

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Newton and Noss

Application No: 37/2548/14/O

Agent/Applicant:

Mrs D McCann
Manor Barn
North Huish
TQ10 9NH

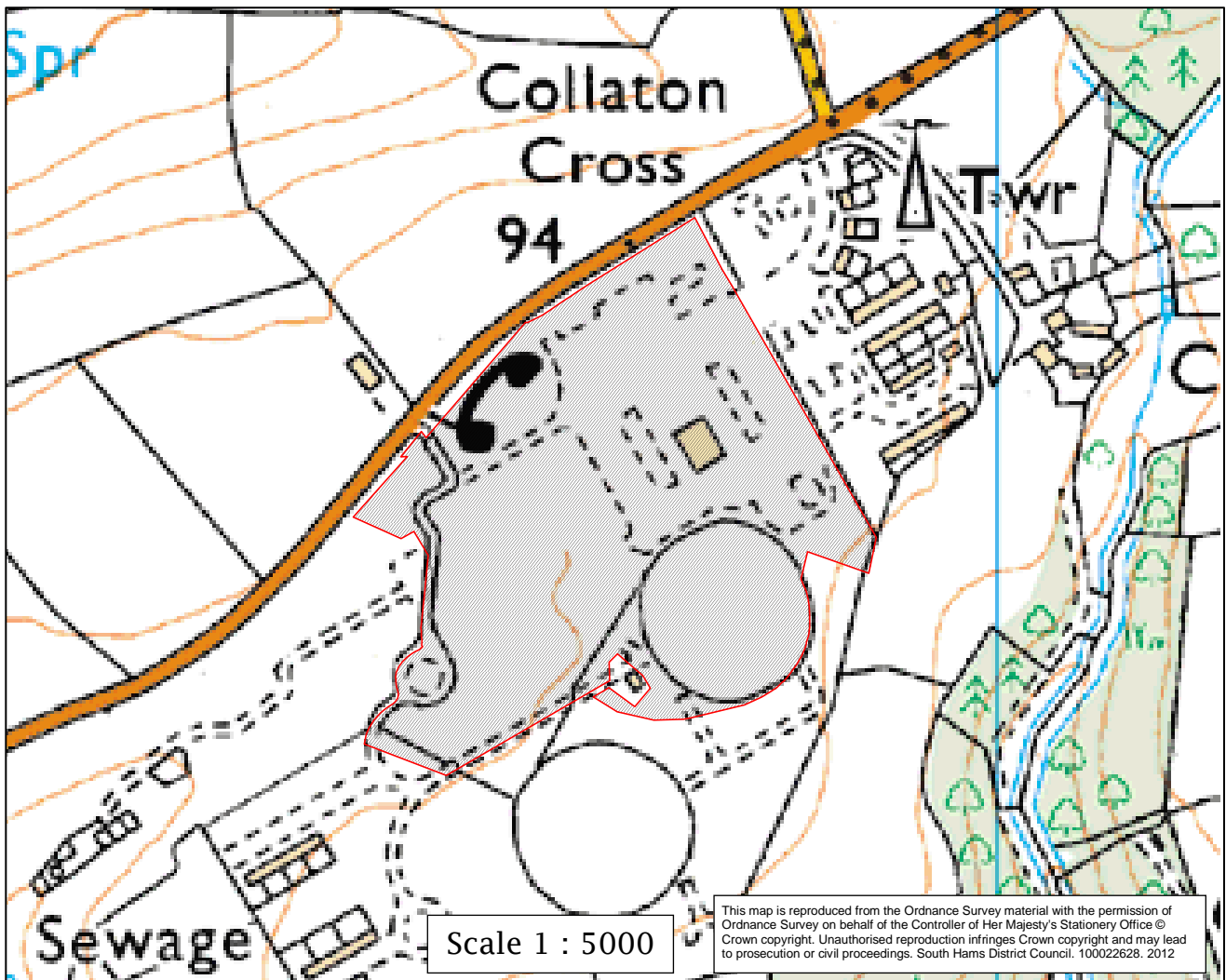
Applicant:

Mr & Mrs Yonge
Puslinch Farm
Yealmpton

Site Address: SX5670, 4944, West of Collaton Park, Newton Ferrers, PL8 2NE,

Development: Outline application (with some matters reserved) for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land.

