

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Newton and Noss **Ward:** Newton and Noss

Application No: 3139/16/OPA

Agent/Applicant:

Mrs Deborah McCann
Almshouse Cottage
Cornwood
Ivybridge, Devon
PL21 9RP

Applicant:

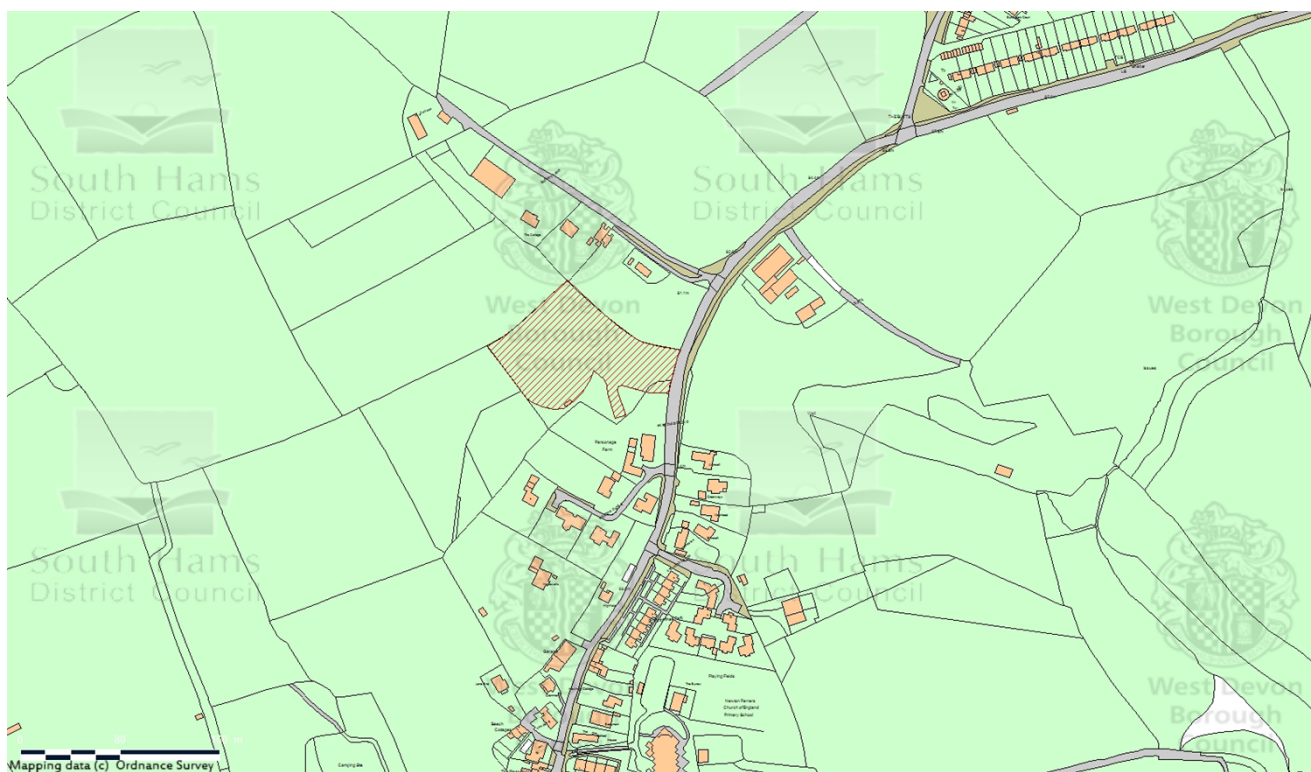
Mr & Mrs A. Birkett and C. Griffiths
Parsonage Farm
Parsonage Road
Newton Ferrers, Devon
PL8 1AT

Site Address: Land Adjacent To Parsonage Farm, Parsonage Road, Newton Ferrers, Devon, PL8 1AT

Development: Outline planning application for the erection of 12 dwellings to include 6 affordable dwellings.

Reason item is being put before Committee:

Cllr Baldry - I would like this to go to Committee in order that Members may have the opportunity to take a view on the principle of building 12 dwellings outside the designated Development Boundary.



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.

Conditions

1. Time limit for outline
2. Reserve matters for outline
3. Approved plan Nos
4. Barn owl nesting space
5. Grassland habitat
6. Construction Management Plan
7. Details of footways etc
8. Details of surface water drainage from highways
9. Details of footway crossing points
10. Contamination
11. Verification Report
12. Remediation, if necessary
13. Reptile Mitigation Strategy
14. Landscape and Ecological Management Plan
15. Lighting Strategy
16. Submission of foul drainage details
17. Submission of surface water details

S106

1. Affordable housing – 6 dwellings, with tenure restricted to over 55 year olds
2. DCC Education - £16,416 for secondary education plus £3,097 for transport
3. OSSR Sports & Recreation £34,605
4. Legal fees SHDC & DCC

Key issues for consideration:

Principle, landscape, design, amenity, highways

Site Description:

Field to the north of Parsonage Farm, to the north of the settlement of Newton Ferrers, located on the west side of Parsonage Road. Field is agricultural and enclosed by high hedging and trees.

