

PLANNING APPLICATION REPORT

Case Officer: Tom Sylger-Jones
Application No: 57/2472/14/O

Parish: Ugborough

Agent/Applicant:
Michael Craggs
DPDS
Old Bank House, 5 Devizes Road
Old Town
Swindon, SN1 4BJ

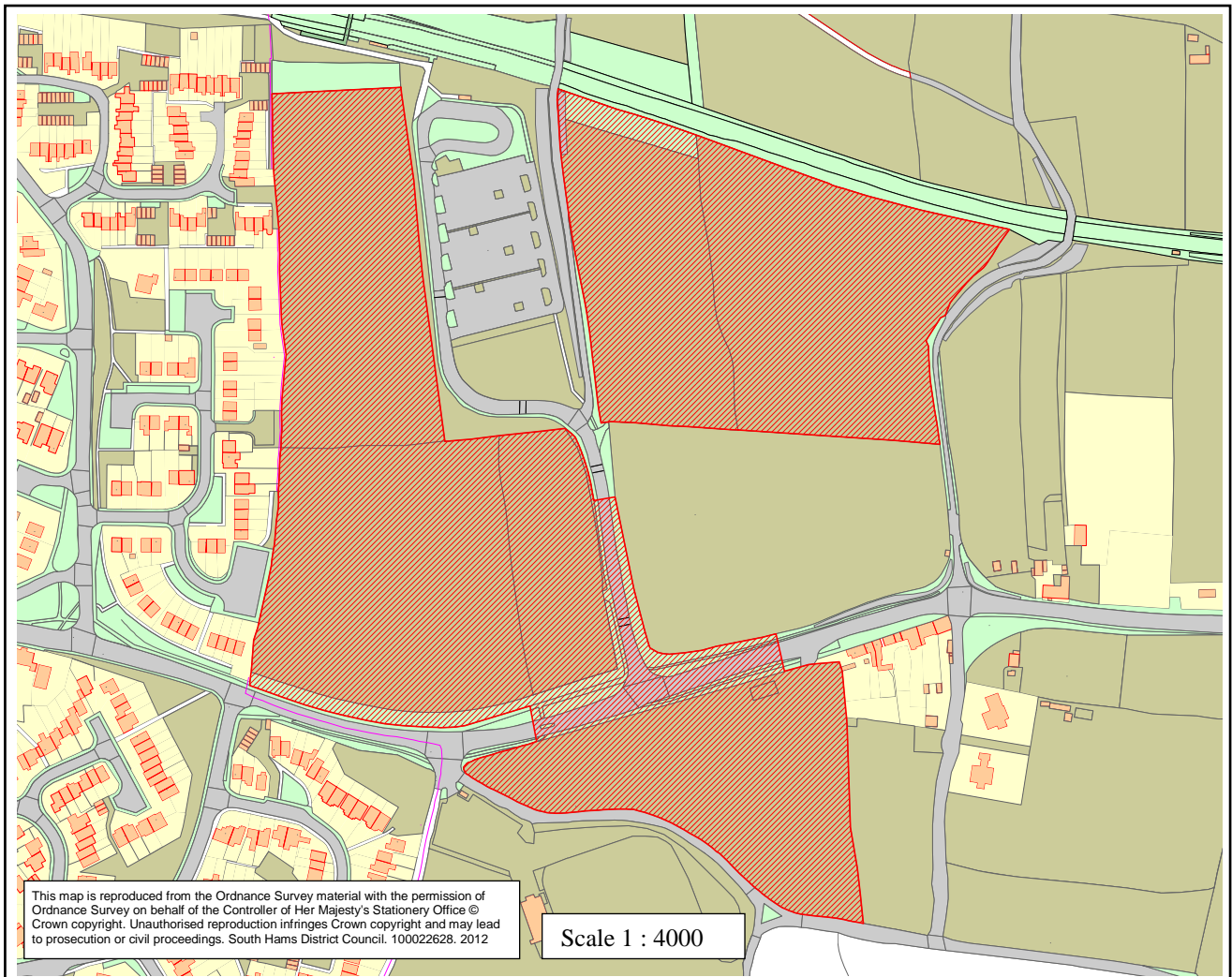
Applicant:
Hannick Homes
Dammas House
Dammas Lane
Old Town, Swindon
SN1 3EF

Site Address: Land at SX6483 5632, off Rutt Lane, Ivybridge

Development: Outline application for mixed use development of approx 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered)

Reason item is being put before Committee

The Ward Member, given the number of objections received from residents, has requested that the application is considered by Committee



Revised Recommendation and Update

Conditional approval subject to the prior completion of conditions and the prior signing of a Section 106 Agreement, as summarised below

