

## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby  
Fleming

**Parish:** Stoke Fleming **Ward:** Blackawton and Stoke Fleming

**Application No:** 1554/17/OPA

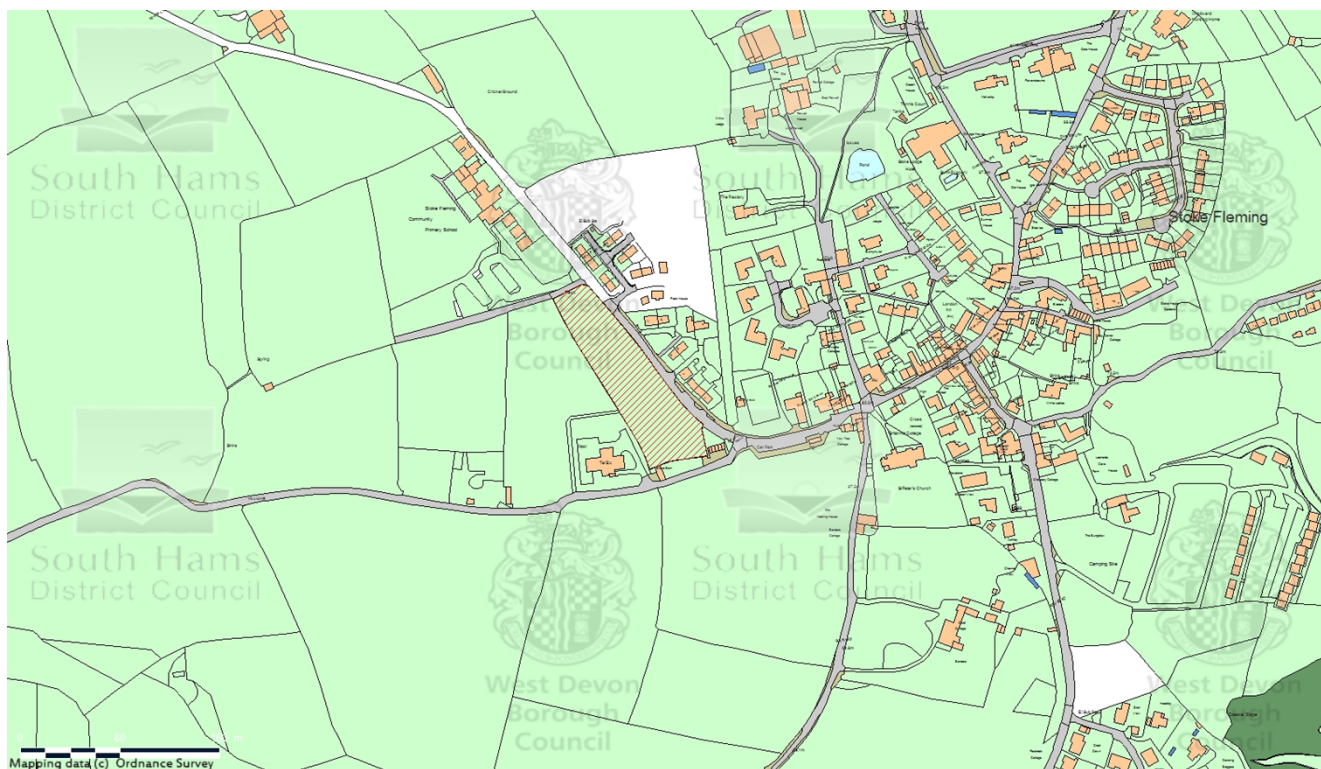
**Agent/Applicant:**

Mr Bill Richardson  
Eagle House  
1 Babbage Way  
Exeter Science Park  
Exeter  
EX5 2FN

**Site Address:** Land off School Road, Stoke Fleming, TQ6 0PR

**Development:** Application for approval of Outline Planning Permission (all matters reserved except for access) for the development of 13 no. age-restricted dwellings and 6 no. affordable dwellings to be accessed via School Road, Stoke Fleming.

