

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Holbeton **Ward:** Erme Valley

Application No: 152288 25/1721/15/O

Agent/Applicant:

Savills incorporating Smith Gore
York House
Blackbrook Business Park
Taunton
TA1 2PX

Applicant:

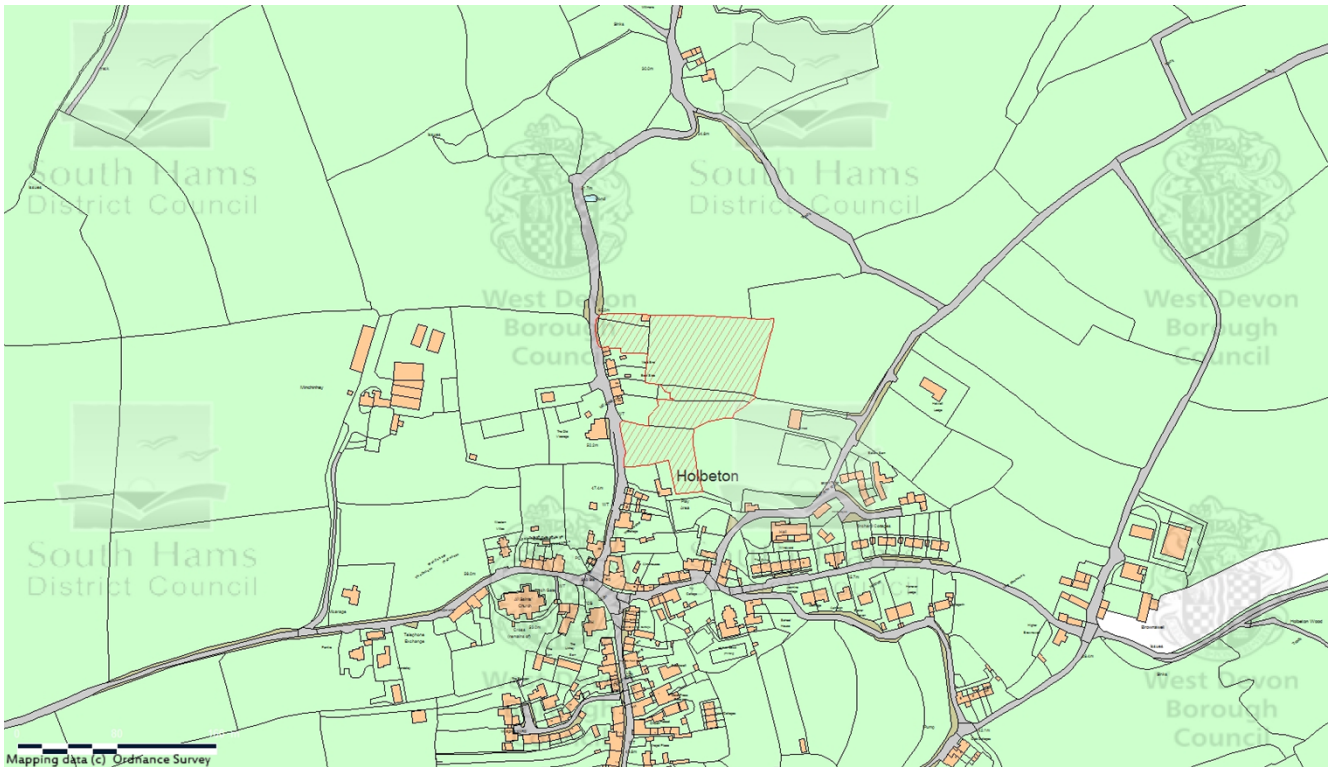
The Trustees of Flete Estate
Haye Farm
Holbeton
PL8 1JZ

Site Address: Proposed Development Site East Of Vicarage Hill At Sx 614 503,
Vicarage Hill, Holbeton, Devon

Development: READVERTISEMENT (Revised Plans Received) Outline application
with some matters reserved for erection of 11no. dwellings, village hall with car park,
access and associated works

