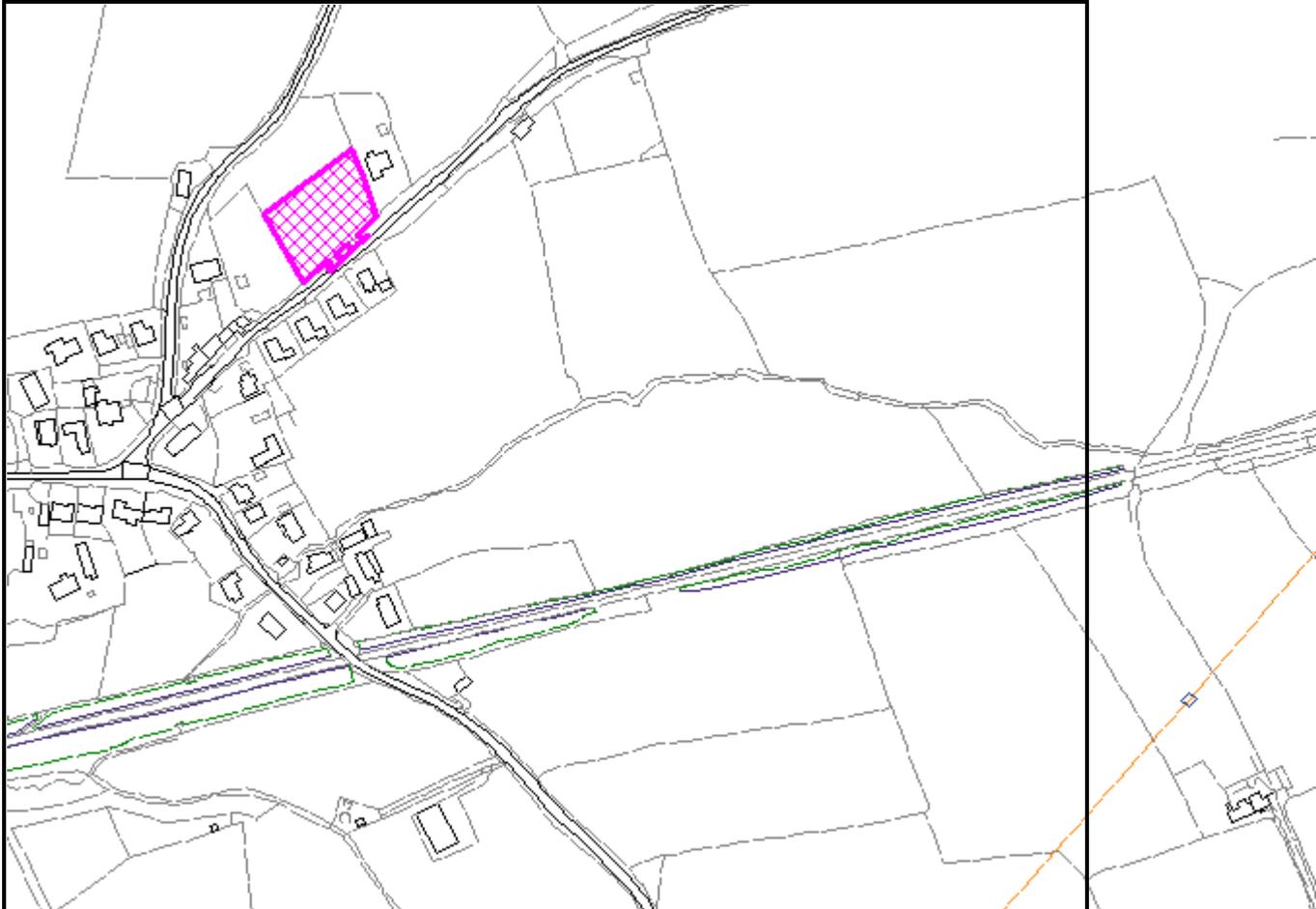


## Committee Report – 4<sup>th</sup> April 2019

<b>Application Number:</b>	1/0118/2019/OUT
<b>Registration date:</b>	13 February 2019
<b>Expiry date:</b>	10 April 2019
<b>Applicant:</b>	Mrs K Snowden
<b>Agent:</b>	R A Rowe & Co. Ltd.
<b>Case Officer:</b>	Laura Davies
<b>Site Address:</b>	Land Adjacent To Lynwood, Derril, Pyworthy, Devon
<b>Proposal:</b>	Outline application for up to 4 dwellings with all matters reserved
<b>Recommendation:</b>	Refuse



## Reason for referral:

This application has been called in for consideration by Plans Committee by Cllr Ken James for the following reason:

*'Derril is a growing settlement*

*Has easy access to 2 pubs, the golf club and to the cycleway back to Holsworthy*

*Is opposite 2 sites already agreed*

*Are infill sites'*

## Relevant History:

Application No.	Description	Status	Closed
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## Site Description & Proposal

### Site Description:

The application site is located within the hamlet of Derril and to the north side of the road which extends to the north-east of Derril. The application site is an open field extending to 0.18 hectares set above the level of the highway with a hedgebank to the frontage. The existing site is in agricultural use. To the south-west there are two storey dwellings, with the garden to the side of one of these dwellings (East Cottage) which extends to the south-western boundary of the application site. To the north-east side of the site is a bungalow (Lynwood) which is set back from the front boundary. There are other bungalows located to the opposite side of the road. There is no existing vehicular access point into the site directly from the highway.