**Reason item is being put before Committee:** At the request of Cllr Hicks: *There has been a great deal of disquiet about the seemingly disparate factors concerning the site. These do, in my view, have differing weight with regard to the decision but, importantly, I believe the village has a right to have their say and to hear how these factors have been assessed.*



**Recommendation:** Recommendation: Delegate to CoP lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

**The Section 106** would secure the following:

6 Affordable housing units – 4 Social Rent and 2 Intermediate.

A commitment to the provision of 4 no. 2-bed affordable homes and 2 no. 3 bed affordable homes

A trigger to agree the precise bedroom mix between tenures prior to submission of the Reserved Matters Approval application

The AH Units will be built to the HCA Design and Quality Standards.

Sport and recreation – for the 6 affordable units - £595 per occupier for pitches and £380 for play; for the 13 age restricted units - £595 per occupier toward playing pitches – contributions will be towards provision of a new play area off School Road and improvement to the Bird Walk.

Landscape and Ecology Management Plan and SUDs outside of private cutilages- implementation and on on-going management

Age Restriction – over 55, on the open market units.

**Conditions:**

- Standard time limit
- Reserved Matters
- Accord with plans
- External materials
- Boundary treatments
- Drainage details: percolation tests
- Groundwater monitoring
- Surface water drainage management system permanent
- Surface water drainage management system construction
- Tree and hedgerow protection
- Ecology Report mitigation compliance
- No street lighting
- Completion of footpaths and visibility splays
- Construction Management Plan
- Estate roads and other details required
- Off-site highway works
- Unsuspected contamination
- Removal of permitted development rights
- Arboricultural Impact Assessment and Method Statement
- Landscape and Ecology Management Plan to be agreed

**Key issues for consideration:**

The main issues are considered to be:

- Principle of development/ Sustainability: development plan and sustainability considerations of development outside the settlement boundary on an allocated site and issues of housing need
- Design/Landscape: Impacts upon the character of the site and surrounding area, including trees and hedgerows
- Neighbour Amenity: Impacts upon residential amenity
- Highways/ Access: Impacts of access, including safety considerations
- Ecology and biodiversity

- Drainage and flood risk
- Contamination: Risks from potential contamination
- S106 Contributions: Including affordable housing provision

### **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 £22,496 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.

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### **Site Description:**

The application site, a long, narrow rectangular field parcel of approximately 0.8 Ha. (1.7 acres), lies towards the outer south-western edge of Stoke Fleming, approximately 300 m from the centre of the village.

Located on the south-western side of School Road, north of the junction with Mill Lane, the site sits opposite recently constructed residential development on the opposite (north-eastern) side of School Lane.

The site itself is bounded by a Devon Hedge to the west and a stone wall along School Road. To the south of the site is a block of 5 garages and a converted stone barn abuts the south-western site boundary.

Stoke Fleming lies entirely within an Area of Outstanding Natural Beauty (AONB). Part of the village is designated as a Conservation Area centred on St Peter's Church and a Conservation Area Appraisal has been adopted.

### **The Proposal:**

The application seeks outline approval with all matters reserved except for access, for the development of 13 age-restricted dwellings and 6 affordable dwellings. Two accesses are proposed directly off School Road.

The illustrative masterplan layout presently shows the access separately serving the age-restricted dwellings and the affordable dwellings without a vehicular link, but internal layout other than access is reserved.

Illustrative material is also provided to indicate how such a development might appear in the street scene, and essentially takes cues from the recent development opposite in respect of issues of scale, appearance, material etc. but again, such matters are purely illustrative as details are reserved for future consideration.

### **Consultations:**

County Highways Authority: Recommend Conditions. The Highway Authority don't dispute the predicted levels of traffic and in summary the increase in traffic to School Road or the A379 is small. The development proposals show two proposed private access roads. Given traffic speeds, a condition is recommended regarding required visibility splays. With regards to the access for refuse collection it is recommended further tracking is undertaken using a 10.2m refuse lorry. No details of the proposed access levels are provided. They must be 1:20 for at least 6m and then 1:12 ideally thereafter. Noting the topography in the area is quite flat a condition is imposed requiring this detail.

A Construction Management Plan condition is requested, including measures to avoid conflict with school peak times.