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

1. This and Church Hill are major developments, especially for a small village
2. It is not an allocated Development Site.
3. There is no affordable housing on this site (the link with the Church Hill AH needs to be clarified)
4. The lack of support from the AONB Unit
5. Highways worries.
6. The level of local opposition



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 should secure the following:

- 35% affordable housing to be provided at the Church Hill site with appropriate phasing and commencement restrictions
- Ongoing management and maintenance of landscape, wildlife features and any Suds features within public areas, in accordance with the LEMP in perpetuity.
- Footpath link from village hall/site into playing field to be provided and maintained in perpetuity
- Village hall site to be provided and managed as public amenity land until hall is constructed
- The provision of the village hall site on a long term lease to be offered to the Parish Council
- £380 per occupier for improvements to Holbeton play area and provision of a skate park.
- £596 per occupier for improvements to the Holbeton playing field
- £9424 towards school transport
- £30,097 towards school infrastructure

Conditions

- Std time outline time conditions
- Submission of reserved matters
- Accords with plans
- Materials to be agreed
- Boundary treatments to be agreed.
- Development to take place in accordance with ecology report
- Full details of pedestrian access to Vicarage Hill to be agreed as a reserved matter
- Pre-commencement - Percolation testing to be carried out
- Pre-commencement – Detailed design of permanent surface water drainage to be agreed
- Pre-commencement - Detailed design of construction phase drainage to be agreed
- Pre-commencement – full details of the adoption and maintenance arrangements for the surface water management to be agreed
- Pre-commencement – CEMP to be agreed including details of all construction mitigation measures
- Pre-commencement – LEMP to be agreed
- Pre-commencement – Copy of licence (Badgers) from Natural England authorising works to be submitted or a written statement from NE of suitably qualified ecologist to effect that they do not consider the works will require a licence.
- Unsuspected contamination of land
- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations and extensions, means of enclosure, hardstandings
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Interim landscaping proposal for village hall site to be submitted to be agreed and implemented.
- Vehicular access and road, visibility splays and footways to be provided prior to occupation of any dwelling.
- No external lighting in public areas other than that agreed in lighting strategy
- Detailed construction of roads, verges, footways etc
- Highway drainage to be agreed
- Village hall – hours of use between 8am and 10pm Mon to Thurs and 8am to 11pm Fri to Sun only

Key issues for consideration:

The site is partially (approximately 25%) within the development boundary, the remainder lies outside but adjacent to the development boundary. The site is within the South Devon AONB. The site is not allocated for development.

Given the location of the majority of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date.

In such a situation it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

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 £13,057 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 1.1ha is located on the northern edge of the village of Holbeton, on the east side of Vicarage Hill. The southern-most part of the site (approximately 25% of the site), shown on the illustrative layout as the site for the village hall and car park, is located within the development boundary. The remainder of the site lies outside but adjacent to the development boundary.

The site is within the South Devon Area of Outstanding Natural Beauty.

Holbeton is located approximately 1.5km south of the A379, accessed by typical, often narrow, Devon lanes. The village has a range of facilities including a primary school, post office and shop, village hall, two pubs,(one currently closed down) a church, allotment gardens, community orchard, playing fields and a children's play park. These facilities serve the residents of Holbeton and other small settlements in the surrounding rural area. The provision of off-road car parking facilities within the village are limited.

The site adjoins rear gardens of existing dwellings on part of its eastern boundary. To the south the site adjoins the children play area, to the west it adjoins the playing field, agricultural land lies to the north. The site itself is currently agricultural land with some parts let to the residents of Mole End and 28 Vicarage Hill as garden land

The southern part of the site (proposed for the village hall and car park) lies within the Conservation Area, the remainder of the site is in the setting of the Conservation Area.

Two cottages that adjoin the site to the east are Grade II listed buildings, set at a lower level than the site fronting Vicarage Hill.

The site rises gently from south to north, the site is well contained by mature hedgerows and tree boundaries. The southern part of the site, proposed for the location of the village hall is an area of scrub and trees, the majority of which are low category self-seeded saplings.

