

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Bigbury **Ward:** Charterlands

Application No: 4097/16/OPA

Agent/Applicant:

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Applicant:

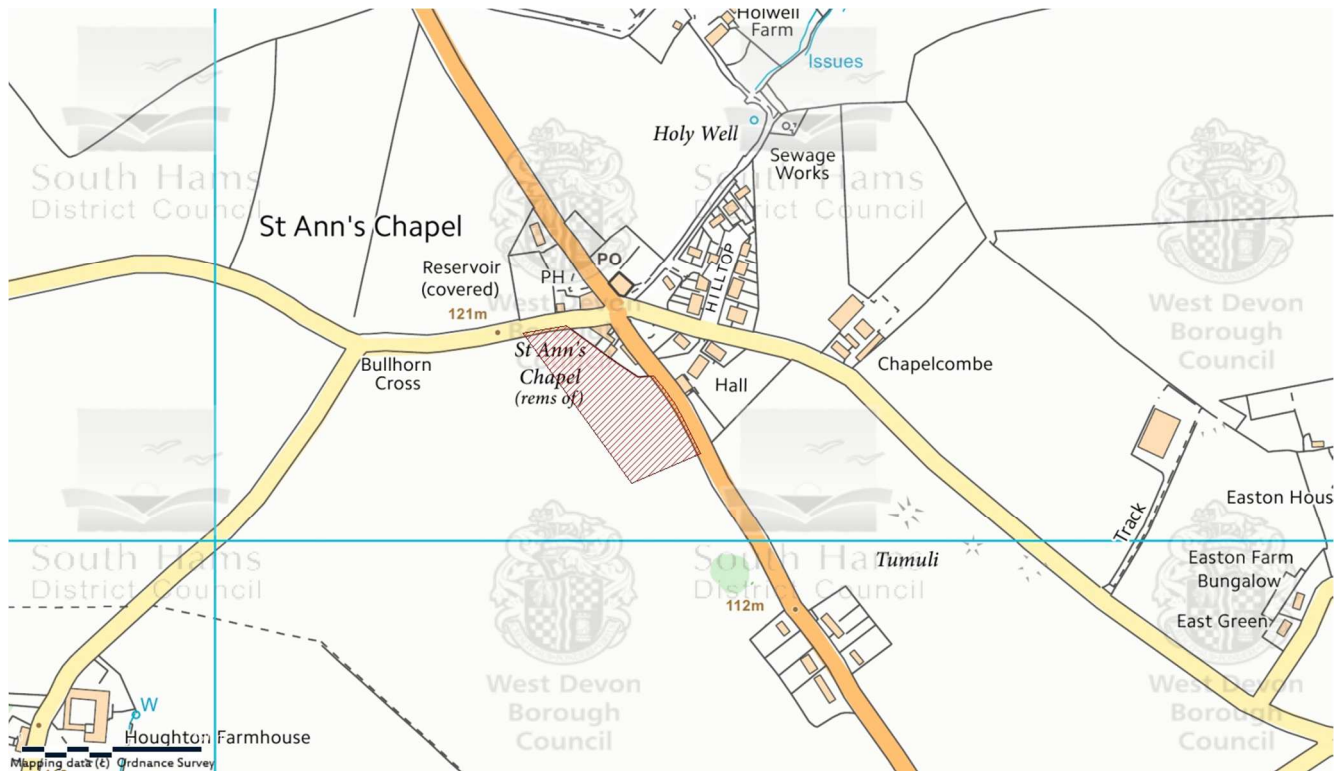
C & S Rodger, R & E Ogilvie-Smals, C & L
Hall, J Davies
C/O Agent

Site Address: Proposed Development Site At Sx 663 471, St Anns Chapel, Bigbury, Devon

Development: Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)

Reason item is being put before Committee: At request of the Ward member for reasons summarised as follows:

- No need for the development – need more affordable homes not private.
- Will be difficult to get a provider for just 3 affordable units.
- Outside Development Boundary and in AONB, Undeveloped Coast and Heritage Coast
- Is major development
- Could lead to further development on adjoining land.
- Material changes since the appeal was considered are JLP, Housing needs survey and Neighbourhood Plan.
- The local community have recently expressed support for an alternative site.
- No need for allotments
- B3392 is dangerous for pedestrians – plans suggest pavements where there are none and where there is no space to provide them.
- Positioning of planter in front of pub will prevent beer deliveries as front access is required for this.
- New layout encourages pedestrians to cross 2 roads instead of one
- Loss of Devon hedges



Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement to secure the following:

- Provision of 30 % on-site affordable housing or 3 dwellings whichever is the greater. In the case that a provider cannot be found this would revert to an off-site contribution of an equivalent amount
- £1000.00 for the new Public Right of Way (PROW) signing.
- Commuted maintenance sum for the highway soakaway. Amount to be determined if
- soakaway testing and ground water monitoring results show that soakaways can actually be
- Incorporated in to the design.
- £5000.00 towards traffic regulation orders.
- Management in accordance with the LEMP
- Ongoing management of the POS
- Off-site contribution for sport and recreation of £35,100
- Education transport contribution of £32,189

Conditions

- Standard outline time conditions
- Accords with plans
- Pre-commencement – programme of archaeological work to be secured and implemented.
- Stage 2 Safety audit and designer's response prior to commencement.

- Details of means of construction of highway
- Construction and Environmental Management Plan
- All of site highway works to be complete before construction of first dwelling
- Details of POS and allotments to be agreed
- LEMP to be agreed
- Unsuspected contamination
- Drainage scheme to be agreed
- Tree Protection
- PD removed – extensions and alterations and roof additions.
- Exterior lighting to be agreed
- Parking and garaging to be provided and retained
- Phasing plan for completion of roads and footpaths

Key issues for consideration:

A similar application, also for circa 8 dwellings was refused planning permission in 2015 and an appeal dismissed on grounds of highway safety in October 2016. The key issue for consideration is if the highway safety concerns have been adequately addressed and if the proposed changes to the scheme raise any other adverse material planning issues. Impact on the character of the area and impact on the setting of the Listed Pickwick Inn are relevant considerations.

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 £9,496 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 of 0.98 hectares of Grade 3 agricultural land is located adjacent to the south western edge of St Ann's Chapel; it is located adjacent to, but outside of the development boundary. The application site fronts onto the western arm of the C252 and the southern arm of the B3392. The site is relatively level parcel of land.

St Ann's Chapel is a small village of approximately 40 dwelling focused around a significant 5 arm road junction where the B3392 meets the C252. In the summer the B3392 is a busy tourist route giving access to Bigbury.

St Ann's Chapel contains a village shop with post office, a Grade II listed pub (the Pickwick Inn), Bigbury Village Hall and playing fields.

The site is located within the South Devon Area of Outstanding Natural Beauty and Heritage Coast.

The Proposal:

It is proposed to build circa 8 dwellings. All matters are reserved except access. The indicative layout shows a new road running from the C252 through the application site along the western boundary and linking into the B3392.

The route of the C252 will be diverted through the application site. This existing route will be blocked up to vehicular traffic to the west of the Pickwick Inn, this part of the old road will become a pedestrian and cycle route only.

The area of 'road' south of the Pickwick Inn will have a central 3m route demarcated using granite setts to guide pedestrians to the central point of the route where it is safest to cross the road. A heavy planter will be placed in front of the Pickwick Inn to prevent pedestrians from crossing at the blind corner. The road will be stopped up using a staggered railing west of the Pickwick Inn. These works in front of the Pickwick Inn, within the highway, do not require planning permission and would take place under a combined S38/278 legal agreement with Highway Authority.

Traffic on the C252 will be diverted through the application site via the new road. The majority of the length of the new road will be flanked by a new Devon bank or grass verge and Devon hedge bank. Any proposed footpaths will be mostly behind the hedge.

A bus stop will be provided within the site. A new turning head will be provided opposite 'The Water Tank' for those vehicles that need to access properties in the stopped up area of road.

All existing driveways, garages etc will remain accessible by car.

The indicative masterplan shows 3 x 3 bed terraced houses, 1 x 3bed, 3 x 4bed and 1 x 5 bed detached dwellings. It also shows 8 allotments with parking and a community orchard. The illustrative plans shows a low density development.

To create the new access points approx. 50 of Devon Bank/Hedgerow will be removed. Over 300m of new native Devon Bank/hedgerow is proposed within and around the site.