Reason item is being put before Committee: At the request of the local Ward Councillor, given the scale of the development and local interest



RECOMMENDATION

The recommendation is for the application to be refused for the following reasons:

1. The proposed development represents a major application in the South Devon AONB. The NPPF states that planning permission should be refused for major development in such designated areas other than in exceptional circumstances and where it can be demonstrated it is in the public interest. Whilst it is noted that the proposal would provide affordable housing to meet need in Newton and Noss Parish, the circumstances are not considered to be exceptional since the nature of that need, notably the quantum of housing, has not been demonstrated; and it follows, therefore, that a proper assessment of alternative deliverable sites that could meet this need with a less harmful impact on the AONB is not possible. As a consequence the selection and development of this site is not considered to be in the public interest.

UPDATE / CLARIFICATION

Revised description of development

The applicant confirms the scope of development:

- 70 residential units, of which 50% would be Affordable Housing (AH) Units
- 743 square metres (8000 square feet) business use
- 0.5ha (1.25 acres) community project space
- Bus Stop and bus subsidy
- 20 Allotments and community market square
- 0.75ha (1.87 acres) woodland, orchard and public open spaces

If permission were granted conditions would be applied with respect to ensuring the treatment of landscape, ecology, layout, scale, form and materials would be compatible given the location within the South Devon AONB. The applicant has made a commitment to achieving energy efficiency levels and renewable energy capacity at a level higher than that required by Building Regulations and planning policy.

s106 Draft heads of terms

1. Affordable Housing

50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents are restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale is restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing would be linked to delivery of the market units as agreed with SHDC.

2. Allotments

20 allotments for residents of the development / residents of the local area.

3. Site for Outdoor Community Use

1000m² area of land for the purposes of holding a outdoor community events (including farmers' markets and similar type events)

4. Public Open Space and Play Provision

Areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m² in association with local planning authority's Public Open Space requirement.

Play space / equipment to be provided on site within the development.

The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space.

The owner will secure public access to the Play and Public Space.

5. On Site Sport/Community Facility Provision

5000m² of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

6. Employment Element

To provide within the development a minimum of 750m² of business units for B1 / B2 and B8 (as considered appropriate by the LPA)

7. Education Contribution

Contribution towards secondary school education of £191,530.50.

Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50.

£500 towards Devon County Council legal costs

8. Sustainable Transport Contribution

Contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum)

9. Boat Storage (Community Use)

Covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club)

10. Cycle path and footpath upgrade

11. Barn Owls

New barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

12. The Developer will pay the Council's reasonable legal costs.

Paragraph 116 of the NPPF

Councillors are reminded that there is a requirement for the following three tests to be met before planning permission can be granted for major development in the AONB. Meeting these three tests would establish exceptional circumstances and that the development is in the public interest.

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Need

It is considered that some need exists and that this need is demonstrated by the unmet need of the 2008 Housing Needs Survey, which equates to 18 AH units, and the absence of a 5 year Housing Land Supply.

The 2008 Housing Need Survey is, however, considered to be out of date and does not in any case justify the need for 35 AH units at this location.

The absence of a 5 year Housing Land Supply is considered to identify a need within the District and / or some other more local housing market area. The local market housing area for the Parish of Newton and Noss would include Area Centres, Local Centres and Villages

that are listed as appropriate for development in Policy CS1 and that lie outside the AONB. In this respect development has recently been built, permitted and is planned in the Parish of Newton and Noss and a number of centres. This includes Parsonage Road, within the Parish and, outside the Parish, Yealmpton, Brixton, Sherford and Ivybridge. These completed, permitted and planned developments exceed 500 units and can meet some of the need arising in the Parish of Newton and Noss.

Alternative sites and means of meeting need

With respect to the availability of other sites it is considered that in addition to the statement above and if need were demonstrated for development of the quantum proposed in the Parish of Newton and Noss then the site selected is likely to be the most suitable within the Parish at this time.

Environmental impact and sustainability balance

The impact on the AONB is considered in the original report and was discussed at DM Committee of 23rd September. Officer opinion is confirmed as being that the impact is not likely to be significant, but this is dependent on the provision and implementation of a Design Guide that would address layout, scale, massing, form, design and materials.

The proposed, indicative, quality of development is considered to be of a high quality. It is also noted that benefits are proposed with respect to biodiversity. These factors and the status of the site as previously developed land (at least in part) weighs in favour of the development in the balance of sustainability.

As described in the original report the site is isolated, which weighs against it in the sustainability balance, but the applicant has responded well to the potential negative implications through the permanent provision of a footpath and funding for a local bus service, both of which would benefit the wider population.

On balance it is considered that this third test is met.