Conditions

1. Standard time limit for commencement;
2. Accord with Plans, Drawings and FRA;
3. GPDO Exclusion;
4. Unsuspected Contamination;
5. On-site highway works in accordance with plans / drawings;
6. Construction Management Plan to be submitted and approved prior to commencement;
7. Construction Method Plan to be submitted and approved prior to commencement;
8. Phasing Plan to be submitted and approved prior to commencement;
9. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
10. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
11. Submission, prior to commencement, of a Lighting Strategy;
12. Tree / hedge protection;
13. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
14. Adherence to measures within Preliminary Ecological Appraisal, and Bat Activity Survey Report;
15. noise, specifically requiring 55dB max by day inside and out in line with the WHO recommendation and 35dB by night, informed by acoustic testing of various zones on the site when built out to prove the standard, is met prior to occupation;
16. a link road to the remainder of the allocation site;
17. construction method statement and management plan;
18. phasing plan;
19. highway works to be completed in accordance with approved details to be submitted to the LPA;
20. Submission of a stage 2 highway safety audit;
21. Details of retaining walls/structures;
22. details of boundary treatments;
23. Lifetime homes;
24. Use of employment land; and
25. Inclusion of a review mechanism to allow a revision upwards of s106 payments / the proportion of AH with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted.

S106

1. 20% Affordable Housing;
2. Affordable Housing occupancy;
3. Green Travel Plan and Vouchers;
4. Education;

5. Solar pv;
6. Play space;
7. Off site sports;
8. Applicant and LPA legal fees; and
9. a 'claw back' mechanism with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted

Update

A comprehensive review by the Council of the Viability Assessment provided by the applicant has been concluded. The review finds that the proposed proportion of Affordable Housing (20%) and s106 / s278 payments (approximately £1.8m) is, in combination, appropriate in the context of paragraph 173 of the National Planning Policy Framework (NPPF).

With specific reference to the comments in the original DMC Report (which follows this update) under the sub heading 'the Economic Dimension' and in the context of the review of the Viability Assessment, it is considered that the proposed level of employment provision is appropriate and meets the requirements of Allocation I1.

The second reason for refusal (see below) is, therefore, no longer applicable.

The s106 Agreement / conditions will include a review mechanism to allow a revision upwards of s106 payments / the proportion of AH should any uplift in plot value arise if more valuable, alternative, land use(s) are, subsequently, permitted.

Following the submission of further information the applicant has demonstrated that the design of the roundabout meets safety standards. This is a matter that will be considered again at the Reserved Matters stage.

The first reason for refusal (see below) is, therefore, no longer applicable.

At the site visit a number of issues were raised and the key points are summarised below.

The foul sewer runs along the Exeter Road and not anywhere on site.

Conditions are proposed that will require sustainable drainage design and a landscape and ecological management plan. The delivery of appropriately designed formal and informal open space and their ongoing management will be a key consideration when approving these documents.

A Tree Protection Plan will be required, by condition.

A condition is also proposed to ensure appropriate noise standards are met both inside and outside residential properties.

The applicant will be required, by condition, to ensure that other phases of development within the area covered by Allocation I1 can be accessed by a link road; and that in this respect their delivery would not be compromised.

ORIGINAL REPORT FOLLOWS

Recommendation – refusal for the following reasons:

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of the safe design of roundabout access. As such the proposal is considered contrary to policies DP7 of the LDF and CS8 of the core strategy and paragraph 32 of the National Planning Policy Framework.
2. The information submitted does not adequately justify the current proposed levels and combination of Affordable Housing and s106 contributions, in particular the quantity of or contribution to employment provision. As such these are not considered sufficient to meet the requirements of Allocation I1, Policy AH2 of the Development Policies DPD and the SHDC review of the IVA and the guidance of the NPPF.

Key issues for consideration

The application site is one of three parcels of land, each of similar size, that together form Allocation I1 of the Ivybridge Development Plan Document (DPD). Allocation I1 seeks to deliver mixed use development including up to 375 houses, including Affordable Housing (AH), with the over-arching objective to improve the sustainability / self-sufficiency of Ivybridge.

A key issue is the degree to which the proposed development meets an appropriate scope of the requirements of the DPD in its own right and whether permitting the development would compromise the ability to deliver the remaining requirements of the Allocation on the two other parcels of land.

There are a significant number of trees protected by TPO.

Some traffic accessing the site would pass through an Air Quality Management Area.

A more detailed consideration of the above, and other, matters is provided later in this Report, which concludes that whilst there are substantial social and economic benefits that would accrue from the development, the level of AH and s106 contributions is not sufficient and the viability information submitted to justify the proposed levels is not accepted.