With regards to drainage as the roads are to remain private The Flood Risk Team at DCC will need to be consulted. It is noted no ground water monitoring has been undertaken and therefore an Option B fall-back drainage strategy with exceedance route should be provided.

- Environmental Health Section: Recommend conditions regarding unsuspected contamination and construction Management
- Stoke Fleming Parish Council: Following a developer presentation oppose the development on the following grounds: Landscape impacts of development on the west side of School Road, the NP Group favouring development on the east side/ suburbanise the street; does not address local need; contest the traffic survey data in the Transport Assessment; lack of publicly accessible green space; strong local opposition; contrary to the emerging JLP which is considered to carry some weight; alternative site identified in the NP is preferable; need to take account of the NP.
- Devon Education Authority The proposed increase of 6 family-type dwellings, will generate an additional 1.5 primary pupils and 0.9 secondary pupils. There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought.
- Devon Lead Local Flood Authority: No objection in principle but required additional information. Conditions have since been agreed.
- Historic England: Provide advice in order to meet the requirements of the NPPF (paragraph 131). The site is not directly inter-visible with the medieval parish church and is not highly sensitive in heritage terms. The site borders a gateway road to the village which provides a transition from countryside to the historic settlement and having regard to the church and CA, should respect local character. Retention and maintenance of the stone wall would assist with issues of local distinctiveness, the loss of which would have a negative heritage impact and retention is advised.
- Natural England: Recommend consulting the AONB Partnership and provide standard advice.
- Police: Provide advice on security and Secured by Design.
- SHDC Landscape Specialist: No objection
- AONB Unit: No comment received
- SHDC Affordable Housing: Support subject to a minimum of 30% affordable housing in a tenure split of four rented units and two shared ownership units.
- Fire Authority: Advise of the need for compliance with Building Regulations and the need for an appropriate water supply.
- Historic Environment Officer: The scale and situation of this development will not have any impact upon any known heritage assets.

### **Representations:**

Over 40 comments have been received objecting, together with petitions with more than 40 signatures (some from occupiers of the same properties) and cover the following points, summarised as:

- Inadequate parking for occupiers and visitors; Older people still have cars

- Lack of infrastructure, highways safety, pot holes, not safe for pedestrians, emergency vehicle access, congestion (inc from school) and on Church Road, worsen bottlenecks, car speeds, entrances dangerous,
- Allocated green space ; AONB impact, character, impact on views, make edge of village more visible; tree impact; historic wall impacts
- Development not needed; there has been significant development already; no extra amenities provided; inadequate infrastructure.
- Over dominance; visually overbearing
- Not affordable
- Steep gradients not suitable for elderly residents
- Loss of sunlight/ view/ tranquillity/ noise/ danger during construction
- Lack of jobs
- Lack of need
- Wildlife and nature impacts
- Reliance on an out of date Policy Document that does not reflect current National policy; conflict with NPPF and other Guidance; allocated green space in NP
- Extra traffic will mean children's safety is compromised; road already busy; junctions become more dangerous
- Precedent for further development which would further stretch the supporting infrastructure
- Preference for NP housing site allocation; NP at advanced stage
- Transport Assessment inappropriate; and assumptions wrong link road needed; will lead to more traffic than forecast
- High car use among over 55's
- Burden on infrastructure – doctors etc.

Detailed comments are available in full online

### **Relevant Planning History**

There is no prior relevant planning history

### **ANALYSIS**

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

Outline planning consent is sought for the development of 13 no. age-restricted dwellings and 6 no. affordable dwellings to be accessed via School Road with all matters other than access reserved. Notwithstanding this, illustrative material has been submitted in support of the application to demonstrate how such a quantum of development might be accommodated. While this is indicative of the applicant's intentions, the precise details are reserved for future consideration.

The starting point for consideration is the development plan and the requirement Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 54A of the Town and Country Planning Act 1990) that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with South Hams District Council (SHDC) Core Strategy (December 2006), SHDC Development Policies (July 2010) and the Rural Areas Site Allocations Development Plan Document (February 2011) to be acceptable in principle

In this instance, the site is an allocated site in the LDF Rural Areas Site Allocations DPD where Stoke Fleming is described as a large coastal village situated three miles south west of Dartmouth offering a good range of community facilities including a primary school, shop, village hall, two pubs and recreational facilities. It goes on to suggest Dartmouth is able to meet many of Stoke Fleming's service needs.