THE REMAINDER OF THE REPORT IS THE ORIGINAL REPORT TO DMC 23RD SEPTEMBER REPRODUCED

KEY ISSUES FOR CONSIDERATION

The application site lies within the Area of Outstanding Natural Beauty (AONB) where development should only be permitted in exceptional circumstances.

Paragraph 115 of the National Planning Policy Framework (NPPF) requires that great weight should be given to conserving landscape and scenic beauty in AONBs, which 'have the highest status of protection'.

Paragraph 116 subsequently clarifies that planning permission should be refused for major developments in an AONB other than in exceptional circumstances and where it can be demonstrated

that development is in the public interest. The NPPF requires that consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In accordance with Paragraph 49 of the NPPF the absence of a five-year housing land supply indicates a presumption in favour of granting planning permission for sustainable development and this is relevant to the need for housing in the District as a whole. In accordance with paragraph 14 (extract below), however, the presumption in favour does not automatically apply if specific policies within the Framework indicate that development should be restricted:

- 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;
- specific policies in this Framework indicate development should be restricted.⁹

Footnote 9 to the above extract (from paragraph 14 of the NPPF) specifically identifies that 'specific policies' includes those relating to AONB's as one such exception. Similarly, the provisions of Policy CS1 of the Core Strategy DPD apply, with Clause 4 requiring that outside Area Centres 'development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.'

Planning Policy Guidance states that 'Local housing need surveys may be appropriate to assess the affordable housing requirements specific to the needs of people in rural areas, given the lack of granularity provided by secondary sources of information' (Paragraph: 017 Reference ID: 2a-017-20140306, PPG on Housing and economic development needs assessments).

The NPPF deals with affordable housing in rural areas such as the Parish of Newton and Noss in paragraph 54, stating that 'in rural areas ... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'.

The site is partly previously developed land (pdl), which weighs to an extent in favour of the development, in accordance with paragraph 111 of the NPPF.

As a Departure Site the proposed development should meet the requirements of Policy CS6 of the Core Strategy DPD, which would ordinarily amount to at least 50% Affordable Housing.

HISTORY OF THE APPLICATION

A period of pre-application consultation took place between November 2013 and January 2014. During this period Council Officers advised the applicant that the proposed development did not meet policy tests and would not be likely to succeed.

A number of public consultation exercises were held prior to submission and these were well attended. Full details are provided in the Statement of Community Involvement submitted with the application.

For the avoidance of confusion, a separate planning application for the employment element of the above (reference 37/2547/14/F) has been withdrawn.

SITE DESCRIPTION

The application site is located in the Parish of Newton and Noss on the south side of the B3186 just under 2km to the north-east of Newton Ferrers and just under 3km south-west of Yealmpton. The highway distances are 2km and 3.2km respectively.

The area within the ownership of the applicant extends to approximately 20.23 ha (50 acres) being formally a Ministry of Defence (MoD) site used during the Second World War for the storage and launching of Barrage Balloons for the protection of Plymouth.

The application area extends to 8.86 hectares and lies in open countryside entirely within the South Devon AONB. The site is partly previously developed land comprising former Ministry of Defence land and buildings. The remnants of the previous use are not apparent when passing the site, as the observer will only see an agricultural barn. A concrete road runs to that barn and concrete hard standings are still in situ, albeit predominantly covered by land used for agriculture. The site is described as 'brownfield' in the application form and this does not appear to have been specifically challenged by the Council, a point that is discussed later in this Report.

Currently part of the site is used for agriculture, another area houses a Coastguard Station whilst the rest is derelict.

There are two areas of existing housing to the north and the south of the site. These formed part of the original MOD site.

The boundaries of the site include a managed hedge line, which runs along the north-west boundary parallel with the B3186; a row of tall conifers, which screens the Collaton Park development to the north-east; an open boundary to the south-east, which is formed by a stock proof fence; and a varied south-west boundary, which is formed of tall coniferous hedges and woodland blocks.

The site is well screened from the B3186, but open views are available from the south-east and from higher ground to the west.

PROPOSED DEVELOPMENT

The application is for outline permission for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land. The matters reserved are appearance, landscaping and scale.

The proposed mix of housing is 50% open market and 50% AH units. The applicant has indicated that the mix could include at least 20 self build units to be discounted affordable housing, 8 units discounted to open market and 4 bungalow as retirement affordable rented units. The number of bedrooms in each unit can be determined at reserve matters if planning permission were granted.

The applicant states that the objectives of the proposed development include allowing Newton and Noss to grow sustainably without threatening the fragile waterside environment; for employment opportunities; to provide recreation / sport / leisure opportunities; and to deliver affordable / low cost housing.