Site description

The site area is 10ha, including highway land, and comprises five agricultural fields that sit south of Ivybridge Railway Station and around, but not including, the Park and Ride facility; and one field that sits south of Exeter Road, adjacent to the Ivybridge Rugby Clubhouse, which is used as a paddock.

The site is approximately 1.5km east of the centre of Ivybridge.

Rutt Lane runs north to south at the centre of the northern part of the site. A field to the north of Exeter Road that is used by Ivybridge Rugby Club lies outside the site to the east.

The northern fields are broadly rectangular, fall gently from north to south and area enclosed by mature hedgerows and trees. Access is from Rutt Lane via farm gates.

The southern triangular field is predominantly flat and also enclosed by mature hedgerows and trees. The main access is from Exeter Road via farm gates.

On site designations are limited: there are a number of tree preservation orders affecting the site and it sits within the Ivybridge Critical Drainage Area.

The northern parts of the site have been identified as Grade 3a farmland and the southern field is grade 3b.

The site is separated from the Dartmoor National Park, which lies immediately to the north, by the railway line. The nearest Listed Buildings are Middle Filham (Grade II), which lies some 350 metres to the south; and structures at Stowford Mill, which is in the centre of Ivybridge.

The Proposal

An outline planning application, with all matters except access reserved, for mixed use development of approximately 198 [no] dwellings; public open space; employment uses, including health care; neighbourhood centre, providing for small scale daily shopping; and a new roundabout on Exeter Road.

The application proposes, indicatively, 800m² floor space for shops (A1 use); and 4600m² floor space for light industrial / research and development / storage or distribution space (B1b, B1c and B8 uses). A residential institution (C2 use) would be provided and comprise 800 m² of floorspace; and the health centre 2000m² of floor space (D1 use). Land use is 6.6ha residential, 2.6ha employment and 0.6ha open space.

The application is for outline permission and as such the layout is illustrative only. Similarly, the precise nature of the B1 and B8 uses is not yet determined.

A Draft Heads of Terms accompanying the application sets out the proportion of Affordable Housing (AH) and other contributions. The amount is based on a Viability Assessment (VA) that was submitted by the applicant. The VA has been the subject of a review by a consultant, Levvel, on behalf of the Council. The review has not yet been completed in full at the time of writing this report, although an indication has been given that the proposal could viably afford to be accompanied by obligations closer to the policy requirements. This matter is critical to whether the application should or should not be approved and an update will be provided at the Development Management Committee Meeting. (Due to the need for the information to fully inform the recommendation and decision, Officers would have preferred to defer consideration by members of this application until September, however the applicant wished it heard in July.)

Consultation responses

Full details of consultation responses are available on the website. The following is a summary of the key issues raised.

South Hams District Council (SHDC)

Drainage Engineer in an email dated 11th February 2015 reports that South West Water

(SWW) considers to be acceptable the principle of a combined highway and surface water discharge to the surface water sewer. The discharge would need to be at a controlled rate due to the location within the Ivybridge Critical Drainage Area (CDA). SWW would adopt the surface water system up to the standard of 1:100 year +30% (climate change). The Drainage Engineer also emphasises that the Environment Agency advises that the run off would need to be limited to the 1:10 year Greenfield rate. Attenuation systems would need to be in accord with Best Practice SUDs and in the form of surface features such as swales or ponds. Oversized pipes and crate systems would not be acceptable since these do not address water quality issues.

To comply with the national standards for SUDS as set out by DEFRA the surface runoff should be managed at source, and also on the surface, to provide a cost effective and easily maintainable system for the life of the development. The scheme must also address water quality. If not, then evidence needs to be provided as to why this strategy is not being utilised.

Strategic Planning

The Strategic Planning Officer provides a detailed response in the context of Allocation, '11. The key points of the response are summarised below and have been incorporated to the 'planning balance' discussion later in this Report.

The Officer notes that with two applications submitted across the allocation: this application, which seeks to deliver approximately 198 dwellings, and Barratt / David Wilson for 222 dwellings (57/1347/14/F); and a further application yet to come forward for the central parcel of land, housing provision would, if all three were permitted exceed the target of 375.

In addition to the DPD the Hannick application must be considered against the requirements of the NPPF. In particular with respect to the 5-year housing land supply the NPPF states that Councils need to 'boost significantly the supply of housing'. The cumulative impact of increased levels of residential development compared to the requirements of the Allocation will need to be considered. Of particular importance is the balance between housing and employment provision in the wider context of the Town.

The offer of 20% AH falls below the requirement of Policy AH2 of the Affordable Housing DPD; and the employment provision of 2.6 ha, which includes the medical centre, is below the pro-rata provision set out in Allocation I1.

The Officer notes that the development of the northern part of the Allocation must not be allowed to fetter the delivery of the remainder of the Allocation. A key issue in this respect is access and permeability throughout the whole Allocation area.