The DPD advises development proposals to meet the needs of the village are informed by the evidence based documents and assessments and that there are few opportunities for new development on previously developed land (PDL), also known as brownfield sites. The allocations are therefore for greenfield sites to support early delivery. The application site boundaries are consistent with allocated proposal RA22: land south of the primary school, for a development of about 20 dwellings and footpath access to the village centre.

The application seeks to address a local need for affordable homes and proposes age-restricted dwellings about which more is said below.

Policy SHDCB1 advises within development boundaries development will be permitted where compatible with criteria including the character of the site and its surroundings, traffic, parking, road safety, drainage, the landscape and local amenity. These criteria remain relevant to the consideration of allocated sites under the Rural Allocations DPD.

The NPPF requires the planning system to deliver sustainable development, firstly through development needing to be located within a demonstrably sustainable location with safe and reliable access to a range of economic, environmental and social facilities and infrastructure and secondly for the proposal to show how it contributes to net economic, social and environmental benefits to the immediate site and adjoining settlement. This requires a balanced judgement between impacts and benefits. In established towns and villages, the principle of sustainability is recognised and accepted through access to services and facilities. In allocating this site through the Rural Allocations DPD, Stoke Fleming has been considered at the time capable of accommodating sustainable development.

In the emerging Joint Local plan (JLP), the settlements with settlement boundaries differ from the existing Local Plan boundaries as defined in the Thriving Towns and Villages Settlement Boundary Topic Paper, but the principle of sustainable settlements remains the same, predicated on locating development where there is access to services, facilities and amenities and avoiding development outside these areas, which is necessarily more reliant on the car for accessing such facilities. All proposals should strive to meet the policy requirements of STP1 and STP2, for settlements, criteria in policy TTV2 and in the countryside, criteria for policy TTV31.

The job of allocating sites in defined sustainable villages is down to Neighbourhood Plans (NPs). The Stoke Fleming March Pre-Submission Draft Neighbourhood Plan 2017 identifies the site for Local Green Space. Other sites are proposed to accommodate somewhere in the order of 30 dwellings.

Representations have been received that the proposal is contrary to emerging policy and reliance on the Rural Areas Site Allocations DPD which pre-dates the NPPF and the NPPF states that decision taking should be genuinely plan-led, empowering local people through Neighbourhood plans.

Weight can be afforded to relevant policies in emerging plans where there is reasonable evidence to show that the emerging plan reflects the wishes of the community and does not conflict with national or strategic local policies.

While the initial draft NP appears to accord with the Rural Allocations, the latest draft does not, in as much as allocation RA22 is replaced by a Local Green Space allocation. In such circumstances, as with the JLP, the Stoke Fleming NP is not at a stage where it can yet be afforded significant material weight. The Neighbourhood Planning Act 2017 requires a LPA to have regard to a post-examination neighbourhood plan when determining a planning application. The Stoke Fleming NP is not at this stage.

In respect of the application site and the Thriving Towns and Villages Settlement approach, the crucial aspect of any development proposal is whether it delivers sustainable development as defined by the NPPF. Settlement boundaries help to understand what is required to deliver sustainable development, but the line itself should not be used to pre-determine the assessment of a proposal. Walking

distances to available services are within those applicable, which using a broad 800m or 10 minute walking threshold and the site remains sustainable under this criteria.

Housing need and housing supply are important considerations. There is presently an acknowledged shortfall in the 5 year supply of deliverable housing land.

Para. 49 of the NPPF states that that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, from the case of Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and other v Cheshire East Borough Council, the general effect is reasonably clear:

*In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.*

There are two threads to this. The first thread, *whether the benefits are “significantly and demonstrably” outweighed by the adverse effects*, will be assessed against the specific policies in the framework below.

The second thread refers to *‘where “specific policies” indicate otherwise’*. Footnote 9 gives examples of such specific examples and this includes the AONB.