Within Area of Outstanding Natural Beauty, and adjacent to Parsonage Farm that is a Grade II* listed building.

The Proposal:

Outline planning application for the erection of 12 dwellings to include 6 affordable dwellings with occupation limited to those over 55 years of age. All matters are reserved except for access which is proposed from Parsonage Road.

Dwellings have indicatively been illustrated as two-storey five bedroom houses with attached double garages.

In support of the application the applicant submitted:

- Design and Access Statement
- Heritage Statement
- Landscape Visual Assessment

- Outline Drainage Strategy
- Ecology Report
- Phase 2 Bat Survey
- Phase 2 Reptile Survey

Consultations:

- County Highways Authority – no objection to principle of development, recommend conditions on footway and dropped kerbs and ground water monitoring.
- Newton & Noss Parish Council – Maintain objection as outside the development boundary, within AONB, impact on heritage asset, ecological implications are no dormouse survey.
- South West Water – no objection
- Environment Agency- no comments
- DCC Children Services –A development of 6 family-type dwellings (i.e any dwelling with 2 or more bedrooms) can expect to produce an additional 1.5 primary pupils and 0.9 secondary pupils.

There is currently sufficient capacity at the local Primary School to accommodate the additional pupils from this development. However, Devon County Council will request secondary contributions to mitigate the impact of this development. This would be at the expansion rate of £18,241 per additional secondary pupil, so a total contribution of £16,416 would likely be sought. In addition, Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Ivybridge Community College. The costs required are as follows: -

1 Secondary pupil £3.26 per day x 1 pupil x 190 academic days x 5 years = £3,097

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

- DCC Flood and Coastal Risk Engineer –30/06/2016 objection on grounds of lack of sustainable drainage details.

Response 14/07/2017 - Given that SHDC Drainage are leading on Drainage for the application, I agreed with their consultation response and no offer no objection to the application.

- Natural England – no objection, subject to conditions
- Heritage England – Parsonage Farm is grade II*, however due to the expansion of Newton Ferrers it is situated in a more suburban context, which makes it hard to resist development provided direct visual impact can be avoided. It has a contained visual setting to north and west whilst to south and east development has occurred which has lost its sense of being situated in farmland, although it does still have landscape context and is set apart from buildings to the north and west that distinguish it as of different status. As a Grade II* building it is of considerable historical importance so is important it does not become crowded by other buildings. However, it is considered with careful planting and making use of existing vegetation along the boundary and at the access any visual impact could potentially be mitigated.
- Police Designing Out Crime Officer – General comments

- Barn Owl Trust – Condition on nesting space for owls and rough grassland.
- South Hams Drainage Specialist: In consultation response dated 27th June 2016 raised objection to the proposal

Following discussions and further amendments a further response was provided. This made clear that there was no objection. Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate an in principle scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

- SHDC Affordable Housing Officer – no objection provided 50% of dwellings are affordable.
- SHDC Environmental Health Section: Recommend a universal condition on development affected by contamination.
- SHDC Open Space and Play Provision:
Revised figures to take into account over 55s provision
 - A sum of £34,605 should be taken towards improvements to open space, sport and recreation facilities at Butts Park, Newton Ferrers.
 - Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.
 - Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- SHDC Ecologist:
 - Pre-commencement Reptile Mitigation Strategy
 - Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases) – reflecting mitigation and recommendations from Section 4 of the Preliminary Ecological Appraisal, and Phase 2 Bat Survey Report and Reptile Report
 - Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).

Representations:

8 letters of support on the grounds:

- Appropriate location for development with access to shops and school and would not take traffic through the village
- Southerly orientation of housing would maximise solar gain
- Innovation design
- Affordable housing very important in this area
- Hope affordable housing will be for sale rather than rent
- Would not increase parking pressure or traffic

2 letters of objection on the grounds:

- Greenfield site
- Outside the development boundary
- The adjoining road is narrow and busy and the development will worsen the situation
- Impact on loss of habitat for Barn Owls
- Insufficient parking

Relevant Planning History

37/1462/78/1 Site for two three or four dwellings - Refusal

ANALYSIS

Principle of Development/Sustainability:

The proposal represents new development within in the AONB on a site that is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is outside the Newton Ferrers development boundary (and other settlement boundaries) as defined in the South Hams Local Plan (1996) and is, therefore, in the Countryside.