The site would be accessed from the B3186 and would be constructed to facilitate a bus turning and waiting area near the entrance.

A footpath would be provided to link the development to Newton and Noss.

A draft s106 Heads of Terms has been submitted and this includes a commitment to provide:

- Affordable Housing;
- allotments
- land for outdoor community use;
- public open space;
- play provision;
- on site sport / community facility provision;
- employment land;
- education contribution;
- sustainable transport contribution
- boat storage (community)
- contribution to SWW for upgrading Newton Ferrers Sewage Treatment Works
- legal costs

The Planning Statement describes some aspirational elements that could be delivered through development and this includes the opportunity to develop workspace of varying types, including live / work units, an office hub, and a training facility for traditional workshops / office space; as well as the opportunity to provide plots for custom build and affordable self-build. The applicant states that it would be the intention to work with the local community to establish needs, including an innovative way for the community to take control over this element in a way which will ensure sustainability of funding and community involvement. If planning permission were granted, some of these elements could be considered at the reserved matters stage.

The proposal is supported by the following documents:

- 15 questionnaires indicating interest in purchasing or renting a house (2015)
- Bat Survey (July 2015)
- Reptile Survey (July 2015)
- Archaeological Desk Based Assessment and Report (July 2015)
- Revised LVIA (June 2015) and original Visual Impact documents (October 2014)
- Revised Planning Statement (June 2015) and original Planning Statement (October 2014)
- Revised Design and Access Statement (June 2015) and original Design and Access Statement (October 2015)
- Access and footpath plans (June 2015)
- Transport Statement Addendum (June 2015)
- Heritage Impact Assessment (December 2015)
- Brownfield Areas Plan (December 2015)
- Sewer Construction plans (October 2014)
- Flood Risk Assessment (October 2014)
- Transport Statement (October 2014)
- Landscape Plan (October 2014)
- Contaminated Land Phase I and Phase II Reports (October 2014)
- Draft s106 Heads of Terms (October 2014)
- Preliminary Ecological Assessment (October 2014)
- Indicative House Types (October 2014)
- Business units location plan (October 2014)
- Statement of Community Involvement, with questionnaire results (October 2014)

CONSULTATIONS

Natural England, in their letter dated 10th November 2014, makes no objection, but notes that consideration is required with respect to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) in the context of the Habitats Regulations.

The **Environment Agency**, in their response dated 9th January 2015, considers the proposed development to be acceptable and recommends three conditions. The conditions cover sustainable drainage and a contamination schedule.

Historic England has been notified and has made no comment.

SHDC Environmental Health considers that the impact of this development is acceptable subject to conditions to protect existing residential amenity by way of noise and exposure to contamination.

SHDC Drainage confirms no objection in their representation dated 23rd October 2014.

The **SHDC Natural Environment and Recreation Team** raises no objection and provides a detailed response that is dated 13th August 2015. The comments have been incorporated into the Analysis section of this Report.

The **AONB Unit**, in a letter dated 27th July 2015 objects to the development, stating the opinion that the proposal does not meet the tests of paragraph 116 of the NPPF and is, due to its isolated location, an unsustainable development. The AONB unit notes that there is adjacent housing, but considers that the proposed development does not integrate with these and compounds an already inappropriate setting for housing; and considers that the development fails to respect the historic development pattern, which is clustered dwellings and settlements in sheltered locations with open land in between.

SHDC Countryside and Community Projects (ecology) has no objection and requests inclusion within the s106 of a clause to retain and manage semi-improved grassland within the blue line for the purposes of providing habitat for reptiles and Barn Owls (in line with the Landscape and Ecological Management Plan which must be submitted with Reserved Matters). The LEMP will also need to include details of necessary mitigation before and during works (notably reptile capture and translocation measures, and timings of vegetation removal).

The development is in close vicinity to the River Yealm component of the Plymouth Sound and Estuaries SAC. The Council Specialist concurs with the conclusion within the Preliminary Ecological Appraisal that 'none of these features would be directly affected by the proposal.' The HRA Screening Opinion of the Council recommends mitigation by way of a contribution towards the 'minimising recreational risks' strategic objective as identified within the Tamar Estuaries Management Plan 2013-2018, which seeks to reduce any effects on the SAC European Marine Site to a negligible level. This contribution should be secured via the S106.

SHDC Strategic Planning comments (April 2015) that the site is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD); and that it is outside the Newton Ferrers development boundary as defined in the South Hams Local Plan (1996) and is, therefore, deemed to be in the Countryside.