Para.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.*

Paragraph 116 of the NPPF states that:

*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.*

The proposed development of 19 houses on the edge of Stoke Fleming is not considered to be major development.

Para 115 does not rule out development in the AONB, however great weight should be given to conserving its landscape and scenic beauty. The impact on the AONB will be considered later in this report and weighed heavily in the planning balance.

### **Design/Landscape:**

The application is in outline with approval only for access sought at this stage, with all other matters reserved for future consideration. As such no detailed design approval is sought. Nevertheless, it is recognised that 19 dwellings would have a significant potential landscape impact and the illustrative material demonstrates likely impacts and a landscape assessment has been made.

This is important given that the land and village is within the South Devon Area of Outstanding Natural Beauty (AONB), a designation of National importance. The application is assessed with regards to the potential impacts of 19 dwellings on local character, including on the character of the South Devon

AONB. The boundary of the Conservation Area (CA) and CA buffer zone are nearby and impacts are also considered.

Para 115 of the NPPF requires great weight to be afforded to conserving the landscape and scenic beauty of the AONB. Policies DP2, DP6, CS7 and CS9 consider local character and visual amenities and seek to safeguard CA's, including impacts on their setting.

Objections have been received on character grounds, including AONB impacts.

The local planning authority (LPA) is required to take the necessary action to ensure that the natural beauty of the AONB is conserved and enhanced. The recently adopted South Devon AONB Partnership Planning Guidance for the South Devon AONB is a material consideration and the views of the AONB Unit are summarised under 'Representations' above.

The Design and Access Statement decries the illustrative layout and includes a Landscape and Visual Appraisal (LVIA) which addresses issues of impacts on the AONB.

Stoke Fleming's position on south east facing sloping ground, enclosed by low ridges, means that the site is not unduly visible in long range views, seen in the context of existing built development in many views.

While the application site lies outside the boundary of the CA, it is presently undeveloped and the green space provides a buffer which is considered to be a positive factor in the setting and character of the village and CA.

The application site is to be accessed at two points onto School Road, involving breaching the existing walls. There is housing development to the east, the local primary school to the north, garages to the south and a converted barn and bungalow beyond to the south-west. Thereafter the majority of the western boundary borders open countryside.

The application Design & Access Statement (D&AS) includes a heritage Statement and the application is accompanied by an archaeological assessment.

The Grade II Listed village Church of St Peter lies to the south of the site and the church tower is visible from the southern end of School Road. Stoke Fleming Conservation Area (CA) is close to the southern end of the site. While only illustrative, a two storey development of similar grain and palette of materials as the development on the east side of the road will have no undue impact on heritage assets, including the setting of and views to/ from the Grade II Listed Church or the setting of the CA.

Illustrative plans show the boundary wall to be replaced and Historic England recommend its retention. The heritage issues need to be balanced against the highway safety considerations.

Notwithstanding expressed concerns, the proposal is not considered likely to have a significant impact on the character of the AONB, which can be preserved and is considered to be consistent with the aims of AONB planning guidance and capable of compliance with Core Strategy, Policy CS7 and CS9 and DPD Policies DP1, DP2 and DP6.

### **Neighbour Amenity:**

A number of representations have been received regarding the potential impacts of the development on neighbouring amenity. The nearest property, a converted barn, is close to the south-western boundary of the site. There are houses on the opposite side of School Road. The application land is not flat, but there are no significant changes in level. Despite expressed concerns, including about noise, about likely mutual visibility impacts in terms of privacy and overlooking, distances are such



that no undue impacts would be likely to necessarily arise and certainly none that could not be controlled through reserved matters.

The Design and Access Statement attempts to address issues surrounding the impact of the illustrative layout in terms of the principles of safeguarding mutual privacy between proposed and existing occupiers, minimising overlooking and ensuring suitable natural surveillance of public areas for security reasons.

The loss of a private view has been held not to be a material planning consideration and no loss of outlook occurs from School Road given the distances involved. While some of the amenities of the converted barn are derived, to some extent, from across the application land, a layout is possible to safeguard amenities, details of which will be considered at the reserved matters stage.