The Proposal:

The proposal seeks to provide 11 open market dwellings, a site for a new community village hall and a pedestrian link providing access to the children's play park, the primary school, the community orchard and the school playing field. All dwellings will have a minimum of two parking spaces provided in the form of garaging and outdoor space.

The application is made in outline, with all matters reserved except for the design of the proposed vehicular access arrangements, which are provided in detail. A separate pedestrian access is proposed but the details of these are reserved for future consideration.

An indicative layout plan has been submitted with the planning application to demonstrate that the site has the capacity to deliver the proposed development. The details of layout, landscaping, scale and appearance of the development however are reserved for future consideration. The layout has been revised since submission to reflect concerns raised by Historic England and the Council's heritage specialist.

The proposal includes the conversion of the existing traditional stone barn on the site's northern boundary, which will provide ancillary accommodation for unit 1.

The development will be accessed via a single priority T-junction at the northern end of the site, with access coming from Vicarage Hill.

A pedestrian access point will be provided at the southern end of the site to improve the permeability of the site and to better integrate the site into the village. Due to the topography this access is likely to include steps.

The applicant has submitted this application at the same time as an application for 14 dwellings on Church Hill, Holbeton. It is proposed to build out the 35% affordable housing generated by this development on the Church Hill site; as such the Church Hill application needs to be determined and approved before consent can be given to this scheme. A joint Section 106 agreement would secure delivery of the affordable units on the Church Hill site. The applicant believes that it will be easier to get an affordable housing provider for a scheme that includes a larger number of units on one site.

There is an existing village hall in Holbeton, the freehold of which is believed to be owned by the Parish; the application submission indicates that it is need of upgrading and offers limited facilities. This application proposes to provide a site, on a long lease to the Parish, on which a new village hall could be built. It is suggested that the Parish could sell the existing site to raise money to build the new hall. The proposed location will allow access to the playing fields adjacent; changing facilities could be provided in the village hall which are currently lacking in the village. The illustrative layout shows a provision of 22 parking spaces. A new community car park is proposed in the Church Hill scheme which will provide over flow parking for the village hall when events are held.

Consultations:

- County Highways Authority: Concerns raised that the new pedestrian access did not show adequate visibility splays and insufficient information has been submitted regarding highway drainage. Revised details have been submitted in an attempt to address these concerns and a verbal update on the current Highway Authority position will be given at Committee.
- Environmental Health Section: No objection subject to conditions
- DCC Flood Risk: No in principle objection subject to conditions
- Affordable Housing: The application proposes 35% affordable housing across this site and the application at Church Hill, however it will all be provided on the Church Hill site. No objection is raised to this approach but evidence needs to be provided to explain why they are doing this and it would only be supported if it assisted viability. A Section 106 will need to link the two sites to ensure the affordable units at Church Hill are provided in advance of the market homes at this site
- Heritage Specialist: No objection however at reserved matters particular attention needs to be given to architecture and materials.
- Historic England: No objection raised but general observations given.
- DCC Education: No objection subject to contributions to secure the following:
 - £30,097 towards school infrastructure at Ivybridge Community College
 - £9,424 towards school transport
- Police AOL: Too little detail to comment at present. It is recommended that the proposal is constructed to achieve full Secured by Design compliance.
- AONB Unit: (comment relates to scheme before it was amended): Objection: Loss of mature trees and a substantial length of mature hedgerow which have wildlife value, form a backdrop to the village and a distinctive element of the landscape character of the settlement, visible from numerous public viewpoints. Further detailed comments are included below.
- SHDC Landscape: No objection subject to conditions
- SHDC Trees: No objection subject to conditions
- Ecology: No objection subject to conditions. Although the development will result in a number of ecological impacts, including the loss of hedgerow and woodland habitat, it is considered that adequate mitigation and enhancement is provided as described in the Conservation Action Statement.
- Natural England: No objection
- SWW - no objection subject to no surface water being connected to the public sewer.
- Open space, sport and recreation: No objection:

- Footpath link to playing fields is welcomed and should be secured via a 106
- Land to be provided for Village hall could be amenity land until hall is built
- £380 per occupier should be sought for improvements to Holbeton play area and provision of a skate park
- £595 per occupier should be sought for improvements to Holbeton playing field to allow increased use for sports