The Ecology Officer has undertaken a Habitats Regulations Assessment (HRA) Screening exercise, which concludes that the proposal is not considered to have a likely significant effect alone or in-combination with other developments or plans on a European site.

The Natural Environment Resource Team has made a comprehensive response that is incorporated into the section of the Report titled 'Environmental Dimension.' A key point to note is a requirement at the Reserved Matters stage a revision of layout will be required to incorporate a higher level of compensatory hedgerow and the provision of a revised Lighting Strategy that reflects requirements for to minimise impact on bats

The level of provision of on-site public open space and play is agreed in principle although off-site contributions for sports needs to be agreed. At Reserved Matters stage, full details of the public open spaces and play areas will need to be provided.

The Environmental Health / Air Quality Officers recommend a condition to limit the impact of lighting; a condition to safeguard against potential arsenic contamination and unsuspected contamination; a condition to ensure noise attenuation, including means of ventilation when windows are shut; and a condition / s106 Agreement clause to secure control and mitigation of construction and operational phase emissions, notably PM₁₀ and NO₂

The EHO has advised that whilst the predicted increase in vehicular emissions is considered to be 'slight adverse', the level of air pollution for 2016 may be slightly worse than has been modelled by the Council. The applicant has, however, adopted a worst case scenario for the modeling of traffic and consequent emissions. The conclusion is that this must be addressed through a Green Travel Plan and, for the construction phase, a Dust Management Plan.

Economic Development

A specialist in Economic Development has provided useful background information from the South Hams Area Profile, which was published by Devon County Council in February 2014. The information has been incorporated into the planning analysis under the heading 'Economic Dimension' in this Report to DM Committee.

A key message from the economic forecasts is that the South Hams economy is forecast to experience significant growth in the period to 2025. Accordingly, the EDO emphasises the importance of delivering an appropriate level of employment land, possibly through an additional on or off site employment contribution dependant on legal advice and viability.

Devon County Council

Highways After an initial objection by the Highway Authority the applicant has provided revised and further information. In a letter dated 15th June 2015, the Case Officer advises that matters other than the design of the roundabout have been resolved hence there is an outstanding objection from DCC Highways.

Key highway issues include provision for cyclists and pedestrians and safety in road design.

The County Archaeology Officer (Historic Environment Team) comments that having considered the detail of the application it is not likely that there would be a significant impact on known heritage assets. The formal response is no comment.

The County Strategic Planning Children's Services, in their response dated 22nd October 2014, states that primary schools have sufficient capacity for the expected number of pupils that development would create, but that Ivybridge Community College has a shortfall of capacity. DCC requests a contribution towards education transport and a contribution for additional school facilities.

South West Water (SWW)

SWW has no objection subject to foul flows only being connected to the public foul sewer network.

Environment Agency

In their representation dated 5th November 2014, the Environment Agency requests further information with respect to the management of surface water. As described above in the response from the Drainage Engineer of SHDC, this has now been resolved and can be controlled by condition.

Natural England (NE)

NE, in their letter dated 18th November 2014, makes no objection. With respect to the Start Point to Plymouth Sound & Eddystone Special Area of Conservation (SAC) NE notes that SHDC, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, NE concurs with this view. Similarly, NE confirms that it is not likely that there would be an adverse impact on Erme Estuary Site of Special Scientific Interest (SSSI), which lies 4.8km downstream of the proposed development.

Historic England (HE)

HE has considered the application and makes a formal response of no comment.

Devon and Cornwall Police Liaison Officer

In the response dated 4th November 2014, the Liaison Officer recognises that the application is outline and provides advice with respect to the development achieving the objectives of Secured by Design.

Devon and Somerset Fire and Rescue

Fire and Rescue advises that the proposal will need to comply with the access provisions for emergency vehicles within the Building Regulations.

Network Rail (NR)

In their representation dated 22nd December, NR seeks assurance that surface water drainage plans will not create additional surface water that could damage rail infrastructure.

In addition, NR requires the developer to provide trespass proof fencing and to manage vegetation adjacent to NR property. Buildings should not encroach within 2m of the boundary with NR property.

NR sets out criteria that need to be met / addressed in a Construction Management Plan and requests consideration of contributions to improving access to the park and ride facility.

Ugborough Parish Council (UPC)

In their representation of 13th November UPC objects to the number of dwellings, suggesting a reduction to 150, with AH increased to 35%. UPC also comments that land should be retained to safeguard a future entrance from the Cross-in-Hand.

In a subsequent representation UPC comments that should a substantial increase in traffic

through Wrangaton and Bittaford result from the development, the provision of pedestrian crossings in those villages should be considered.