It is accepted that layout is reserved and such issues would be considered in detail at the reserved matters stage. There is capacity within the site to accommodate development which faces towards School Road without undue privacy issues arising for occupiers on the opposite side of the road. Care will need to be taken in the layout towards the south-western end of the site in particular, where the converted barn in particular is close to the boundary of the site.

Accordingly, no undue neighbour amenity issues arise which would preclude development and the proposal is not in conflict with policy DP3.

### **Highways and Access:**

Details of access are sought at this stage. There are two access points proposed, both direct onto School Road, one serving the intended affordable units and one serving the age-restricted housing.

The illustrative layout shows no link internally within the development. Whether this is acceptable will be progressed through a reserved matters submission.

There are local concerns about access and highways safety generally, associated with the accesses and with the additional traffic and possible perceived congestion that might occur, both outside the site and at village junctions. These are summarised in the Representations section and can be viewed in full online.

Residents are concerned at congestion in the village and impact of further traffic on vehicular and pedestrian safety within proximity of the school and at junctions in the village

The application is accompanied by a Transport Statement (TS) which seeks to demonstrate that safe and suitable access is achievable from School Road. The projected trip rates for a development of this scale will not impact unduly on surrounding roads or highways safety.

The Highway Authority consider the traffic numbers generated and associated impacts, at a maximum of four two-way trips during AM and PM peak hours, to be small.

The existing highway is considered to operate safely and efficiently and the proposed development will not impact unduly. Having regard to the requirements of the NPPF no severe impacts arise. Safe visibility can be provided and provision is made for safe pedestrian movement across school Road and to the primary school.

The illustrative scheme shows shared surfaces, pedestrian access to each dwelling and two off-street car parking spaces for each dwelling. While matters are reserved, it is considered an acceptable and safe development can be secured at reserved matters stage to accord with policy DP7.

In relation to the Highway Authority's recommended conditions, three are included, but the fourth, for no mud, stones, water or debris to be deposited on the public highway at any time, is considered to be unenforceable. However, issues can be addressed through the CEMP.

### **Ecology and biodiversity:**

The application is accompanied by a Phase 1 Habitat Survey and Bat Survey. The majority of the site is pasture with little ecological value. The boundaries provide the greatest value and notwithstanding the access points, there is potential for reinforcement of the western hedge and further mitigation through the provision of bat and bird boxes.

The site lies within the Cirl Bunting consultation zone. The pasture is not preferred winter or summer habitat and no specific measures are required.

Residential use, with the activity and night time lighting can impact adversely on species and habitats.

Subject to compliance with the recommendations of the reports, impacts can be adequately mitigated in accordance with the requirements of Policy CS10 and Policy DP5.

### **Drainage and flood risk**

The site lies outside of an area of high flood risk within flood zone 1, land at the lowest risk of flooding. As such, while there is a very low risk to life from flooding on the site any run-off from the site could lead to an increased risk of flooding elsewhere and could impact the water table.

There would appear to be capacity to accommodate run-off through a SuDS scheme to prevent any increased risk of flooding elsewhere and in these circumstances no in-principle objection is raised on drainage and flood risk grounds.

South West Water raise no objection and Devon CC as Strategic Flood Authority have no in-principle objections from a surface water drainage perspective, subject to recommended conditions.

### **Contamination:**

The application is accompanied by a ground investigation report which reveals no significant contamination to be present. Environmental Health officers recommend conditions regarding unexpected contamination the need for a Construction Environmental Management Plan (CEMP).

### **The Planning Balance**

In the absence of a 5 year housing land supply paragraph 49 of the NPPF requires this authority to determine housing applications in accordance with para 14 of the NPPF, but tilting the balance in favour of the development. Notwithstanding this, the site is currently allocated for the development of 20 dwellings

Para 14 sets out two criteria:

The first criteria is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is necessary then to balance the benefits against any harm when assessed against policies in the Framework as a whole:

### Benefits of the development:

Provision of 13 new market houses

Provision of 13 homes designed for 'later life living'

Provision of 6 affordable homes within the village, adjacent to the primary school and well related to the village so as to be socially integrated

Economic benefit to the local economy during construction

Economic benefit to the local economy through added spending and use of facilities by new residents.