- Town/Parish Council: Object for the reasons as follows:

*Vicarage Hill Planning Application – During the discussions, Cllr Ackroyd summarised that she felt the site was inappropriate and that a site for a new Village Hall would be better elsewhere. Cllr Baumer asserted that he felt a new Village Hall was important for the village ; and the site was ideal as it has close proximity the village community amenities such as the school, playpark and playing field. As a unanimous decision could not be reached, the Vice Chair asked Councillors to **vote**. The vote was recorded as :*

- **4 in favour** (Cllrs Baumer, Reece, Flower, Craig)
- **5 against** (Cllrs Fuller, Ackroyd, Knight, Pengelly, Hearn). The planning application was therefore **rejected** by the Parish Council.

In responding to this planning application it was proposed that the following notes should be made :

- *Some Cllrs felt that the development was not a popular choice in the Parish Survey*
- *There were concerns regarding traffic increasing through Ford*
- *The access at the brow of the hill caused concerns about safety, and access at the bottom of the hill would have been preferred*
- *Concerns about flooding, as the site was situated on a hill*
- *Light pollution emanating from the housing development and the potential street lighting*

Representations:

There are approximately 29 objectors who have submitted representations which include the following reasons:

- Site includes land in ownership of 26/27 Vicarage Hill and notice has not been served.
- Application is for 10 houses, block plan shows 11.
- Adverse impact on rural character of village
- Adverse landscape impact
- Adverse impact on the AONB, contrary to para 116 of NPPF – this is major development
- Contrary to Development Plan Policies, such as DP2
- Contrary to AONB Guidelines
- Contrary to NPPF
- Application should not be in outline in this sensitive location
- LVIA is not robust
- No need for new village hall and no community support
- No details of village hall – likely to have adverse impact on conservation area

- Road is narrow with a 3m pinch point; the road cannot sustain construction traffic and further traffic from the development – this is the narrowest road in the village
- Blind summit at top of Vicarage Hill
- Lack of public transport – not a sustainable location
- Village will continue to be vibrant without this development
- Rejected in SHLAA reviews
- Village lacks pavements and therefore pedestrian safety is an issue
- Location of access will encourage residents to enter/leave the village via Ford via a windy, single track lane
- Inadequate access for emergency vehicles
- Residents have experienced flooding
- Will cause flooding
- Inadequate parking for the village hall
- Housing need of 15 houses can be delivered on Church Hill site
- Sewage system will not cope
- Will not be occupied by local people
- Outside development boundary
- Light pollution
- Adverse impact on conservation area
- No guarantee village hall will be delivered
- Loss of Devon hedgebanks
- Loss of privacy to neighbours
- Noise and disturbance to neighbours
- Loss of amenity
- Insufficient affordable housing
- Number of primary school pupils on role is misrepresented by applicant to appear lower than it is
- Not the best site for a new village hall – too far away
- If approved a 7ft wall should be built along the common boundary with Orchardside
- Trees containing the rookery should not be disturbed/damaged

One letter in support has been received which raises the following issues:

- Needed so that Holbeton can remain a sustainable community
- Holbeton has an aging population
- Primary school, pub and shop are all suffering from decline in use – one pub has closed and school role fallen by over 50%
- Main concerns about traffic and drainage can be overcome

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The majority of the site, including all the land proposed for the development of housing, is located outside of the development boundary.

Policy CS1 of the South Hams Local Development Framework (LDF) identifies Holbeton as a village in which the principle of development is acceptable; elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need.

Policy DP15 of the LDF addresses development in the countryside and states that within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

Para 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (such as in the AONB)

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

At present this Council does not have a demonstrable 5 year housing land supply. Sites have been identified in the emerging Plymouth and South West Devon Joint Local Plan (JLP) but the evidence base for the allocations has yet to be tested. As such paragraph 49 applies to the consideration of housing applications in the area. Policies CS1 and DP15 are therefore considered to be out-of-date.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, 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 11 houses on the edge of Holbeton is not considered to be major development. It has been argued that this application should be considered together with the Church Hill scheme which would result in 25 new dwellings. Officers do not consider this to be the appropriate test due to the physical separation of the sites and the fact that each site has a separate planning application. Even taken together however, having regard to their separation and context within the village it is not considered that they would constitute major development for the purposes of para 116.