Consultations:

County Highways Authority – Following the subsequent refusal of the previously submitted application on this site, this Outline Planning Application looks to address the previous reasons for refusal, which were upheld at appeal.

The planning application now proposes a new road link through the development site so that the C252 road for vehicular traffic can be redirected avoiding the substandard Pickwick Inn junction at the B3392. This would have several benefits in road safety terms and these benefits are set out in the Highway Statement Addendum Note submitted with the application.

Following much discussion with the applicant's design engineers, the Highway Authority is now in general agreement with the layout of the newly aligned C road and adjustments to the existing C Road leading to the Pickwick Inn as submitted. These can be viewed on drawing 4187 - 001 Rev N. A stage 1 safety audit and designers response still needs to be submitted with a stage 2 audit and designers response to accompany the latest design.

Following initial concerns regarding a lack of an acceptable drainage strategy that is proven to at least work without SUDS extra information the applicant has now provided a drainage strategy that in principle would be acceptable to the Highway Authority with agreement of the Flood Risk Team.

S106 Requirements –

£1000.00 for the new Public Right of Way (PROW) signing. This will need to be paid prior to commencement of the PROW works.

Commuted maintenance sum for the highway soakaway. Amount to be determined if soakaway testing and ground water monitoring results show that soakaways can actually be incorporated in to the design.

£5000.00 towards traffic regulation orders. This will need to be paid prior to commencement of the development.

Other Legal Requirements to be undertaken prior to commencement –

Stopping up part of the Bigbury Public Footpath 28 this will need to be undertaken as part of a joint stopping up application using S247 of the Planning Act. The Public Rights of Way Team will need to be consulted and at no point shall the PROW become unusable or blocked due to the development without proper alternative provision for its users.

A combined S38/278 legal agreement is required for all the works. In addition it is recommended a deed of dedication is used to make the new road a public highway so that it can be opened to the public to use instantaneously. Then the C Road works can commence following the new road opening. The methods and timescales of works will need to be set out in the phasing strategy.

No objection, subject to conditions

- Environmental Health Section - no comment
- SHDC Ecology – No objection subject to conditions requiring a LEMP and details of the POS and allotments and Section 106 securing management in accordance with the LEMP, ongoing management of the POS and off site contribution for sport and recreation of £35,100.
- Affordable Housing – Support proposal
- Town/Parish Council
- DCC Archaeology – No objection subject to conditions.
- Historic England – No comment
- Natural England – no objection

- SHDC Conservation – no objection
- AONB Unit – no comment
- SHDC Landscape – no objection
- Bigbury Parish Council:

This development will have a significant impact on the local community, to such an extent that the Parish Council decided to hold an Extraordinary Parish Council meeting to discuss and debate the proposal. A total of **eighty** local residents attended this meeting with the five Councillors present.

In accordance with Parish Council Standing Orders minutes of the meeting were written and, in this particular circumstance, it is wholly appropriate to include the text from the minutes as the supporting documentation behind the Council's decision to object to this proposal. The detail is as follows:

'Chair BC, in opening remarks, stated that the meeting was held specifically to allow the Parishioners' to voice their views in respect of the above outline planning application. He noted for the record that neither the SHDC case officer nor the applicant, both having been invited to the meeting, had attended.

He further commented that an application from the same applicant had twice been presented to SHDC Planning Department; and on the second occasion, when refused, went to Appeal and that Appeal was lost. The Inspector determined that there was a lack of safe pedestrian access to local facilities.

The new proposal contained a fresh access and splay from the proposed site to the B3392, together with, closing vehicular access off the B3392 to the C252 towards Bull Horn Cross and on to Ringmore and Challaborough, as well as Kingston, creating a pedestrian zone. Chair BC then opened the meeting to parishioners for comments and opinions. During the course of the meeting there were 29 separate contributions from those present, of whom seven spoke more than once numbering 18 of the contributions.

In essence the comment was overwhelmingly expressing reservations and objections to the Application for all of the following reasons.

Whilst it was understood there was clear evidence of central government easing planning restrictions to satisfy the general shortage of housing nationally and that locally the District Council had a shortfall in its five year land supply, no evidence had been produced, even for the limited scale, of demand for the level of "open market housing" contained in this application.