Ivybridge Town Council (ITC)

In their representations ITC expresses support for the proposed development with the following caveats, which are summarised:

- cap of 200 dwellings;
- there is a shortfall in employment land;
- on site open space should not be dominated by SUDS features;
- adequate open space and formal sport provision should be required / delivered through s106 contributions;
- the Neighbourhood Centre makes provision for space for voluntary groups;
- appropriately designed cycle routes and highway safety;
- access to Elizabeth Close to be pedestrian / cycle route only and not emergency vehicle access;
- transport provision is made in consultation with ITC;
- water run-off, SUDs and sewerage capacity to be agreed with the Environment Agency and SWW; and
- housing design should reflect the aspirations of the Princes Foundation document.

More specifically ITC expresses concern about the scope of the Jones Lang LeSalle Market Synopsis, which was submitted with the application. This matter is elaborated below under the heading 'Economic Dimension'. In this respect ITC emphasises that the need for employment in Ivybridge is heightened by the loss of 100 jobs at the Mill and that the opportunity provided by having been granted Assisted Area status in 2014 can help local business growth.

ITC recognises that the reduced level of employment provision might be acceptable if housing is limited to a maximum of 200 units and other contributions are secured.

ITC welcomes the provision of the health campus and accepts that the review of the IVA will determine an appropriate level of AH provision. The assisted living element is supported as the town is expected to have a huge increase in the numbers of over 65s.

Representations

Letters of Objection

At the time of writing this Report some 21 letters / emails of objection, these can be summarised as follows:

- no development should be allowed in Ivybridge until there is a new road access to the A38;
- additional traffic will cause increased congestion, pollution and noise;
- adverse impact on highway safety, including pedestrians and cyclists;
- cycleways and footpaths are not used as they are too dangerous;
- drainage infrastructure inadequate;
- no need for housing;
- density of housing is too high;
- lack of permeability / connectivity with existing development;
- insufficient proportion of Affordable Housing;
- no need for a health centre;

- existing health centre is in a more accessible location, which also supports the vitality of the town centre;
- no need for employment buildings;
- retain greenfields and use previously developed sites;
- adverse impact on wildlife;
- adverse impact on character;
- impact of light pollution, particularly on Dartmoor;
- no assurance regarding the nature of the industrial buildings;
- insufficient school capacity;
- insufficient leisure facilities in the area;
- opportunity to use / enhance park and ride land missed; and
- sets precedent for more development.

These matters are considered in the section of this Report titled 'Analysis'.

Letters of Support

At the time of writing this Report two expressions of support have been received.

Dr Jonathan Cope, GP Ivybridge Medical Practice has made a representation to emphasise the importance of the proposed healthcare improvements as one element of wider and significant opportunities in the local healthcare community; and that this aspect of the proposed development has 'enormous public support'.

A letter of general support, with no specific reasons given, has also been received.

Relevant Planning History

None.

ANALYSIS

Principle of Development

This is an Outline Planning Application for mixed use development to be accessed from the Exeter Road (B3213) via Rutt Lane. The principle of development at the site is not in question since the site is one of three parcels of land that, together, comprise Allocation I1 of the 'Ivybridge DPD'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The scale, nature and form of development is framed by Allocation I1 of the Ivybridge Allocations DPD.

Sustainable Development

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental and Paragraph 12 sets out twelve core planning principles that

should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. A consideration of these elements in the context of the Development Plan is set out below.

The Economic Dimension

Housing development is recognised as an important driver of economic growth. Firstly, economic benefits accrue to the construction industry from development; and, secondly, once dwellings are occupied there would be an increase in the level of disposable income from residents, which would be likely to be spent in the local area with some increase in the demand for local goods, services and facilities.

The applicant, in partnership with the other developers with an interest in Allocation I1, commissioned the 'Ivybridge Employment Land and Buildings Market Synopsis' by Jones Lang LaSalle. This document was produced at the request of the District Council to provide evidence with respect to the degree to which the employment requirements of the Allocation could be met. The conclusion of that Report is that demand for new office and employment is not strong. The developer also considers that, accordingly, reducing the amount of employment land from 5ha to 2.6ha is also essential to maintain the offer of 20%AH with s106 Contributions, a matter that is discussed later in this analysis.

The degree to which provision should be reduced is disputed, however. Ivybridge Town Council (ITC) expresses concern that the Market Synopsis appears to be based on information about premises outside Ivybridge only and notes that there was no discussion with the Town Council, which could have advised that there is a need for small business premises since the Watermark units are full and ITC has a waiting list. The need for employment in Ivybridge is heightened by the recent closure of the paper Mill.

ITC notes that having been granted Assisted Area status in 2014, financial support is available to small businesses and large enterprises, with the aim being to encourage business to grow, helping to drive forward contribution to the UK economy of Plymouth and Devon.