The comments continue by explaining the planned delivery of development in the area and this has been incorporated into the Analysis section of this Report.

The comments make reference to the initial objection raised in terms of landscape character and visual amenity. This has since been revised (see Natural Environment and Recreation Team, above) such that there is no objection in this respect. Strategic Planning also refers to the Sustainability Threshold Assessment (STA) that was undertaken during the plan preparation process. This

assessment concluded that the Collaton site had significant sustainability issues, with adverse visual impact, affect on the AONB, contamination, and potential impact on the quality of the built environment being specifically identified as issues of concern. The assessment with respect to 'walking' was rated red, indicating an absolute sustainability constraint. This was a consequence of the site's location, being separate from and a distance from the edge of Newton Ferrers, with the associated consequences for connectivity, especially the more sustainable modes of movement.

The SP comment acknowledges that part of the site can be regarded as being Previously Developed Land (PDL).

The Strategic Planning team recommends that the application is refused for the above reasons.

The **County Highways Authority** (Statutory Consultee), in their response dated 10th August 2015, states that the submission of additional information has removed all the previously stated highway related objections. The detailed comments have been incorporated into the Analysis section of this Report.

The Highways Authority recommends conditions and sets out requirements for s106 payments to cover the bus service (94).

The County Education Authority (Strategic Planning Children's Services), in their letter dated 3rd November 2014, states a requirement for a payment towards secondary school places and a payment towards secondary transport, to be secured through a s106 Agreement.

The County Archaeologist, in their response dated 1st July 2015, states that there is no requirement for further archaeological investigation and that no archaeological conditions are required.

South West Water (SWW) in their email dated 27th October 2014, confirms that capacity exists at the sewage treatment works and there is no requirement for a payment towards foul water infrastructure. SWW also advises that development should not take place within a 3m corridor of a public sewer that crosses the site

The **Police Architectural Liaison Officer** provides general advice with respect to good practice. The matters raised will require further scrutiny at the Reserved Matters stage should the application be approved.

The **Barn Owl Trust** has, in a letter dated 7th November, requested three conditions to require / cover a permanent nesting / roosting space, provision of habitat and appropriate construction management.

NHS has responded to confirm no comment.

Newton and Noss Parish Council, in their letter dated 14th November 2014, objects to the proposed development, stating that it does not consider that exceptional circumstances exist to justify development in the AONB; and that it supports the comments made by the River Yealm District Association in their letter dated 13th July 2015 and 14th November 2014 (see representations below).

Yealmpton Parish Council, in their letter dated 17th November, raises concerns and these have been listed with the representations, below.

Representations

Some 38 objections and approximately 9 representations of support have been received. The objections include two detailed responses from the River Yealm District Association, one of which receives express support from the Newton and Noss Parish Council.

The full text of the representations can be read on the Council's website and are summarised, in no particular order, as below insofar as they relate to matters of proper concern to the planning process.

Comments in support:

- resolves problems associated with a derelict site;
- the best opportunity for development in the area that will deliver the needs of the community;
- the site is sensitively located between two existing residential developments;
- welcome retirement bungalows;
- goes some way to address lack of Affordable Housing given that none have been delivered since the 2008 Housing Needs Survey;
- development can help rebalance the housing stock, which has an under-representation of flats, semi detached and terraced housing and many second homes;
- layout appears to be well oriented to allow solar gain in buildings;
- inclusion of allotments is welcomed;
- footpath is welcomed;
- self build affordable is welcomed;
- layout is sympathetic to the setting;
- shared office space welcomed; and
- supports viability of local services.

Objections (in no particular order):

- the site is not brownfield, it is used for agriculture;
- the transport addendum claims benefits of the footpath, which some consider is not well used other than for recreation, by existing residents due to the excessive distance;
- the number 94 bus is a limited service;
- inappropriate site for Affordable Housing due to isolation from services;
- the site is 2.8km from the nearest services (Newton Hill) and not walking distance to the village school;
- inducements for support were offered at the community exhibition and these have subsequently not appeared in the application (swimming pool / leisure / community centre);
- do not agree with the claim by the applicant that the area has an 'unsightly nature';
- the site does not meet the NPPF definition of previously developed land;
- the development does not meet the tests of paragraphs 115 and 116 of the NPPF;
- the LVIA does not give a proper account of visibility / is misleading;
- unacceptable adverse impact on countryside;
- insufficient capacity at / additional burden on schools;
- local roads not suitable for additional traffic (capacity);
- concerns with respect to speed of traffic at access point;
- water mains would need upgrading;
- would exacerbate existing parking problems in Newton Ferrers ;
- mix of housing and commercial uses is not appropriate due to noise;
- potential harm to ecology;
- potential for unknown contamination that has not been investigated;
- no evidence of need for allotments and other community uses;
- no evidence for the need for housing at this location;
- previous Housing Needs Surveys have not identified the need for the amount of development proposed;
- development at Sherford, Brixton and Yealmpton is meeting need;
- isolated from other urban areas;
- contamination survey and assessment not adequate;
- undermines the Community Plan;
- undermines the viability of shops in Newton Ferrers;