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.

Affordable Housing

Policy CS6 of the LDF states that new residential development should provide affordable housing consistent with the overall strategic target of 50% from all sources and having appropriate regard to the:

- Identified local need;
- Nature and scale of the location and the development proposed;
- Characteristics of the site; and
- Economics of provision

The adopted affordable housing SPD states that on unallocated sites with capacity for 6 to 14 dwellings a 35% on site provision would be sought and on allocated sites the provision will be 60% in rural areas. The emerging JLP proposes on site provision at 30% for development over 10 dwellings.

The NPPF considers affordable housing at paragraph 50 where it states that LPAs should:

Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

In this instance it is proposed to provide 35% affordable homes on the Church Hill (4 units) together with the requirement from the Church Hill site. This will result in the provision of 9

affordable homes in total. The applicant believes it will be easier to get an affordable home provider on board where the units are grouped together.

The Church Hill site is well related to the village and the illustrative layout indicates an attractive layout set around a large open common. This should provide a pleasant living environment. The provision of the affordable units on this site is not considered to offer a reduced standard of amenity compared to the Vicarage Hill site.

The provision of affordable housing on the Church Hill site would be secured through a Section 106 Agreement with suitable phasing agreements.

Officers consider the proposals for the provision of affordable housing to be acceptable.

Landscape:

Policy DP2 of the LDF states that:

Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);
- c. retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys;
- d. avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and
- e. respecting the unspoilt nature and tranquillity of the area.

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight and development will not be permitted which would damage their natural beauty, character and special qualities or prejudice achievement of their designated purpose.

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.

The South Devon AONB Unit objected to this application in as originally submitted. At this point the layout was more suburban and two vehicular access points were proposed off Vicarage Hill.

The comments from the AONB unit were as follows:

The primary concern is that the development would require the removal of a significant number of mature trees and a substantial length of mature hedgerow, that together not only constitute a valuable wildlife habitat but also form a very important backdrop to the village and a distinctive element of the landscape character of the settlement. These form a visually very prominent feature from numerous public viewpoints, and their removal would be harmful to the landscape and the AONB, and be in clear conflict with South Hams policies DP2 and DP5.

Other concerns include the following:

- 1. The narrowness of the road access to the site;*
- 2. The inadequacy of on-site parking for the proposed village hall;*
- 3. The significant difference in levels between the road and the village hall, and the steepness of the site, requiring substantial engineering works and cut and fill;*
- 4. The style and layout of the proposed dwellings, which bear no relation to the very coherent and distinctive established architectural character and pattern of the settlement, in clear conflict with South Hams policy DP1;*
- 5. The unsuitability of this site for a village hall, when the existing site is more convenient and has better parking;*
- 6. The absence of indication about what would happen to the current village hall site if this proposal is approved. This is an important issue, because if it is intended that the site is also redeveloped for housing, it may well be that the cumulative effect of these developments (ie the current village hall site, the Vicarage Hill site and the Church Hill site, also taking into consideration other recently built dwellings) would be to bring forward a number of new dwellings that goes well beyond what is required to meet the local housing needs of the community in and around Holbeton and would be disproportionate in scale and phasing to the size of the existing settlement. The level of provision needs to be informed and justified by a local housing needs survey.*

Of the points raised above by the AONB officer, points 1, 2 and 5 are not relevant to landscape impact. On point 6, any future planning applications will be considered on their own merits. On point 3, the vehicular access point close to the village hall is now removed from the proposal to minimise the impact on village character. On point 4, the illustrative scheme has been amended to show a more sympathetic layout in keeping with the village character.

The AONB unit have been consulted on the revised plans but no comments have been received after a period of 9 months and following numerous reminders.