Furthermore, given that legislation had given additional statutory bite to Neighbourhood Planning Groups (NHPG), this application was premature in the light of the Bigbury Parish Council NHPG not having completed its work, which includes a Housing Needs Survey. Given that the process is well under way, it is relevant, and should have the influence the NHP is intended to have over various matters, including future development.

Concern was also expressed that since much of the Parish fell within the AONB, insufficient

weight might be given to the views of that Body.

It was clarified that since this was an outline application, several matters will be the subject of conditions, many more matters are characterised as “Reserved Matters”, since they will be dealt with if or when a full application is made.

It was also made clear that Devon County Council (DCC) Highways would be responsible for the infrastructure and engineering matters related to all Highway and Pedestrian issues. Therefore, it was expected that there would be a Section 106 Legal Agreement to cover not only the usual statutory contributions; but also contributions and considerations related to Road Safety and Pedestrian Safety.

Clear concern was expressed that the outline application had failed to properly or adequately address the Judgement given by the Inspector at Appeal. It was the overwhelming view from comment and parishioners’ reaction to the application that the situation would be far worse for those living in the immediate proximity of St Ann’s Chapel and those travelling to and from Bigbury Village, Bigbury on Sea and in particular those living in Ringmore, Challaborough and Kingston, both in terms of safety and convenience.

In terms of both safety and convenience it was felt the solution offered gave insufficient consideration to the probable increased journey times for those in the villages, bottle necks caused by commercial vehicles seeking unloading access to the Pickwick, as well as a lack of

pedestrian pavements to encourage people to take the safe route across the B3392 between residences on Chapel Corner and the Pickwick to Holywell Stores and residences on the St Ann’s Chapel side of the B3392. Also, motorists travelling up the tidal road, or the Ashford Road, (i.e. Hilltop, Easton, Combe, Aveton Gifford, Kingsbridge, Salcombe etc.) to Kingston, Ringmore or Challaborough would have to make an awkward left turn by Holywell Stores, then a right turn across oncoming traffic, a potential cause of considerable congestion, especially in summer.

Allied to this was a very strong view that the position of the proposed pedestrianised area would simply encourage those travelling on the B3392, either way, and especially in the season, to drive faster through the area, significantly increasing the danger to pedestrians trying to cross the road in either direction. There appeared to be nothing in the plans to give adequate early warning or the means to slow traffic. It was understood that DCC Highways Dept. were opposed to any coherent form of suitable traffic calming; although these are B and C class roads and not A roads.

There was also concern that the planned treatment around the cross roads would inhibit an ancient trade route, as well as have an adverse effect on the vicinity’s Heritage assets. Essentially, the new road layout was out of character and keeping of St Ann’s Chapel’s “quirky” charm.

Several comments, to some degree, simply gave additional weight to the main comments made and summarised above. However, it was also important to record that several parishioners attending the meeting had had great difficulty or failed completely to gain access to the SHDC Planning section of their website, which has given greater emphasis to the meeting itself, as for some, it was their first opportunity to comprehensively view the outline planning application.

Although thought to be a good idea, there was likely to be insufficient time available to

engage a professional independent planning consultant to advise and act on behalf of the Parish.

Chair BC brought the meeting to order. Based on the many and varied planning reasons that came out of the meeting and that have been summarised above the meeting was asked to vote on the following questions:

Those in favour of the Outline Planning Application: - 1 (A Parishioner acting as Devil's advocate).

Those against the Outline Planning Application: - 73.

Those abstaining from voting on the Outline Planning application: - 6.

In addition, **all Parish Councillors present voted against the Outline Planning Application.**

The BPC Councillors confirmed that the Parish's reasons for objecting to the application for outline planning consent would be forcefully put to the SHDC Planning Case Officer and subject to the progress of the outline planning application, further measures would be considered, including professional representation and any related costs considered and voted on by the BPC.

- Ringmore Parish Council: objects on the grounds that the proposed road re-alignment does nothing to improve road safety at this difficult junction. The existing layout effectively calms traffic, slowing vehicles down. The new layout is likely to increase the speed of traffic travelling to and from the A370 to Bigbury. Higher speeds will make the exit from the Ringmore road even more difficult.