ITC suggests that the reduced level of employment provision, from 5ha to 2.6ha and increased housing, from 100, might be acceptable if housing is limited to a maximum of 200 units and a contribution is made for a link road south of the A38, or a commuted sum towards employment to be located south of the town.

The Economic Specialist has commented that the scope for a greater proportion of employment land or financial contribution for off-site provision should be explored as part of the viability exercise, with the aim being to further aid the long-term prospects of economic growth and the overall attempt to improve the sustainability of the town; and emphasises that a key message from the economic forecasts is that the South Hams economy is predicted to experience significant growth to 2025.

The applicant claims in their VA that there is little, if any, profit to be made from the employment element of the development. Officers are mindful that a consistent approach is necessary for each application and that if reduced employment is accepted this must be informed by Viability Assessment. On the basis of an initial review by Levvel, it is the view of Officers that it would be possible to increase either the AH offer or the s106 contributions, or a combination of both. This could include an off site payment for employment provision elsewhere in the locality.

The application includes the provision of a neighbourhood centre and a new medical facility. This is considered to be appropriate as it will improve the overall sustainability of the eastern side of Ivybridge and would also provide facilities for the neighbouring settlement of Bittaford. These facilities would be accessible by car, bus, cycle or on foot.

The Ivybridge Retail Study, published in 2013, emphasises the importance of protecting the viability and vitality of the town centre. The proportion of retail to be provided is considered to complement and not compete with the town centre.

It is not considered to be appropriate to seek to use s106 contributions towards highway improvement / provision south of the A38. A key principle is, however, to ensure connectivity through the three parcels of land that comprise Allocation I1 and this is achieved.

Objectors have questioned why the opportunity has not been taken to improve and / or redevelop the Park and Ride area. Whilst this would be beneficial, the applicant does not have control of the land and cannot, therefore, include this area. The proposed development is not considered to compromise the ability to redevelop the Park and Ride at a future date.

Economic Dimension Balance

Whilst there are clear positive economic impacts identified, the level of employment provision does not meet the level that is proportionally required by Allocation I1 for this parcel of the full area. The initial review of the VA by Levvels indicates that funds would be available to deliver a higher proportion of AH and / or a contribution for off-site employment provision, as such the proposal is not considered acceptable in this regard.

The Social Dimension

The provision of 198 homes to meet the need identified in Allocation I1 is considered to be a substantial benefit. Policy AH2 of the Development Management DPD, however, requires allocation sites to maximise the proportion of AH. The applicant has offered 20% of the 198 to be AH. The initial review of the VA indicates that the proportion could be higher.

Impact on existing Infrastructure, facilities and services:

Consideration has been given to the impact of development on infrastructure and services.

With respect to education Devon County Council has confirmed that a contribution towards the provision of secondary education is required; and that a contribution towards transport for primary education is required. An appropriate payment would be secured through a s106 Agreement.

Whilst the Highway Authority is generally content that the application delivers the necessary highway infrastructure, an objection has been maintained on the basis that the design of the roundabout does not achieve the appropriate safety standards. This is a material consideration since, whilst an outline application, the applicant seeks to agree highway matters. The applicant has been asked to clarify how the concerns of the Highway Authority can be addressed and their response will be verbally reported to Committee.

SWW, the Environment Agency and the Council Drainage Engineers emphasise the sensitivity of the site being in the Ivybridge Critical Drainage Area (ICDA). These bodies, as well as residents, have expressed concern about surface water run off. The Council's Drainage Engineer considers that on the basis of the Flood Risk Assessment submitted by

the applicant, it will be possible to achieve appropriate means to address this. A condition is proposed requiring SUDs best practice. The Engineer advises that at the Reserved Matters (RM) stage, however, a revised Drainage Plan will be required and that this could affect the layout, number and form of development.

The site is within walking distance of a good variety of services and facilities, including a bus route.

Impact on Neighbours

Concern has been expressed with regard to the potential impact of the employment uses in the southern part of the site on existing properties to the east of the site area. The illustrative layout shows substantial screening and that there is an appropriate distance between the proposed buildings and the existing such that the form of development would not have an unacceptable impact. In this respect, it should be noted that this is an outline application and this matter will require careful scrutiny at the RM stage. With respect to potential noise nuisance, it is considered that this can be controlled by condition.

The potential impact of new dwellings has been considered at the western boundary on existing properties on and between Butterdon Walk and Elizabeth Close. The illustrative layout shows an appropriate level of tree and hedgerow screening and there is an appropriate distance between the proposed buildings and the existing such that the form of development would not have an unacceptable impact. In addition, at the RM stage this can be scrutinised and the positioning of other forms of garden enclosure considered such that there would be no unacceptable impact on the residential amenity of the neighbouring dwellings.