- would not integrate with existing development at Collaton Cross;
- employment related activity will harm amenity / tranquility;
- employment uses could have an adverse effect on business' in Newton Ferrers;
- the increased loading on the sewage treatment facility could significantly raise the risk of non compliant discharges into the Yealm Estuary, with negative impacts on the fishing / shell fish industry;
- could provide a catalyst for further 'ribbon' development along the road; and
- foot / cycle path does not connect the existing residential areas to Newton Ferrers

General comments

- All houses / plots should be sold preferentially to local people and not as second homes;
- would welcome further community engagement to discuss the plans and the detail of the community uses, which have changed from that previously presented to the public
- a smaller development might be acceptable; and
- lighting the footpath is not favoured due to impact on the environment / landscape.

Relevant Planning History

An application was submitted in 1982 to determine the permitted use of land, reference 1582/82. The applicant was advised that development would not be appropriate due to the location within the AONB.

Application for residential development, reference 1258/86, was refused in 1986.

Application for HGV parking and training, reference 0526/90, was refused in 1990.

Application 37/0271/09/F was granted permission for the creation of a permissive footpath to link Collaton and Butt Park, Newton Ferrers.

A separate planning application, reference 37/2547/14/F, for the employment element of the application the subject of this Report has been withdrawn.

ANALYSIS

Principle of Development / Sustainability

The proposal represents major development 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.

As identified in the preceding section 'Key Issues' the applicant must demonstrate compliance with a series of tests. The first test is to demonstrate the need for development in the AONB; the second is whether any identified need can be met outside the AONB or by different means; and the third is, if the first two tests are met, to consider any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. These matters are discussed in detail below. It is also necessary to demonstrate that the development would be in the public interest, but it is considered that meeting the three tests described would automatically mean that this has been achieved.

Need for development

The absence of a 5-year HLS carries some weight in the balance, but only in the sense that there is a need for housing sites to come forward in the District. This does not automatically mean that such sites should be in the AONB.

Planning Policy Guidance states that Local Housing Need Surveys (HNS) are an appropriate means to assess the affordable housing requirements specific to the needs of people in rural areas.

The last HNS for Newton and Noss was undertaken in 2008. The first line of the 'Executive Summary' in the subsequent Report (the Parish of Newton and Noss Local Housing Needs Report, July 2008) states that the survey 'identified need for ... the next three years'; and, in the first bullet point, that '... the survey should remain relevant for at least three years subject to significant changes in the condition of the housing market.' Whilst the Report uses the words 'at least' the 2008 HNS is now 7 years old and is, therefore, not considered to be a robust indicator of housing need for the purposes of judging this application.

The absence of a 5-year HLS demonstrates need for more housing in the District as a whole. In addition, the applicant submitted, on 23rd April 2015, a number of questionnaires that have been completed by residents in the Parish with respect to the need for housing.

Planning permission was granted in 2012 for 14 AH units in Newton and Noss Parish at Parsonage Road. That development has not come forward to date for unknown reasons. The Council has a live planning application for minor amendments to that development and has received a representation of support from the Parish Council and, to date, is not aware of any reasons why the application should be refused. If it is assumed that the local need identified in the 2008 HNS still exists, then that survey would indicate only 18 AH units are needed, considerably lower than the 35 proposed in the application that is the subject of this Report.

Since the need for 70 houses (35 AH) in Newton and Noss Parish has not been demonstrated the applicant has been invited to undertake a new HNS such that the quantum and type of housing need could be determined. The applicant has declined to do so.

In principle and in the context of Paragraph 54 of the NPPF it would be appropriate that a mix of open market and AH units would be accepted if development were to come forward at the site.

With reference to Policy CS5 of the Core Strategy and Policy AH3 of the Affordable Housing DPD, the development should provide at least 50% of housing as AH units. The proposal meets this requirement.