The new houses will completely change the character of the area in this AONB

Representations:

Approximately 77 letters of objection (however some people have written more than once) have been received on grounds that include the following:

- The scheme will increase highway danger, not reduce it.
- Current road layout creates natural traffic calming as vehicles are forced to slow down.
- The change to the junction will encourage traffic to travel faster past the Pickwick Inn junction.
- The new road junction is on the narrowest part of the road and will be dangerous and difficult to navigate in a large/long vehicle.
- Route will become more complicated for users.
- Unsafe for pedestrians accessing village shop
- Should have a safety audit
- Not the preferred site for housing in the village
- There will be no loading area for the Pickwick Inn
- The development will increase traffic movements in a congested area.
- The development will be over dominant
- Adverse impacts due to noise/smells/obtrusive lighting.

- Local drainage/flooding issues
- Contrary to planning policy and guidance including policy DP15.
- Adverse impact on the character of the village
- Adverse impact on the setting of a Listed Building
- Loss of Devon banks – adverse impact on wildlife and character of the area.
- Adverse impact on AONB, site sits high in the skyline.
- The LVIA is inaccurate
- Does not address local housing need
- No affordable housing is provided
- New cul-de-sac in front of pub will be used for ad hoc parking for shoppers
- Unsustainable location – no jobs, no public transport, limited local facilities.
- Major development in AONB/Heritage Coast
- Fails AONB derogation test.
- Use of concrete and bollards – suburbanising a rural village
- North facing gardens – poor design
- Great Crested Newts are present in the pond of the Old Bakery
- Premature in advance of the Neighbourhood plan
- Loss of passing trade to shop
- Poor sight lines for pedestrians
- Planter will force pedestrians to cross 2 roads instead of one.
- New housing needs survey and JLP are a material change since appeal decision
- Community has recently voted strongly in favour of an alternative development site and this is a new material consideration since the appeal

Relevant Planning History

05/0570/15/O – Outline application (with some matters reserved) for residential development of circa 8 dwellings with point of access, open space and associated infrastructure

Refused for the following reasons and dismissed at appeal:

1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways and also adequate visibility at the junction of the C252 and the B3392 with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework and Policy DP7 of the South Hams LDF.
2. The proposed development would be likely to result in a pedestrian access which does not provide adequate visibility from and of emerging pedestrians, contrary to paragraph 32 of the National Planning Policy Framework and Policy DP7 of the South Hams LDF
3. The proposal for 8 dwellings attracts a requirement to provide affordable housing and infrastructure contributions for open space, sports and recreation, education and education transport. In addition legal obligations are required regarding the implementation and management of a LEMP and to secure the ongoing management of and access to the public open space. In the absence of a Section 106 Agreement,

or similar unilateral agreement to secure these provisions the proposal is contrary to Policies CS6, CS8, CS10, DP5 and DP8 of the South Hams LDF

Prior to the appeal hearing the Council accepted that the second reason for refusal had been satisfied. The issues raised in reason 3 were addressed through the submission of a Section 106 agreement offering

The appeal hearing then focused on the first reason for refusal, summarised by the Inspector as follows;

In light of the above the main issue in this case is the effect of increased pedestrian activity associated with the site on highway safety, having particular regard to visibility at the junction of the C252 (the C road) with the B3392 (the B road).

Following a detailed assessment of the highway safety issues the Inspectors found as follows:

In light of the foregoing, I am not satisfied that the relationship of the appeal site to the services and facilities within the village would allow for a scheme that would minimise conflicts between traffic and pedestrians, including those intended future occupiers that may have mobility difficulties. The likely increase in the number of pedestrian movements across the B road at a point where there is a significant limitation on visibility would result in a severe and detrimental effect on the highway safety of users of the road. This would be in conflict with the safety objectives of DPD Policy DP7 and the Framework. The lack of pavements within the village and other villages in the area, does not justify the proposal.

The Inspector specifically addressed this issue of impact on the Listed Building The Pickwick Inn and concluded that the proposal would not be harmful to its setting.

A number of representations were made to the Inspector by third parties raising other issues including landscape/AONB impact, impact on the character of the area, lack of need and neighbour amenity. These matters were discussed at the hearing. The Inspector does not specifically address these points in her decision letter however her concluding comment is as follows:

For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

This statement indicates that the Inspector has considered all the matters raised by the Council and third parties. The application was only dismissed on the grounds of highway safety.

ANALYSIS

Principle of Development/Sustainability:

The site is located outside of but immediately adjacent to the development boundary of St Ann's Chapel. The site is within the AONB and Heritage Coast.