The Council's landscape specialist has reviewed the latest proposal and raises no objection providing the following detailed comments:

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to its scale and form. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

Landscape Character and Visual Amenities

The site is located on the northern edge of Holbeton. Within the SHLAA analysis, the site is noted as being within the South Devon AONB under Landscape and Ecology; it is also noted that development could have a significant impact on the landscape character.

The application is accompanied by an LVA (Savills; dated July 2015), which is noted; it is broadly sound in its approach and the conclusions drawn for this site. It is acknowledged that schematic concept designs for the site have altered over the application period, noting this application is still for Outline. However, the officer appraisal has been considered in light of the most recent concept plan which differs from that included in the LVA. Careful consideration has been given to the baseline position established by the LVA and the most recent concept plan considered in that context.

In considering the application, officers have also referred to the most up to date Landscape Character Assessments (JLP evidence base), in particular with a focus on the Landscape Character Types and accompanying analysis. The site is within 1B – Open coastal plateaux.

It is immediately adjacent to the settlement boundary, extending up the valley slope. Holbeton principally sits down in the valley landscape, with glimpsed views from surrounding highways and the limited footpath network. Existing dwellings extend to a similar height on Vicarage Hill, and existing properties can be seen on the fringes of the village in views from the plateau. The site is contained within these views, with minor to negligible impacts more widely.

The presence of trees is noticeable.

Some key landscape features are lost, including small sections of hedgerows and a number of trees to accommodate access and road layout. The loss should therefore be limited at Reserved Matters and can be mitigated through new planting; the overall character is broadly conserved, including the special qualities of the AONB. Boundary hedge-lines will need to be secured for retention either within a management company or by deed. These should be further enhanced through new planting. The scale of dwellings and choice of material will be fundamental to the success of the scheme to limit impacts, this shall include use of the village vernacular i.e. local stone and thatch as appropriate (recent schemes within the village have achieved this well).

The proposed access steps onto Vicarage Hill are noted and considerably improve the original proposals for vehicle access at this point by significantly reducing impacts.

Cumulative impacts have also been considered in the context of the other sites coming forward off Church Hill. Analysis of the schemes shows there is limited or no inter-visibility and therefore it is felt that if the Church Hill scheme also comes forward that cumulative impacts would be acceptable.

In conclusion it is acknowledged that there will be some moderate to minor adverse impacts as a result of the proposed development. However, this is limited in nature and can be successfully mitigated to ensure the wider landscape character is conserved overall. It will be important to understand and assess the RM submissions and seek to secure appropriate landscape mitigation around the site perimeter, in particular the northern boundary. Holbeton has a well treed character and this should be reflected in final plans for the site.

Having given due consideration to the various policies, designation and guidance, no objections are raised to the proposed development subject to relevant landscape conditions.

Having regard to both technical responses on landscape/AONB impact it is considered that there will be a limited degree of adverse impact on landscape character but which can be mitigated. As a consequence the AONB landscape will be conserved.

Design

Policies DP1 and CS7 of the LDF require that all development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape. The NPPF states that good design is a key aspect of sustainable development and should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (para 56 and 58).

This is an application with all matters reserved except for access.

The scheme as originally submitted included two vehicular access point. The access to the south was through steeply sloping land and would have required a very engineered finish incorporating significant retaining walls as well as the wide visibility splays to meet current standards. This access would have been opposite The Old Vicarage, a very characterful historic building within the Conservation Area. The northern access would be only 100m further north. The combination of these two modern access points would have had a detrimental impact on the Conservation area and the character of the village.

The scheme has been revised to omit the southern vehicular access, replacing it with a pedestrian access that can be less engineered, with a reduced visual impact.

Having regard to the very sensitive setting of this site it was necessary for the applicants to demonstrate that a sympathetic layout can be achieved on the site. As such the illustrative layout has been changed to show a more appropriate rural layout, with houses at the back of the road and with parking sited so that it does not dominate the street scene.

It has been demonstrated that it will be possible to achieve a satisfactory layout on the site for the proposed development and detailed design can be controlled through reserved matters.

Heritage:

Policy DP6 of the LDF states that Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.