### Proposed Development:

This application seeks outline permission for the addition of up to four dwellings with all matters reserved. At this stage only a red line site plan has been provided for consideration.

## Consultee representations:

### Pyworthy Parish/Town Council:

The Council strongly objects to this application.

The ground level at this property is at a higher elevation than the neighbouring properties, and development on this site will therefore overlook those existing properties and cause an invasion of their privacy.

The Council is of the opinion that this would be overdevelopment of the small hamlet of Derril, and would put undue strain on sewage services. There are no community facilities in Derril.

Also, there are inconsistencies in the application as the plans show four houses, but the application from the agent states three.

### Devon County Council (Highways):

Observations:

The proposed development would have an entrance (or entrances) that accesses onto a 'C' class National Speed Limit (NSL) road. This is narrow and effectively a one lane width in many places. Observed traffic volumes were noted as being extremely light and speed of traffic was low. I believe the traffic speeds are largely governed by the driving environment.

With regards to visibility, as I believe the observed traffic speeds are more compliant to a 30mph limit, I would accept visibility splays of 2.4m x 43m. Although I have reservations whether a dual access

arrangement, which has been submitted in the application, would meet these requirements, I believe that a single access would be achievable.

Therefore, I raise no highway objections on this point. The precise details can be established at Reserved Matters stage.

I would expect a minimum of two parking spaces per dwelling to be included at Reserved Matters stage. Similarly, full access details, including gradients should be included. With regards to gradient, I would normally expect a maximum of 1:15 for the first 6 metres where this meets the public highway. Drainage provisions will also need to be made to ensure that no excess surface water drains onto the highway.

Finally, as the proposal is for more than three dwellings, I would normally expect the spine road to be offered for adoption. The relevant agreements will need to be made for this. However, as it stands, I believe the proposed development offers an acceptable access, which is 'safe and suitable', as is the test of the National Planning Policy Framework (NPPF).

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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

REASON: In the interest of public safety and to prevent damage to the highway

2. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawing to be submitted for approval where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 5 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway

for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure the development works, including all traffic attracted to the site, provides safety for all road users in the area.

## Representations:

Number of neighbours consulted:	6	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	1
Number of objection letters:	0		

One general comment has been received in relation to the proposed development:

- At detailed planning stage, consideration should be taken to avoid overbearing and overlooking neighbouring Lynwood.

## Policy Context:

### North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); DM01 (Amenity Considerations); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity);

### Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

## Planning Considerations

### Main Planning Considerations:

1. Principle of Development
2. Impact on Character and Appearance
3. Impact on Residential Amenities
4. Access and Parking
5. Drainage
6. Ecology.

### 1. Principle of Development:

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The NPPF sets out national policy in relation to rural housing and notes, at paragraph 78, that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Policy ST01 of the North Devon and Torridge Local Plan emphasises that development proposals will be considered with a presumption in favour of sustainable development, as contained in the NPPF. The provisions of Policy ST07 of the North Devon and Torridge Local Plan set out the spatial strategy for Northern Devon's rural area. Derril is not an identified village within Schedule B of the policy. Part (3) of the policy relates to Rural Settlements and identifies these as those settlements with at least one prescribed service (e.g. community/village hall, post office, public house, place of worship, school etc.). Derril does not contain any of these prescribed services. As a result, Part (4) of Policy ST07 would be the most relevant. This states:

'In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location'.

The accompanying text to Policy ST07, in relation to section (4) notes that in the countryside, the Local Plan seeks to control dispersed development, guarding against development in unsustainable locations.

The proposed development is not sought for specific housing to meet local needs or to be attached to an existing agricultural enterprise. As a result, the proposal would be out of keeping with the provisions of Policy ST07.

The applicant has highlighted recent applications within Derril for a similar scale of development. In particular, an application at Riverside Farm, which is located to the south of Derril where planning permission was granted for two dwellings following the demolition of three existing barns and outbuildings (application reference: 1/0627/2018/OUT). This application was determined prior to the formal adoption of the North Devon and Torridge Local Plan (2018) and prior to confirmation of the Council having a 5 year housing land supply. The additional housing provision was therefore weighed into the balance of the application, together with the proposed dwellings replacing an existing built form on the site. This application was therefore determined under a different policy context to that which is currently under consideration and in accordance with the provision of the NPPF. It is not considered that this would set a precedent for the consideration of the current application.