Since the appeal hearing the Joint Local Plan (JLP) has entered the stage of Regulation 19; at this stage it can be afforded little weight. The Neighbourhood Plan is still at a very early

stage of preparation and cannot yet be afforded any weight. A recent housing needs survey has been undertaken which identifies a need for 21 affordable homes within the Bigbury Parish of mainly 2 and 1 bed units; at the time of the appeal an earlier housing needs survey was considered which also identified a need for affordable homes in the village, the new survey raises no new issues in this regard.

There have been no other material changes in the planning circumstances of the site, ie:

The Council cannot demonstrate a 5 year housing land supply and so Paragraph 49 of the NPPF applies. As such policies relating to the supply of housing must be seen as out of date; this includes policies such as CS1 of the current Development Plan which seeks to limit development to within identified settlement boundaries.

The presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply as this site is in the AONB, however this does not preclude development in the AONB.

The principal of development was only deemed unacceptable by the Council and the Inspector having regard to highway safety issues.

The scheme now proposes less affordable housing (3 units or 30% whichever is the greater). In the context of 8 dwellings this is one unit less than the 50% (4 units) proposed in the last scheme. This is a reflection of government guidance on the provision of affordable housing on smaller sites and is compliant with that. The applicant is offering on-site provision (subject a provider being willing to take the units on) which is no longer a requirement but is considered to be more beneficial to the local community.

This application proposes the same quantum of development on the same site with a similar layout. The principal of the development is therefore acceptable if the highway safety issues are overcome and subject to no other, new, adverse material considerations

Design/Landscape:

The site is located within the South Hams AONB; the Paragraph 115 of the NPPF states that:

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.

Policy CS9 of the South Hams LDF states that in designated AONB's their conservation and enhancement will be given great weight

Policy DP2 states that development proposals will need to demonstrate how they conserve and/or enhance the South Hams landscape character.

The development is not considered to constitute major development in the AONB so paragraph 116 of the NPPF does not apply.

No landscape objection was raised to the previous application from the AONB Unit or from the Council's landscape specialist. The Inspector did not dismiss the appeal because of landscape impact, she raised no concerns at all in this respect.

The proposed application differs from the original application only in that the access road now extends slightly further so that it emerges onto the C252 (previously only a pedestrian link here). This new opening onto the road is within a visually discrete location in terms of the wider landscape, the road here being flanked by Devon hedgebanks and with buildings nearby. The proposed highway alterations in the vicinity of the pub will also have no wider landscape impact.

It is concluded that there is no material difference to the landscape impact of the current proposals as compared to the appeal scheme and as such there can be no justified objection to the scheme on landscape/AONB grounds.

Neighbour Amenity:

Policy DP3 of the South Hams LDF states that development will be permitted provided that it does not have an unacceptable impact on the living conditions of occupiers of nearby properties.

The quantum and scale of development is very similar to the appeal scheme and this is an outline application. The Inspector raised no concern about impact on neighbour amenity in considering the appeal scheme.

This application is different to the appeal scheme in the following keys area:

The access road now joins the C252 and diverts traffic through the application site. The new road opening will be visible from The Water Tank however a new hedge is proposed to one side of their existing access which will mitigate views. Traffic will no longer pass through this section of the C road which will result in a much quieter and safer environment for the dwellings which front this part of the road, they will retain existing vehicular access to their properties.

Traffic will be diverted to the new access on the B road which is set away from any existing dwellings.

It is considered that the proposed development will offer an improved residential amenity for those dwellings fronting the stopped up area of road and the impact on other dwellings in the village will be no greater than the scheme considered acceptable in this regard by the Inspector

Impact on the character of the area

Objections to this application have been made stating that the development would have an adverse impact on the character of the village.

This issue was not a reason for refusing the last application and was not a reason used by the Inspector to justify dismissing the appeal.

The material difference between this application and the refused scheme is the proposal to create an access into the site from the C252, opposite the new dwelling 'The Water Tank' as part of the proposal to reroute the C252 through the application site. This new opening could impact on the character of the village. A further material change is the proposal to close off the current route of the C252 such that a pedestrianised area with footpath and cycle link only to the C252 would be created on the land to the south of The Pickwick Inn.