At 12 dwellings the proposal exceeds the definition for 'major' development as set out in the Development Management Order. However, the criteria used to assess whether an application is to be considered a major development, in relation to AONB considerations, does not follow the Development Management Order definition. It is based on an assessment of the likely impacts of the development, not a numeric formula. Given the location of the application site, on the edge of the village surrounded on three sides by established residential property, and its relative inconspicuousness in relation to the wider landscape it is considered that the current proposal does not constitute major development within the AONB, and therefore that paragraph 115 of the NPPF is the relevant consideration, not paragraph 116. It states

*115. 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 conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*²⁵

Newton Ferrers, is identified in the emerging Joint Local Plan (JLP) as a sustainable settlement. Whilst its AONB location means that the usual presumption in favour of development (where the local planning authority cannot demonstrate a 5 year land supply) does not apply, there is still a need for new housing within the District and the proposal would contribute towards meeting that need, particularly in relation to the 6 units aimed at people over 55 years old. The indicative plans that accompany the application adequately demonstrate that the amount of development sought can be accommodated on the site.

The main consideration is whether the advantages of providing the new dwellings outweigh the impact of the development in the context of the NPPF para 115 consideration and the great weight to be attached to conserving the AONB. (Also re-iterated in SHDFC's own policies CS9 Landscape and Historic Environment and DP2 Landscape Character).

In assessing this issue the Adopted Guidance from South Devon AONB Management Plan, particularly sections 6 and 7 which cover both plan making and decision-taking and are important material considerations are relevant.

Para 119 of section 6 recognises, in general terms, the development pressures that AONB's are under and the tensions, in particular around the delivery of affordable housing. It states:-

'...Affordable housing delivery is often dependent upon market housing to support viability, which leads to a higher quantum of development needing to be accommodated. Conversely, the high quality environment of AONBs inherently has limited capacity to accommodate development without harm to their special qualities.'

Section 7 'Development Management and South Devon AONB' provides general guidance in relation to Development Management. An important point is made in Para 129 'key points for decision takers to remember'

'(ii) When the Local Plan is 'absent, silent or relevant policies are out-of-date' the 'presumption in favour of development' for development in or affecting AONBs is removed by the application of footnote 9 to NPPF paragraph 14.'

The document goes on, in para 143, to set out the key criteria to be used by decision makers when considering whether the impacts of development will be harmful. It states:-

'143. Assessments of harm to the AONB should pertain to the natural beauty criterion set out by Natural England in their guidance on the designation of protected landscapes. These are: Landscape quality; Scenic quality; Relative wildness; Relative tranquillity; Natural heritage features and Cultural heritage'

Obviously the development of 12 houses will change the character of the field and have some impact upon the character of the AONB. But in this case it is not considered that there will be any significant harm to the existing character. The field is not located in deep open countryside, and is not in a particularly tranquil place. Parsonage Road runs along the eastern side of the site and forms the main entrance to the village. Although elevated in relation to areas to the east, the site is relatively inconspicuous and the development of 12 houses will not intrude upon the skyline or impede significant views.

The Visual Impact Assessment submitted by the applicant is accepted as demonstrating that the impact on the landscape and AONB will be limited. The site is enclosed by existing hedging and tree lines such that the development, albeit proposed as two-storey dwellings, should not appear prominent within the surrounding landscape.

The Council's Environmental Health section has not objected to the proposed development, and it is considered that should development come forward at this site in the form currently proposed then conditions could be applied to prevent harm to the amenity of existing and new residents.

Similarly, SWW considers that there is capacity in the local sewerage infrastructure.

There are no ecological designations affecting the site, although the Council's ecologist requests a number of conditions as set out at the start of the report. Subject to the imposition of these conditions, no objections have been received on ecology grounds.

Highways/Access:

While objections were initially raised by Devon County Highways, these have now been removed subject to conditions as stated in this report.

Planning Balance

It is acknowledged that the proposal represents development in the AONB on a site that is not allocated for development and is outside the Newton Ferrers development boundary, so contrary to policy CS1 and DP15. Nevertheless, it is considered that the proposal will not significantly harm the character of the AONB and the benefits of providing new housing in this location are, on balance, considered sufficient to justify a recommendation for approval. A tight conditional regime is recommended to ensure there is a framework in which the Local Authority can insist upon a very high quality design.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, [where relevant – DELETE AS APPROPRIATE], with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

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

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

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

DP16 Conversion and Reuse of Existing Buildings in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

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

TTV6 Noss on Dart

and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV4 Playing pitches

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV35 Renewable and low carbon energy (including heat)

DEV36 Community energy

DEV37 Managing flood risk and Water Quality Impacts

DEV38 Coastal Change Management Areas

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.