The scheme as originally submitted raised concern from Historic England and the Council's heritage specialist regarding, in particular, the inappropriate suburban layout. The scheme was then revised.

This application has been assessed by the Council's Heritage specialist who comments as follows:

The applicants have submitted a robust analysis of those heritage assets that are most likely to be affected and a subsequent impact analysis of the development proposals on those identified assets. (see 'Heritage Statement', Savills-SmithsGore July 2015.) Although it is acknowledged that the scheme has been altered considerably since that initial report was written.

To the west of the proposed development land and indeed bounding it are two listed properties. No.26, 27 and No. 28 (two residences) Vicarage Hill. These properties which are grade II listed date from the 17th century in origin and represent early estate cottages. Vernacular in form embracing thatched roofs with stone rubble walling, modern 20th century extensions to the rear. Originally part of a row of 8 cottages orientated alongside the road to the north but now only these two remaining cottages survive the rest having been replaced in the 20th century.

Arguably the setting of these two remaining cottages, given their vernacular form and original intended use (i.e. Estate workers cottages) relates principally to their immediate roadside position and the juxtaposition with the village centre. There were never any intended 'planned views' of the wider open countryside to the east as one might have expected if the properties embraced a more 'polite' architectural response to their surroundings.

Given the existing boundary treatments and the distances involved and the fact that it is the rear of these vernacular cottages (of which have already embraced 20th century extensions) that will relate to the new proposed development the 'setting' of such will not be unduly compromised by the development proposals.

With regards to the potential impact on the surrounding Conservation Area, initial comments were made with regards to the suitability of the design approach and the site layout. However during the life of this application further assessment work has been undertaken, assessment work which has informed the revised site layout with added input from Officers both at the LPA level and from Historic England. The impact on the character and appearance of Vicarage Hill and the surrounding Conservation Area has been reduced by the omission of the 'second' vehicular access and overall the layout is now more sympathetic to its immediate surroundings sufficiently addressing previous heritage concerns as raised.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the architectural treatment of the new dwellings will be a key factor in this integration.

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

Neighbour Amenity:

Policy DP3 of the LDF states that development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. The NPPF at para 17 states within the core planning principles that good standard of amenity for all existing and future occupants of land and buildings should be achieved.

Concern has been raised by neighbours about the potential for loss of privacy and noise and disturbance.

This is an outline application with matters such as layout and scale to be agreed. The illustrative layout shows that new buildings can be located well away from existing dwellings. Appropriate design and landscaping can limit loss of privacy to an acceptable level.

Landscaping and/or boundary treatments can be used to mitigate the impact of the village hall car park on neighbours. Appropriate conditions can limit the hours of use of the village hall and as proposed to restrict use of the hall to between the hours of 8am and 11pm.

It is considered possible to develop this site as proposed without significant harm to residential amenity

Ecology

Policies DP5 and CS10 of the South Hams LDF require that development will conserve, enhance and / or restore biodiversity.

Para 118 of the NPPF states that:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

A detailed assessment of ecological impact has been provided by the Council's ecology specialist. It is acknowledged that this site provides habitat and foraging for a number of species including bats, badgers and birds.

The proposal will result in the loss of 127m of hedgerow, circa 750 sq m of dense scrubland and broadleaved woodland and 1000 sq m of coniferous plantation.

A Conservation Action Statement forms part of the application and this includes mitigations measures such as:

New hedgerow planting of 210m

New tree planting within land north of Church Hill and within the site of 2000 sq m to mitigate for tree loss

Creation of 2m buffer of rank grassland adjacent retained hedgerows to provide bat flight paths and habitat for invertebrates and birds.

The Ecology specialist concludes that although the development will result in a number of ecological impacts, including the loss of hedgerow and woodland habitat, it is considered that adequate mitigation and enhancement is provided as described in the Conservation Action Statement. As such the ecological impacts of the development are in accordance with the LDF and NPPF.

Highways/Access:

Concern has been raised about the narrowness of Vicarage Hill and the unsuitability of the road to take further traffic. The reliance on only one vehicular access into the site, sited at the north of the development is also raising concern that this will encourage new residents to travel via Ford to get to the A379, which is a particularly constrained route.