As is the case with housing, however, Policy CS1, Clause 4 requires that outside Area Centres and specific industrial estates, development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. Without demonstrating the need for housing at this location in the AONB, the need for employment is not justified.

Alternative sites

The applicant has submitted, on Thursday 11th September, an assessment of alternative sites with a view to meeting the second test of Paragraph 116 of the NPPF. It has not been possible to analyse this information and an update will be provided at Committee.

In the absence of an up to date HNS it may be the case that the applicant considers the unmet need identified in the 2008 HNS and the absence of a 5-year HLS to be relevant. With respect to the latter, a more focussed housing market area might provide an appropriate geographical scope. In this respect the Council is processing planning applications to deliver at least 400 houses in Ivybridge,

with 198 on the DMC Agenda and a recommendation for approval; and has recently permitted 300 houses in Sherford. In addition houses have been built in Yealmpton and Brixton. It is reasonable to assume that all these developments have met and can meet some of the demand for housing in Newton and Noss Parish.

Should the alternative sites assessment identify that the Collaton site is the best site in the Parish of Newton Ferrers to bring forward a mixed development of 70 houses with employment uses this would not necessarily meet the test of Paragraph 116: since the number, type and size of dwellings needed has not been established it is not possible to identify the size and nature the required site or whether the need can be met in some other way.

Environmental impacts

The third test of Paragraph 116 of the NPPF requires a consideration of environmental matters. In this respect Development Plan Policies CS9, DP2 and DP15 require great weight for conservation and enhancement of the AONB; and for development that does not require a countryside location to be refused planning permission.

The Visual Impact Assessment submitted by the applicant has been considered by the Council's Natural Environment and Recreation Team, which advises that landscape characteristics are well represented locally and are intact, with a range in condition from very good to excellent. In considering this baseline position, it is the Officer view that within a robust landscape strategy and protection of the recognised higher sensitivity landscape features, through careful design, the proposed development can conserve and enhance what is special about the landscape character and visual amenity. This means that should development come forward the design, location, massing and scale of the proposed development need to be fully considered at Reserve Matters ensuring they do not conflict with the defining landscape characteristics.

Notably, the development envelope has been amended to preclude development adjacent to the road, such that it is less prominent.

The Team concludes that in understanding the landscape character and special qualities of the South Devon AONB in this location it is acknowledge that the site is highly sensitive. Given the dialogue and changes in approach, which include a revised landscape approach, and the withdrawal of the full application, which detailed the Community and Employment elements, no objection is raised on landscape character and visual amenity. This should not, however, be considered to be a judgement with respect to whether or not the site would be, if need were demonstrated, the best site for development in the area in terms of limited impact on the AONB.

The AONB Unit, however, considers that the proposed development does not meet the third test of Paragraph 116 of the NPPF and is an isolated location that would amount to unsustainable development.

With respect to the status of the land, the definition of previously developed land (pdl) is set out in the Glossary of the NPPF (Annex 2, page 55). The definition excludes 'land that is or has been occupied by agricultural or forestry buildings' and 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' The development site cannot, therefore, be considered to be wholly pdl. If the test of Paragraph 116 were met then this factor would have some weight in the balance of sustainability.

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 mitigation for recreational impacts on the Plymouth Sound and Estuaries SAC. Appropriate survey of protected species has been completed, assessed and a report provided to the Council. It is considered that should development come forward at this site in the form currently proposed then conditions could be applied to avoid harm to ecology and secure enhancements. The consultation response from the Barn Owl Trust advises specific design and location to be considered for the permanent Barn Owl provision. This falls within the blue line, and will be included within the S106. Also within the Barn Owl Trust response is advice on suitable management of grassland habitat, which would need to be reflected in the LEMP. The application is considered to demonstrate compliance with Policies CS10 and DP5 of the Development Plan.

There are gaps in the contaminated land evidence base with respect to risk for the site, but in general the overview provided indicates that this site is low risk. However, due to the previous use of the site there is the potential for hotspot contamination to be found. Should development come forward at this site then this matter would need careful consideration at the Reserved Matters stage.

It is proposed that all runoff from private and adoptable areas would be discharged into the ground via soakaways. If infiltration rates do not allow this then all runoff is to be conveyed to an attenuation system such as a pond or detention basin towards the south west of the site where the ground slopes away and forms the natural water catchment for a nearby spring. All runoff will reach the attenuation via a SWW adoptable surface water network, which will be designed to serve the adoptable road gullies. It is considered that should development come forward at this site, drainage can be addressed through a condition.

No external lighting is shown on the plans and it has been judged as such. If permission were granted then a lighting assessment and plan would be required at the reserved matters stage.