The density of development at approximately 30 dwellings per hectare is acceptable.

Existing residents would benefit from newly created foot and cycle access to the site.

The concerns of the natural environment specialists can be addressed through the detail of the Landscape and Ecological Management Plan (LEMP), which would be a condition should permission be granted.

Social Dimension Balance

The balance of the social dimension of sustainable development is that the proposed development would deliver benefits and that there is no harm identified with respect to other planning matters.

However, on allocated sites in Ivybridge the Affordable Housing DPD Policy AH2 requires the delivery of 55% AH. In the context of the NPPF it is appropriate to consider the level of AH through Viability Assessment. The applicant has submitted a viability assessment and has agreed to 20% AH. This is below what the Council would expect to be delivered on a mixed-use site of this nature. The VA is being verified and reviewed by Levvels on behalf of the Council. At the time of writing the level of AH and s106 Agreements are considered to be too low and unjustified.

Negotiation is ongoing with the applicant and the position in this respect will be reported to the DMC Meeting.

The Environmental Dimension

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on air quality, biodiversity and surface water drainage.

Landscape Impact

The application is supported by a Landscape and Visual Impact Assessment. This demonstrates that the illustrative / outline proposal would not have an adverse impact on the AONB; and provides the basis for a LEMP, which would be required at the RM stage.

Heritage, character and visual impact

There are no heritage buildings or assets within the vicinity of the site and the setting of Middle Filham, a Grade II Listed Building some 350m to the south, would not be affected.

With respect to the test of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered, therefore, that there would no impact.

The site is generally well screened by mature trees and hedgerows. The removal of these on the north and south side of Exeter Road, and the provision of a roundabout and new buildings would change the character of the setting. Whilst it is considered that the illustrative layout indicates that an appropriately well laid out and designed development can be achieved, this will be a key matter to consider at the RM stage.

The potential impact on existing dwellings has been considered above in the section titled 'Impact on Neighbours'.

At the RM stage it will be important to ensure that layout, form and design will be appropriate given the setting at the urban edge and proximity of the National Park. With respect to the latter, an element of the Lighting Strategy will need to address light spill into the land north of the railway.

Biodiversity

The site comprised improved grazing pasture of limited ecological value, with the fields bounded by predominantly species-rich hedgerows. An Ecological Survey has been submitted and this is informed by Bat Activity, Dormice and Reptile Survey Reports.

Dormice have not been recorded. It was evident, however, that a number of the hedgerows were well-used for foraging and commuting for common bat species.

The natural environment specialists have expressed concern with respect to the amount of hedgerows of 'highest ecological value' proposed for removal and that the proposed compensation, some 480m, is not sufficient. Since it is not clear what the Landscape Green Corridor will comprise and how useful this will be as a wildlife corridor, the proposed compensatory hedgerow is considered to be insufficient. A multiplier of 3 would be considered appropriate (Defra Technical Paper: proposed metric for the biodiversity offsetting pilot in England, 2011). Accordingly, some 1400m of new native species hedgerow should be expected.

The natural environment specialists note that a sensitive lighting scheme is proposed across the site, however, it is also noted that it is unlikely to be possible to retain effect east-west and north-south dark corridors (for foraging and commuting bats) across the site (even at the boundaries). While parts of key hedgerows are bordered by residential gardens, some back directly onto dwellings which are likely to result in light spillage.

No objection is raised in respect of the above two matters, but a recommendation is made that a condition requires revision of layout at the RM stage to incorporate a higher level of compensatory hedgerow, including hedgerow which can be effectively maintained (remaining in public management) for wildlife. It is noted that this could impact on the developable footprint.

In addition, a condition is recommended to require the provision of a Lighting Strategy at the RM stage reflecting requirements for to minimise impact on bats.

A Landscape and Ecological Management Plan would also be a requirement at the RM stage.

With respect to off-site biodiversity a Habitats Regulations Appraisal Screening has been undertaken for this proposed development (final copy dated 27th November 2014). The HRA Screening has been reviewed and endorsed by Natural England (consultation response dated 18th November 2014, references 136912) and concludes that the proposal is not considered to have a likely significant effect alone or in-combination with other developments or plans on a European site.

If permission were granted a s106 contribution is required to minimise the recreational risks, as identified within the Tamar Estuaries Management Plan 2013-2018, such that the reduced effects on the European Marine Site would be negligible.

With respect to open space, formal play and sports requirements of Allocation I1 indicate that the pro-rata (for this parcel of land) provision should be higher.

Similarly, and although there is not a current waiting list for allotments in Ivybridge, it is considered that the addition of 198 dwellings will result in an increase in demand. The possibility of an off-site contribution for allotment provision has been discussed with the applicant and it is concluded that this is not appropriate given the priority to secure additional AH and employment provision.