The new access into the site from the C252 will result in the loss of some Devon hedgebank; the new road will also be wider to meet modern standards. Where possible Devon hedgebanks and grass verges will abutt the new road with any footpaths set behind the hedge. This will help to maintain the rural character of the road.

The stopping up of the C252 within the heart of the village will eliminate traffic from part of the village and in particular from in front of the pub. The route of the road will still be evident and will remain passable on foot and by bicycle, maintaining the historic street pattern of the village whilst allowing the possibility of the creation of useable public realm into this small village that at present is very traffic dominated.

On balance it is considered that the proposed changes to this scheme will have a positive impact on the character of the village, serving to remove traffic from part of the village and providing some public realm back within the village

Heritage

The Inspector considered the previous scheme and concluded that there would be no adverse impact on the Listed Pickwick Inn.

The Council's Conservation Specialist has considered the current scheme and his comments include the following:

The Pickwick Inn

This historic building which is grade II listed and which incorporates the remains of the C15 St. Anne's Chapel occupies a most prominent position within the village settlement. The new proposed amendments by virtue of the re-ordering of the immediately adjacent road network have the potential to impact on the listed building and its setting.

Both the current and the historic relationship between the listed public house and the road network is significant and as such Officers have worked closely with both the applicant and the Highways Dept to ensure that the legibility of this relationship is maintained and not rationalised to such an extent that it would be to the detriment of the special interest of the heritage asset.

There is a strong argument to suggest that by deflecting existing traffic movements (which currently pass immediately in front on the public house) away from the listed building, embracing a pedestrian and cycle route only will bring obvious benefit to the listed building and its setting.

The building will be less vulnerable from potential structural damage offered by heavy goods vehicles that currently pass it on a regular basis and there is a real opportunity to create an enhanced public realm environment, allowing for a greater public appreciation and enjoyment of the asset which will arguably promote the economic viability of the public house as an on-going business thus assisting in securing its long-term preservation.

Officers are aware that works undertaken to the highway, whether they be adjacent to listed structures or otherwise can be undertaken outside of the planning system and as such welcome the opportunity to pass comment on such proposals with particular reference to maintaining the legibility between the listed public house and the immediate historic thoroughfare.

The wider (Village) setting

Officers agree with the statement in the Heritage Addendum para 4.3.1 which states:

“The village is not a designated conservation area nevertheless it does have an inherent historic character and it is a feature within the South Devon AONB which should be preserved.....”

Therefore it is important that in order to preserve the character of the settlement the development proposal should be delivered in a manner which compliments the immediate environs and is not one that jars against it. The careful consideration of appropriate architectural detailing, the use of a palette of material that sits comfortably within the vernacular together with the appropriate use boundary treatments will be a key factor if the scheme is to be successfully integrated into the historic settlement.

As long as there is a confidence that the above matters can be dealt with satisfactorily through future ‘reserved matters’ application then I raise NO OBJECTION to the development proposals from a heritage perspective.

As such it is considered that no adverse heritage related impacts will arise from this development.

Drainage:

South West Water and DCC Flood Risk have raised no objections with regard to foul and surface water drainage subject to appropriate planning conditions.

Ecology:

Ecology was not a reason for dismissing the previous appeal. Local residents had previously raised concern about the loss of 25m of Devon bank that would result from the provision of the vehicular visibility splay and access. The current scheme includes a greater loss of hedgebank, approx. 50m as a second opening is proposed

This matter has been considered and it has been concluded that this loss of habitat can be mitigated through the submission of a Landscape and Ecological Management Plan (LEMP). The application indicates a provision of over 300m of new native hedgerows will be planted. Subject to appropriate planning conditions and Section 106 obligations with regard to a LEMP the impact on the ecology of the area is considered to be acceptable.

Highways/Access:

Highway safety was the reason this application was dismissed at appeal, principally due to poor visibility for pedestrians on the C road trying to cross the B road to access the shop and buses. The proximity of the Pickwick Inn to the road severely restricts visibility.

The proposed development seeks to overcome this in the following way:

The C road will be diverted through the application site. The C road where it passes the Pickwick Inn will be stopped up to vehicular traffic creating a pedestrianised area. This will allow pedestrians to stand safely in the middle of (what was) the road to achieve a greater visibility splay. Granite sets and the positioning of a heavy planter outside the pub will guide pedestrians to cross at the safest point.