No concerns have been raised with respect to infrastructure by consultees and, consequently, the application meets the requirements of Policy CS8 of the Core Strategy DPD.

If the first two tests of Paragraph 116 were met, namely need for the quantum of housing and that there is no other way to meet that need outside the AONB, then it may be the case that in the balance of sustainability, the positive attributes described may outweigh the negative elements of concern identified.

Sustainability balance

By including employment, community and recreation uses in the development the applicant seeks to not only provide a sustainable community, but also, to an extent, retrofit sustainability into two isolated groups of housing that lie immediately to the north (Collaton Cross) and to the south. It is also the case that employment uses are likely to 'intercept' some commuter journeys that would otherwise go to Yealmpton, Modbury, Ivybridge and Plymouth, amongst other potential destinations.

Originally the Highway Authority (DCC) raised a non-overriding sustainability objection on grounds that the site is divorced from Newton Ferrers and also Yealmpton Village. The applicant has, however, committed to provide a tarmac permissive path on land within their own control and on the verge next to the B Road leading to the existing footway network into the village of Newton Ferrers and enhance the bus service that serves the site and the wider area. The consideration around the objection relates to the distance from the village and the suitability of an unlit tarmac path, which is around 1500m in distance from the edge of Newton Ferrers from the western edge of the proposed development site. However, the applicable guidance for consideration is The Manual for Streets 2007 and PPS13 (albeit cancelled), which recommends that the acceptable walking distances are those less than 2km.

It is noted the bus service will be able to enter the site and be able to drop off / pick up and turn using a circular turn circle. The Highway Authority has made a request for a substantial payment from the applicant, through a s106 Agreement, towards enhancing the frequency of the 94 bus service.

Despite the provision of a footpath and support for the local bus service, concern exists with respect to the location of the site and that most journeys are likely to be by private car.

On balance, however, it is considered that the proposed development would deliver clear benefits to the economy and responds well, in the context, to concerns with respect to the location of the site relative to services and facilities

Other policy considerations

With reference to Policy CS7 of the Core Strategy and Policies DP1 and DP8 of the Development Policies DPD, it is considered that whilst the application is in outline, the layout and proposed treatment of open space and the landscape represent good design.

Devon County Council Highways Authority initially raised four objections. Objections relating to the lack of details and junction visibility have been overcome by the submission of additional information to demonstrate that the proposal is acceptable in terms of visibility splays, road layout for the first 20m into the site, road construction for the first 20m into the site, road gradients for the first 20m into the site and, surface water drainage and, by the removal of an existing BT telephone call box. The objection with respect to the unsustainable location has also been overcome by the commitment to provide a footpath linking to Newton Ferrers and financial support, through a s106 payment. This would be a permanent extension to the permissive way established in 2009.

With respect to highway safety the applicant has undertaken a five-day speed survey near to the site access and this has informed appropriate visibility splays at the access in both directions; and a stage 1 safety audit demonstrates that the off-site footway highway works are safe in principle.

The applicant has provided a drainage solution that, subject to the approval of South West Water, is accepted by the Highway Authority.

Re-positioning of the existing southwest bound bus stop from the site access with a bus border and provision of a new northeast bound bus stop with dropped crossing and busborder will enhance safety and the local bus service. The applicant also proposes to allow the site to be used as a hub for buses to turn and wait, although this cannot specifically be required through conditions or a s106 Agreement.

Devon County Council Education Services have advised that the local primary schools have capacity and no contribution towards primary education would be required, but that a financial contribution would be required towards secondary education and towards secondary school transport. If planning permission were granted then this would be secured through a s106 agreement.

Planning balance

In providing employment land, community uses, housing, recreational land (allotments / play spaces) and improved walking / cycle links the application responds to some local needs that have been identified in the Newton and Noss Parish Plan 2004, the Yealmpton Parish Plan 2006 and the Parish Housing Needs Survey of 2008; and addresses to a large extent concerns about the isolated nature of the location.

It is recognised that some housing need exists in the Parish of Newton and Noss. The exact nature of the need in terms of quantity, size and type is not, however, known. It would be contrary to

Paragraph 116 of the NPPF and Policy CS1 of the Development Plan to permit development in the AONB without a clear indication of the local need that is being met and an assessment of alternative sites to meet that specific need.

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. [IF LBC] This application has been considered in accordance with Sections 16,17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS2 Housing Provision
CS6 Affordable Housing
CS8 Infrastructure
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

AH3 Provision on unallocated sites

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.