabriel **Ward:** East Dart

Application No: 0011/16/OPA

Agent/Applicant:
Mr Richard Brown
18 Redwood
Burnham
Buckinghamshire
SL1 8JN

Applicant:
LDV Developments
c/o agent

Site Address: Land at Four Cross, Paignton Road, Stoke Gabriel, TQ9 6QB

Development: Re-advertised (Additional Documents Received) Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point

Reason for committee: It has been brought to committee by COP lead because of the contentious nature of the application to enable members to fully consider the concerns raised by the Parish Council.



Recommendation: Refusal

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.

The proposed development would not provide convenient access to local services and facilities within Stoke Gabriel contrary to the National Planning Policy Framework and Policy SPT2 of the emerging Joint Local Plan.

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

It is estimated that this development has the potential to attract New Homes Bonus of approximately £10,683 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 a former garden nursery situated around 90 metres south of Four Crosses junction, just outside the village of Stoke Gabriel. The nearest residential development on the eastern edge of the village is around 0.2 miles west of the site. The village allotments are situated to the north and west of the site with a used car dealer 'Paignton Road Car Sales' to the east of the site. Paignton Road lies to the south of the site with open agricultural field beyond. The site has an established bell mouth access onto Paignton Road with a gated access set back from the highway.

The village of Stoke Gabriel is located approximately 6KM to the south west of the coastal Devon town of Paignton.

The site lies outside of the development boundary, within the countryside, and within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application seeks to secure an outline planning consent for up to nine dwellings on this former garden nursery site. The proposal includes details for improvements to the existing access, with all other matters reserved. Indicative drawings showing how the site could be developed have also been included.

Consultations:

- County Highways Authority No objection
- Environmental Health Section No objection, conditions recommended

LA_Ref	52/0191/81/3: FUL
Proposal	Alterations to existing access
SiteAddress	O.S. 1992 & 3196 Paignton Road Stoke Gabriel
Decision	Conditional approval: 10 Mar 81
LA_Ref	52/1928/93/5: ADV
Proposal	Two free standing boards
SiteAddress	Four Cross Garden Centre Four Cross Stoke Gabriel.
Decision	Conditional approval: 16 Mar 94
LA_Ref	52/0190/81/4: COU
Proposal	Change of use of agricultural land to a retail nursery
SiteAddress	Pt. O.S. 1992 2954 and 3916 Paignton Road Stoke Gabriel
Decision	Conditional approval: 10 Mar 81

ANALYSIS

Principle of Development/Sustainability:

This is an outline planning application for the development of up to 9 dwellings. Although an indicative block plan has been provided, which demonstrates how the development could be achieved, it is illustrative and would not form part of any subsequent permission which might be granted. The only matter of detail to be considered is access and the key issue of determination of the application is whether the development of the site is acceptable in principle.

The application site is not allocated for development within the Council's adopted Local Development Framework Site Allocations Development Plan Documents 2011 and is located outside of the Stoke Gabriel Development boundary, as defined in the South Hams Local Plan 1996.

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.

It is accepted that the Council does not currently have a five year land supply. In such circumstances, Paragraph 49 of the National Planning Policy Framework advises that policies relating to the supply of housing should not be considered up to date. Policy CS1 of the South Hams Core Strategy advises that development outside development boundaries will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need. However because this policy aims to restrict housing outside of development boundaries, it relates to the supply of housing and is therefore not considered up to date. Consequently it only carries limited weight.

Paragraph 14 of the NPPF advises that where relevant policies are out of date, such as is the case here, planning permission should be granted for a proposal which is considered sustainable unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted. The site is located within the South Devon Area of Outstanding Natural Beauty, which is amongst the areas afforded the highest level of protection in relation to its scenic and landscape beauty. Careful consideration has been given to the impact the development would have on the area of designation.

The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The economic benefit

There would be clear positive economic benefits associated with the proposal with the provision of construction jobs in the short term and an increase in economic activity with occupants investing in the local economy, supporting the retention and improvement of local services and facilities longer term.

The site constitutes previously developed land, with its former use a garden nursery. It is argued within the Design and Access Statement that the previous use of the site is not sustainable within the longer term and is unattractive within its location but does not expand on this. Devon County Highways consider that the existing access offers substandard visibility but overall do not raise any objections because ultimately the residential use of the site would reduce the number of traffic movements into and out of the site.

The NPPF in Paragraph 111 requires LPAs to encourage the effective use of land by re-using land which has been previously developed. With specific reference to housing, Core Strategy Policy CS5 requires that at least 50% of new housing should be provided on previously developed land. However it is clear within the preamble to this policy that fundamental to the successful re-development of a site is how sustainable it is.

It is unfortunate that the applicants have not demonstrated why a garden nursery or an alternative employment use could not be achieved on the site but in principle, policy support for residential development on previously developed land is clear.

The Social Benefit

Housing Supply

The site lies within the South Devon AONB and strategic policy officers have advised that if it was considered that the proposal represented a major development and the applicants were required to demonstrate need, this would be difficult to achieve given the consents which have already been secured within the village of Stoke Gabriel. In respect of the principle policy tests in the NPPF, this application is not considered to constitute “*major development*” in the context of paragraph 116, due to its scale, form and anticipated impact.