Support for local services such as the pub and school to maintain their viability and thus the sustainability of the village as a whole.

### Significant adverse Impacts of the development:

None

The second criteria is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted.

Para 115 of the NPPF is a potentially restrictive policy giving great weight to conserving landscape and scenic beauty in the AONB. This policy however does not preclude development itself (as in para 116), the test here is giving great weight to conserving the AONB.

It has been judged that the proposed development will conserve the landscape and scenic beauty of this part of the AONB.

On balance it is considered that the benefits of the development outweigh any harm and as such the development is sustainable.

It is recommended that conditional planning permission be granted.

### **Other Matters**

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**

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

### **South Hams Local Plan**

SHDC 1 Development Boundaries  
SHDC 10 Access Housing

Guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) include consideration relating to housing provision, design and the protection of landscapes, including national protected landscapes.

The Countryside and Rights of Way Act 2000

Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership)

LDF Rural Areas Site Allocations Development Plan Document 2011

Stoke Fleming Draft Neighbourhood Plan

### **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  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT13 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV3 Strategic infrastructure measures for the Main Towns  
TTV29 Site allocations in the Smaller Towns and Key Villages  
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  
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  
DEV18 Protecting local shops and services  
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  
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)  
DEV30 Trees, woodlands and hedgerows  
DEV32 Meeting the community infrastructure needs of new homes  
DEV33 Waste management  
DEV37 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **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 in full**

1. In the case of any matter reserved by this permission application for approval of any reserved matter must 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

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:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

3. The development hereby approved shall in all respects accord with drawing numbers xxx (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. Prior to their installation details / samples of facing materials, roofing materials and all surfacing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

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

6. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

7. No part of the development, other than a temporary access road and public highway junctions, hereby permitted shall be commenced on-site until the full results of a groundwater monitoring programme, undertaken between March 2017 and the end of March 2018, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

8. 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 design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk and Drainage Statement (project Ref. 17.03.069; Rev. 02; dated 20th June 2017).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction 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. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees and hedgerows to be preserved should be marked on site and protected during any operations on site by a fence. (ii) No fires shall be lit within the spread of the branches of the trees (iii) No materials or equipment shall be stored within the spread of the branches of the trees. (iv) Any damage to the trees shall be treated with an appropriate preservative. (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

11. The recommendations, mitigation and enhancement measures of the Ecological Report, by Joseph Lane dated March 2017 (Revised 06.07.2017) shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

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

Reason: To protect the countryside from intrusive development

13. No part of the development hereby permitted shall be occupied unless and until the visibility splays and footpaths as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the local planning authority. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 1m high at all times.

Reason: To provide adequate visibility from and of emerging vehicles and in the interest of highway safety.

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detail hours of operation, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

15. 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.

16. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to them in accordance with drawings that shall have been previously submitted to and approved by the Local Planning Authority 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: In the interests of the visual amenities of the area and the safety of road users.

18. No part of the development hereby permitted shall be occupied until the approved off-site highway works have been fully implemented and completed.

Reason: In the interests of the safety of pedestrians and road users.

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

20. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C, D and F of the Order, including the erection of porches, dormers and roof alterations, shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

21. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) An arboricultural Impact Assessment and Method Statement detailing the location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion of each phase and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local



Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

22. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) A landscape and ecology mitigation and management plan

Reason: To protect and enhance the visual amenities and biodiversity of the site and locality.

## INFORMATIVES

### 1. Proactive from 1 December 2012

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

### 2. Responsibility for compliance

The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

### 3. Not Householder Discharge informative

If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £97 per request. Application forms are available on the Council's website.

### 4. Highways and Drainage

For the avoidance of doubt, condition 6 does not preclude the implementation of off-site Highway Works, as shown on Drawing No. Figure 4.1 (Titled Proposed Site Access Arrangements and Visibility Splays; Rev. ; dated 10th April 2017), shall not be affected by this condition.

In seeking to discharge drainage conditions the applicant is advised to refer to Devon County Council's Sustainable Drainage Guidance.