Surface Water Drainage / Flood Risk have been considered in the preceding section, the Social Dimension.

Air Quality

The Western Road Air Quality Management Area lies to the west of the application and some vehicles leaving or accessing the site would pass through. The Transport Assessment finds, however, that the impact would be negligible in terms of additional emissions; and that with contributions to and direct provision to improve cycle and walkways the EHO has advised that the impact is considered to be 'slight adverse'. The conclusion is that this must be addressed through a Green Travel Plan and, for the construction phase, a Dust Management Plan.

Environmental dimension balance

No significantly adverse impacts have been identified and as such the proposal is acceptable with conditions in this regard.

Sustainable development conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development, but that the proportion of Affordable Housing is insufficient to meet the requirements of Allocation I1 and has not been justified by the IVA. The initial review of the IVA indicates that money would be available to increase the AH offer and / or make payment towards off site employment provision, which would contribute to the sustainability of Ivybridge.

The priority of the NPPF to 'boost significantly the supply of housing' is noted and must carry substantial weight in determination of the application. On balance, however, the application does not meet the tests of sustainable development.

Other matters

Public Opinion

The Council is mindful of the content of the Localism Act 2011. The objections raised in respect of this application have been carefully and objectively taken into account in forming a recommendation to Committee.

Consultation

The applicant has provided a detailed account of engagement with the Community in a 'Consultation Statement'. Consultation began with the Development Plan process and has progressed through the preparation of a 'Community Plan', led by the Princes' Foundation and other public engagement, culminating in consultation on the planning application.

Land ownership

The Council has no evidence to suggest that there are any land ownership issues that would prevent the development in its current form being implemented.

The Planning Balance and Conclusion

The application seeks to deliver a mixed use development comprising:

- 6.6 hectares of residential;
- 2.6 hectares of employment; and
- 0.6 hectares of open space

There is also provision for cycle and footpaths to the town centre and joining the national cycle route; and measures to improve bus services at this location next to the park and ride.

This compares with a policy requirement, which also relates to two further similar sized parcels of land:

- about 100 dwellings and about 5 hectares of employment land by 2016;
- beyond 2016, about 275 dwellings and about 5 hectares of employment land;

- a local neighbourhood centre providing for small scale daily shopping and community needs;
- provision for retention, maintenance and development of the park and ride and operations in association with the railway station;
- about 0.6 ha of play provision and 1.3 ha of other public space;
- contribution to the development of the town as a sports and leisure hub;
- strategic landscaping measures to address the site's scale and location;
- cycle and footpath provision including enhanced access to the town centre;
- measures to mitigate impact on the Western Road Air Quality Management Area; and
- retention of the Rugby Club on its existing site with any reordering of facilities only acceptable if it results in improvement to club facilities.

The principle behind Allocation I1 is to improve the self-containment and overall sustainability of the town and the application goes some way to achieving this.

The combination of AH and s106 contributions is not, however, considered sufficient to meet the requirements of Allocation I1 and Policy AH2 of the Development Policies DPD; and the SHDC review of the VA indicates that an increased offer is viable.

With two applications submitted across the allocation: this application, which seeks to deliver approximately 198 dwellings; Barratt / David Wilson for 222 dwellings; and a further application yet to come forward for the central parcel of land, the housing provision would, if all three were permitted exceed the target of 375, perhaps by as much as 60%.

It is considered that the proposal does not satisfy the three dimensions of sustainable development. In the balance of sustainability and in the absence of an appropriate level of AH / s106 contributions (including increased provision for employment land); and in the absence of a clear indication that highway safety concerns can be addressed it is appropriate to recommend refusal of the planning application.

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

Planning Policy

National Planning Policy Framework

Paragraphs 6 -10; 11; 12; 14; 17; 28; 34; 36; 38; 47; 49; 50 112; 115; 118; 120 & 124

SHDC Core Strategy Policy CS10, NERC Act 2006, NNPf Para 118, Conservation of Habitats and Species Regulations 2010

South Hams LDF Core Strategy

CS1 Location of Development

CS2 Housing Provision

CS6 Affordable Housing

CS7 Design

CS8 Affordable Housing

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
DP8 Open Space, Sport and Recreation
DP9 Local Facilities
DP11 Housing Mix and Tenure
DP15 Development in the Countryside
Affordable Housing DPD
AH1 Affordable Housing Provision
AH3 Provision on unallocated sites
AH4 Mix and tenure of affordable housing

Open Space, Sport and Recreation DPD

South Devon AONB Management Plan

Conservation of Habitats and Species Regulations 2010

National Environment and Rural Communities Act 2006

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.