Therefore, the fact that there is not a demonstrated need for additional housing within the village of Stoke Gabriel carries limited weight in the context of this application. It has already been stated that the Council does not currently have a deliverable 5 year housing land supply and therefore there is an acute shortage of housing provision within the district. The proposal would go some way towards addressing that shortfall with the provision of up to 9 dwellings.

Affordable Housing

The proposal would attract a financial contribution towards the provision of affordable housing at 20%, applicable on 6 units or more. The current application is in outline form and proposes up to 9 dwellings, with the exact house types and number of units to be provided reserved. The contribution would be calculated using the formulas set out within the table below and would be inputted into any Section 106 planning obligation.

Table 3 – Financial Contributions for Sites of 2 – 5 Dwellings Dwellings Type Proposed	Full Affordable Housing Contribution per unit	Affordable Housing Contribution @ 20%
1 Bed Flat	£82,345	£16,469
2 Bed Flat	£106,564	£21,313
2 Bed Houses	£122,710	£24,542
3 Bed Houses	£138,856	£27,771
4 Bed Houses	£163,075	£32,615

It is important to note that if the gross internal area of the development exceeds 1000 square metres then the policy of 35% will apply.

Access to services/facilities

The Council's strategic planning team have previously undertaken an assessment on the suitability of the site for development and concluded that whilst there were significant constraints because it is detached from the settlement of Stoke Gabriel, some mitigation could be achieved if a pedestrian link could be established into the village. Similarly within their original consultation response, the Highway Authority advised that a new footpath linking the development with the existing pedestrian links within the village was essential to ensure the proposal was sustainable and provides safe access for all users. In response, the applicants have now proposed a footway linking the development with the recently consented residential scheme on the eastern edge of the village – planning application reference 52/1503/15/F. The works would need to be undertaken under the remit of a Section 278 legal agreement.

Although there is an extant consent for the development on the neighbouring land, neither the Local Planning Authority nor the applicant can guarantee with any certainty that the development and the associated footpath will come forward. In the event the footway did not come forward there would not be a continuous, safe pedestrian access, suitable for all users, into the village. Paragraph 32 of the NPPF provides that a key consideration when considering development proposals is whether 'safe and suitable access to the site can be achieved for all people'. Without any guarantee that the footway on the neighbouring site will come forward, officers do not consider that the development will provide safe and suitable access to the village of Stoke Gabriel, rendering the proposal, as a consequence unsustainable.

The site is located around 300 metres east of the existing development on Yonder Meadow, which roughly marks the edge of the existing settlement. The development consented under application reference 52/1503/15/F would be located on the opposite side of the road to Yonder Meadow, but would not extend beyond it.

The primary school and village shops are located approximately 1.1 KM from the application site, with an estimated journey time of around 15 minutes on foot. This compares with a

distance of approximately 800 metres from Yonder Meadow and other edge of village locations. There is a bus stop within close proximity to the site at Four Cross Lanes although the service provided is limited, with services on average every two hours, commencing at 09.30 and running until 17.30.

In determining planning appeals, Inspectors' interpretations of what is considered a reasonable walking distance is varied. In considering an appeal for a new dwelling in East Staffordshire, the Inspector considered that a distance of 1.6KM from the village centre to be 'just within the limits of what one would normally consider to be a reasonable walking distance to services', yet another inspector considered that a distance of 850 metres to be excessive. Supporting data to Policy SPT2 provided within the emerging Joint Local Plan recommends a walking maximum distance of around 600 metres to the nearest bus stop and 800 metres to the nearest primary school and local convenience store. The proposal would go beyond this, which again raises questions regarding the sustainability of the site.

Impact on Existing Infrastructure

The proposal will attract a financial contribution towards the provision of Open Space, Sport and Recreation. The current application is in outline form and proposes up to 9 dwellings, with the exact house types and number of units to be provided reserved. The contribution would be calculated using the formulas set out within the table below and would be inputted into any Section 106 planning obligation.

Dwelling Size	Average Household Size (persons)
1 bed	1.5
2 bed	2.5
3 bed	4.0
4 bed	5.0

	POS standard Sq m per person	Provision cost £ per Sq m	Contribution cost £ per person (nearest £)
Pitches	12	20.13	242
Other outdoor	5	70.65	353
Equip Playspace	3	119.76	359
Cas Playspace	4	5.30	21
Inf Open Space, Woodland, Parks & Gardens	*	*	*

Total assuming contribution to all categories - £975

Devon County Council have confirmed that the proposal will attract a financial contribution of £5,852 towards the provision of education. It is anticipated that 9 family type dwellings will generate an additional 2.25 primary school pupils and 1.35 secondary pupils. The County have confirmed there is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development. They would however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from King Edward VI Community College. The costs required are 2.00 pupils (£3.08 per day x 2 pupils x 190 academic days x 5 years = £5,852).