Holbeton is a small quiet village; Officers consider that, when in a car the added distance of turning left or right out of the new access will be determined by people's preference of their longer route, rather than by saving a few hundred metres within the village itself. Officers consider the choice to travel via Ford or via an alternative route will not be influenced by the location of development within the village.

The highway authority raise no objection to the proposed vehicular access nor to the principle of the development.

The scheme originally proposed two new vehicular access points off Vicarage Road, one for the housing and one for the village hall. Officers were concerned about the impact on the character of the village that would arise from two modern access point so close together in the heart of the Conservation Area. As such the southern access point has been removed and is replaced with a pedestrian route.

The Highway Authority have commented that the submitted drawings do not show appropriate visibility splays for the pedestrian access. Revised plans have been submitted to address this. A verbal update from the Highway Authority will be provided at committee but the plans do appear to satisfy the concerns raised.

The detail of the vehicular access is to be agreed as part of this application, the detail of the pedestrian access will remain as a reserved matter for future consideration

The Highway Authority has also raised concerns about lack of drainage information. Since then percolation testing has been undertaken on site and a more detailed drainage scheme has been submitted and approved by DCC in their role as Lead Local Flood Authority

Drainage:

Devon County Flood Risk have considered this scheme in detail and requested further supporting information during the life of the application. They now state that they have no in-principle objections to the application subject to conditions.

South West Water raise no objection to this application.

It is concluded that the site can be adequately drained in respect of the proposed development

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.

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 11 new market houses

Provision of 4 affordable homes within Holbeton (on the Church Hill site)

Provision of a site for a new village hall with good links into the adjoining playing field.

Enables provision of a community car park within the village on the Church Hill site

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

Weighed against the policies in the NPPF as a whole the balance weighs in favour of the development.

The second test 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 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.

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

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

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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

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

DEV30 Trees, woodlands and hedgerows

DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes

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 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 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 Drawing No. C14305/SKC/010-B (Rev. B, dated 24/01/2017) and those sections not superseded by the aforementioned document in the Surface Water Drainage Strategy document (Report Ref. -, Rev. -, dated -)

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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. 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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

9. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

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 Phase 2 Ecological Survey Report by Blackdown Environmental dated 10.07.15 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 of public areas including highways unless otherwise agreed in writing by the Local Planning Authority through the submission and agreement with the LPA of a lighting strategy

Reason: To protect the countryside from intrusive development and in the interests of ecology

13. No part of the development hereby permitted shall be occupied unless and until the vehicular and pedestrian accesses, internal roads, 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 and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for construction traffic from and to the A379, provision of car parking for contractors. 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.

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 the development 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.

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

A detailed interim landscaping scheme for the area of land indicated on the illustrative layout as proposed for the village hall and village hall car park. Unless development of the village hall has commenced the approved scheme shall be implemented not later than the planting season following the completion of the development 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 or until development of the village hall commences.

Reason: In the interests of the amenity of the area

24. Prior to the commencement of development a copy of a licence (Badgers) from Natural England authorising works or a written statement from Natural England or a suitably qualified ecologist to the effect that they do not consider the works will require a licence shall be submitted to and acknowledged in writing by the Local Planning Authority.

Reason: In the interests of wildlife conservation

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

Full details of the proposed pedestrian access included means of construction, visibility splays, materials and landscaping. Development shall take place in accordance with the approved details

Reason: To secure adequate connectivity to the village and in the interest of the amenity of the area and in the interest of highway safety.

26. The village hall shall be used between the hours of 0800 hrs and 2300 hrs only Monday to Sunday.

Reasons: In the interest of the amenity of nearby residents.

27. The proposed road, footways, footpaths, verges, junction, sewers, drains, retaining walls, service routes, surface water outfall, roof maintenance/vehicle overhang margins, embankments, and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the LPA.

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

28. Prior to the commencement of development on site a suitable highway drainage strategy solution shall be submitted to and approved by the LPA including a flood

exceedance route plan. Development shall take place in accordance with the approved details,

Reason: In the interests of highway safety.