On the opposite side of the road is an existing verge; from there to get to the shop it will be necessary to cross a further road, however this road carries significantly less traffic than the B road

The existing road junction at the Pickwick Inn is dangerous for all highway users due to the very poor visibility here. The Highway Authority see this road diversion as an improvement in highway safety for all users of this junction.

Concerns have been raised by local residents that the road alterations will make highway safety worse for reasons including:

Increased journey times

Bottle necks caused by vehicles unloading at Pickwick Inn

Extra turn when coming from tidal road will increase congestion

Will encourage traffic to travel faster on the B road

If there is any increase in journey times it will be barely perceptible, the diversion being only 130m long (approx.)

There is access to the Pickwick Inn from the rear. If front access is required for beer deliveries then it will still be possible for vehicles to drive into the pedestrian area.

Vehicles coming from the tidal road wanting to continue west will have to divert along the B road to then turn right, however all the vehicles arriving from the west on the C road that want to travel south on the B road will be diverted from the village completely. It is not considered that there will be increased congestion as a result of the proposed development.

The road layout on the B road will remain unchanged. In the centre of St Ann's Chapel the road will still pinch in at the pub and there will still be a 4 way cross road (previously 5 way). This layout will continue to encourage drivers to reduce their speed as they pass through the village.

The Highway Authority supports this application. It is considered that safe pedestrian access can be provided to users of the proposed development and the reasons for dismissing the previous appeal have been overcome. The scheme presents added benefits of improving a dangerous junction in the heart of the village and providing safer pedestrian access to the village hall and playing fields for some existing residents.

The highway and access impacts are considered to be acceptable.

Conclusion

This application is a revised version of a scheme dismissed at appeal in 2016. The appeal was dismissed on highway safety grounds only.

This scheme is materially different in that it proposes to divert the C252 through the application site and to pedestrianise the area in front of the Pickwick Inn. This is considered to overcome the highway safety objection as well as improving highway safety for all road users at this junction.

The material changes potentially impact on the character of the village and on the setting of the Listed Pickwick Inn.

It is considered that the impacts on the character of the village and on the setting on the Listed Building will be positive, subject to sensitive detailing to be agreed as part of any reserved matters application

All other material considerations such as landscape/AONB impact, neighbour amenity, and the principal of development have been deemed acceptable through the previous appeal decision.

As such it is recommended that conditional planning permission be granted subject to the 106 recommendations set out at the beginning of this report.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

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
SPT11 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

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 conditions

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

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

2. An application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. The details hereby approved shall in all respects accord strictly with drawings numbers xxx

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.

5. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will 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 hedge protection plan.

Reason: In the interests of visual and residential amenity.

6. PRE-COMMENCEMENT - 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. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of ecological interest.

7. Prior to occupation of the first dwelling, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved 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.

10. Prior to the commencement of the development a phasing plan setting out the timing of the construction and completion of the roads and footpaths to serve the approved development will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and safe access for both vehicles and pedestrians is provided to properties before occupation.

11. 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 neat 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, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

12. All parking areas and garages shall be laid out and provided prior to the occupation of the dwelling to which they relate and shall be retained for the parking of private motor vehicles only in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway.

13. 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);

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.

14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The drainage scheme shall be designed in accordance with SUDs.

Reason: To ensure that surface water runoff from the development is managed in the interest of flood risk and in accordance with the principles of sustainable drainage systems.

Prior to any development continuing beyond slab level within the site full landscaping and maintenance details of the proposed public open space and allotments shall be submitted to and approved in writing by the Local planning Authority details. Development shall take place in accordance with the approved details before the end of the first planting season following the practical completion of the development or occupation of the 6th dwelling whichever is the sooner. If any plant, tree or shrub planted within these areas should die or become diseased or damaged within the first five years of planting they shall be replaced with a similar plant.

Reason: In the interests of amenity

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority

Reason: To ensure, in accordance with guidance in Policy DP6 of the South Hams LDF and para 141 of the NPPF, that an appropriate record is made of archaeological evidence that may be affected by the development

16. A stage 2 safety audit and designer's response shall be submitted prior to any works commencing.

Reason - in the interests of highway safety.

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

Reason - To ensure safe and suitable access is available to the site.