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.

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 building(s); (b) its/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 means of access from public highways; (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards); (h) all other works including walls fences means of enclosure screening. (i) the location, extent and layout of open space(s) play space(s) (j) 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 strictly with drawing number 01.09.2015 received by the Local Planning Authority on 08/01/2016; drawing numbers 15135-003 Rev.A and 15135-001 Rev.B received by the Local Planning Authority on 13/07/2017 drawing number 14154-505 Rev.C received by the Local Planning Authority on 16/05/2017.

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. A permanent accessible nesting space for Barn Owls shall be provided within one or more of the proposed buildings to which the consent applies, and thereafter maintained, in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority in line with guidance available at: <http://www.barnowltrust.oreg.uk/best-owl-nest-boxes-building-projects/>.

Reason: To secure the long term protection of the species.

5. No development shall commence until a scheme showing the location and extent of rough grassland habitat and its subsequent management has been submitted to and agreed in writing by the Local Planning Authority. An equivalent area of Barn Owl foraging habitat to that which will be lost, should be created and thereafter maintained on site. The area must not be cut less than 125mm above ground level (i.e. topped not mown) not more than once a year and not before 15th July.

Reason: to secure the long-term protection of the species by creating and maintaining foraging habitat and to fulfil the LPAS's obligations to restore or enhance a population or habitat under the NERC Act (2006), and NPPF (2012)

6. Prior to the commencement of any p[part of the site the Planning Authority shall have received a Construction Management Plan (CMP) including
 - (a) The timetable of the works
 - (b) Daily hours of construction
 - (c) Any road closure;
 - (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6pm Mondays to Fridays inc. 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank /Public Holidays unless agreed by the Planning Authority in advance;

- (e) The number and sizes of vehicles visiting the site in connection with the development and frequency of their visits;
 - (f) The compound /location where all building materials, finished or unfinished produced, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) Areas on-site where delivery vehicles and construction traffic will load or unload building material, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.;
 - (h) Hours during which no construction traffic will be present on the site
 - (i) The means of enclosure of the site during construction works; and
 - (j) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking Off-site
 - (k) Details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes
 - (m) Details of the amount and location of construction worker parking
 - (n) Photographic evidence of the condition of adjacent public highway prior to the commencement of any work
7. The proposed estate road, cycle ways, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance /vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

8. In accordance with details that shall previously have been submitted to, and approved by the Local Planning Authority, prior to the commencement of the site provision shall be made within the site or off site for the disposal of surface water so that none drains on any County Highway.

Reason In the interests of public safety and to prevent damage to the highway

9. Prior to commencement of the site details of the footway and crossing points at the belmouth of the new junction for the site shall have been submitted and approved by the Local Planning Authority.

Reason: In the interests of highway safety

10. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the excluded, in writing, by the Local Planning Authority.
1. A preliminary risk assessment / desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - As conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risks to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and , based on these, an options appraisal and remediation strategy giving full details of the remediation

measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages , maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The historical mapping indicates a number of former structure within the red line area especially in the area on the Western field boundary to the reservoir. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 and 4 as no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in the future.

11. Prior to the first 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

12. Prior to commencement details of reptile habitat mitigation strategy shall be submitted to and approved by the Local Planning Authority. The measures shall be put in place prior to the first occupation of any of the dwellings.

Reason: To ensure reptile habitat is maintained.

13. 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 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 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 this is uncovered during remediation or other site works is dealt with appropriately.

14. Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases) – reflecting mitigation and recommendations from Section 4 of the Preliminary Ecological Appraisal, and Phase 2 Bat Survey Report and Reptile Report

Reason: To safeguard the interests of protected species.

15. Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species) shall be submitted to and approved by the Local Planning Authority. It shall be fully implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the countryside from intrusive development.

16. Notwithstanding the submitted details, no development shall be commenced until:
1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority.
 2. Written permission from South West Water to connect to the public sewer.

Reason: In the interests of the prevention of pollution and to accord with Development Plan Policy C24 Protecting Water Resources

17. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until
1. Full details of the final layout and drainage scheme have been submitted and approved in writing by the LPA.
 2. SuDS to be designed for a 1:100 year event plus 30% for climate change.
 3. If soakaways are proposed in different locations than shown then percolation testing in accordance with DG 365 will be required to support the use of soakaways in these new positions. The report should include the trial logs and calculate the infiltration rate.
 4. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority
 5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.