The Social Dimension balance

There would be social benefits associated with additional funding towards the provision of affordable housing. However, officers are concerned that the proposal cannot guarantee safe and suitable access into the village for all users. The ability to secure a pedestrian link into the village is dependent on another planning consent coming forward and neither the LPA nor the applicant can guarantee this. Notwithstanding this, officers are concerned that the walking distances to necessary services and facilities within the village go beyond what could be considered acceptable. In this respect the proposal is not considered to be sustainable.

The Environmental Role

Paragraph 115 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenery in National Parks, the Broads and AONBs which have the highest status of protection in relation to landscape and scenic beauty. The effect on the landscape is therefore an important material consideration.

The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who has assessed the scheme as follows:

Landscape Character

The site is within Devon Landscape character area DCA 18 (Dart Estuary) but close to DCA 60 (Torbay Hinterland). The site is influenced by both character types. Locally the landform is folded and undulating, with an eclectic mix of land uses, from the development of Stoke Gabriel village to the west and its association with the Dart River, to caravan parks, recreational uses (football ground), and agriculture which is principally under pasture or woodland; also there some orchards. The immediate landscape is more typical of the hinterland and has a strong rural character, with less association with the Dart River. The site is associated with Stoke Gabriel although outside of the development boundary; however, it has a clear developed use which is further impacted upon by the adjacent land under light industrial use. These uses influence the current character and have an adverse impact given the rural location. Given the baseline condition of the site, residential units will potentially reduce the adverse impacts of the current uses, and therefore could secure some enhancement. More widely the overall character will be conserved.

Visual Impact

The site is generally well contained visually, with mature vegetation and the undulating topography close by limiting views. The footpath network is generally limited locally. The footpath to the south rising up the adjacent slope does provide some views into the site but the impacts are minimised by hedgerows.

Protected Landscape

In consideration of the South Devon AONB management plan, officers are satisfied that the special qualities will be conserved given the scale, form and size of the proposed development. It is acknowledged that there will be some impact but this is within acceptable margins; the overall character and visual amenity of the designation will be maintained. Mitigation can be secured at Reserved Matters stage to further enhance the proposal and reduce current impacts.

Detailed Design / Landscape Design

The application includes a conceptual scheme, with layout of residential units and open space; however, these elements are outline so will be detailed under Reserved Matters.

Careful consideration should be given to the layout and the design of the units ensuring appropriate vernacular materials and building form that reflects local character.

The access is detailed and following Highways consultation, has an amended layout and introduced a hard surfaced footway linking to the village edge and footpath network. The impact of this adoptable standard footway has been carefully assessed and concern raised over the likely adverse impact on the current rural approach to Stoke Gabriel. However, details seek to limit this impact including rural kerb edgings and minimum widths.

Arboricultural Impact

The main arboricultural interest is around the perimeter of the site, with mixed species, native hedgerows and a prominent conifer boundary along the northern edge. The impacts on these are limited and can be secured at RM by condition.

Existing Site

The garden nursery has now closed and with evidence of its former use apparent within the site, it is not attractive and arguably creates a scar within the landscape. The provision of houses on the site would undoubtedly improve its overall aesthetic without causing undue harm to the wider landscape setting.

Other Matters

Neighbour Amenity:

The site of the proposed development is not located close to any existing residential development. Relationships between the dwellings and the level of amenity enjoyed by each dwelling would be considered as part of the reserved matters application.

Highways/Access:

On balance, Devon County Council Highways Officers have not raised any objections with the proposal. They note that the former garden centre would have generated around 95 two way daily vehicle movements, whereas 9 dwellings, according to the TRICS would generate around 55 two way daily vehicle movements. The existing access to the west is considered to be substandard in visibility terms as it affords 50m 'y' distance from the centre of the access when positioned 2.4m back from the road. The seven day speed survey undertaken by the applicant reveals the 85th percentile to be in excess of 40 mph. It is stated that it would be contrary to Devon County Council policy to amend the existing speed limit due to the number of property frontages onto Paignton Road and evidence suggests that the road conditions dictate driver behaviour, with changes in the speed limit causing little difference.

Overall it is acknowledged that whilst the visibility is substandard, the proposals will reduce traffic when exiting and entering the County Road. It is also acknowledged that the Highway Authority would therefore not be able to adopt the internal estate roads and the roads will need to remain private but be built to an adoptable standard. *The owner will be issued with the Advanced Payments Code and then exempted so that potential property purchasers will be informed formerly if this is the case.*

The Planning Balance

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 9 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how residential development on the site could come forward the details of the layout, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

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 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 and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does not satisfy the three dimensions of sustainable development. With respect to the social dimension, the proposal cannot guarantee safe and suitable access into the village of Stoke Gabriel and notwithstanding this officers are concerned that the walking distances to necessary services and facilities go beyond what could be considered reasonable. For this reason the application is recommended for refusal.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS2 Housing Provision
CS5 Previously Developed Land
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

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
DP16 Conversion and Reuse of Existing Buildings in the Countryside

Emerging Joint Local Plan

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

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

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

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

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)
SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development

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.