The second recent application referred to in the accompanying Planning Statement is for the addition of two dwellings adjacent to Glenhaven (application reference: 1/0786/2018/OUT) which sought outline planning permission for the addition of two dwellings with all matters reserved. The determination of this application was also undertaken prior to the formal adoption of the north Devon and Torridge Local Plan (2018) and was at a time when the Council did not have a 5 year housing land supply. Again, the Officer's Report notes the planning balance undertaken in terms of the additional housing provision which was required at the time and the provisions of the NPPF in situations where a Council does not have a confirmed 5 year housing land supply. This application was therefore determined under a different policy context to that which is currently under consideration and in accordance with the provision of the NPPF. It is not considered that this would set a precedent for the consideration of the current application.

The supporting statement also makes reference to two appeal decisions in the vicinity of the application site, one at Hawarden, Holsworthy Beacon and the other at Woodacott.

The appeal at Hawarden (application reference: 1/0561/2017/FUL) and that at Woodacott Cross (application reference: 1/0805/2015/OUT) both related to a proposed single dwelling. These were both determined prior to the adoption of the North Devon and Torridge Local Plan. The lack of a 5 year housing supply at the time of the appeal being determined was specifically mentioned by the appeal Inspector in their decision where they also note that the provision of a dwelling in a district that does not have a demonstrable five year housing land supply carried significant weight in favour of the

proposals. The circumstances of these appeal decisions are not therefore relevant in the consideration of this current application.

The proposed addition of four new dwellings in this location, at a considerable distance to local amenities and facilities would result in a heavy reliance on the private car. The proposed development is not considered to be sustainable rural development, as advocated within the NPPF and the provisions of Policies ST01 and ST07 which seek to promote sustainable development in the rural area with limited development in the open countryside.

## **2. Impact on Character and Appearance:**

The application site is located within landscape character area 1F Farmed Lowland Moorland & Culm Grassland as defined by the Joint Landscape Character Assessment for North Devon and Torridge Districts (LCA). This area is characterised by a sparse settlement pattern with scattered farmsteads, small clustered hamlets and nucleated villages often occupying ridgetop positions. Further, the area is characterised by a variety of traditional buildings styles and notes that villages often include white and cream modern bungalows extending out from the historic core. One of the main forces for change notes prominent ridgeline developments of white/cream housing as well as new development of white/cream rendered bungalows and cottages, generally in keeping with broad styles of the local vernacular.

Policy DM04 of the Local Plan notes that good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. Policy DM04 sets out a number of key design principles for consideration in relation to new development.

As noted above, no proposed elevations or plans of the new dwellings have been provided with only the principle of the development of the site for consideration at this stage.

The application site is set above the height of the adjacent highway and above the level of neighbouring properties to the opposite side of the road. The existing bungalow at Lynwood occupies a similarly elevated position. The application site slopes gently up from the front to rear boundaries.

Notwithstanding these constraints, it is considered that the principle of up to four dwellings could be provided on the site without a harmful impact on the character and appearance of the surrounding area. Consideration would need to be given to the scale and siting of the proposed development in relation to neighbouring properties and the ridgeline to the rear as part of any subsequent reserved matters application. No objections are raised at this stage to the proposal in terms of its impact on character and appearance.

## **3. Impact on Residential Amenities:**

Policy DM01 of the Local Plan states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or the future occupiers of the proposed development.

In the absence of any detailed plans it is not possible to fully assess the likely impact of the proposed development on the amenities of neighbouring occupiers or future occupants of the proposal. This would be a matter for further consideration at the reserved matters stage however given the context of the site, it is considered that a scheme of four dwellings could be accommodated subject to appropriate consideration of amenity implications.

## **4. Access and Parking:**

Policy DM05 of the Local Plan seeks to ensure that all development has safe and well designed vehicular access and egress, adequate parking and layouts. Policy DM06 specifically relates to parking provision noting that development proposals should provide an appropriate scale and range of parking provision to meet the anticipated needs of the development.

The County Council's Highways Officer has commented on the submitted scheme and has raised no objection to the principle of the proposed development noting that the proposed development offers an acceptable access which meets the test of 'safe and suitable' as set out in the NPPF. The

Highways Officer notes that the proposed access would be onto a C class road which is subject to the national speed limit. Traffic volumes are noted to be light with low traffic speeds. As a result, a visibility splay for a 30mph speed limit is considered acceptable in this instance. A single access point into the site is considered to be more suitable than the dual access which is indicated on the submitted site plan. These details could be confirmed at reserved matters stage. The Highways Officer also notes that a minimum of two parking spaces per dwelling will be required at reserved matters stage and together with details of the proposed gradient of the entrance into the site and appropriate drainage provisions.

The proposed development, at this outline stage, is therefore considered to be in keeping with the provisions of Policies DM05 and DM06 of the Local Plan and the requirements of the NPPF in this regard as set out at paragraph 108.

#### **5. Drainage:**

Within Policy DM04 which relates to design principles, part (n) notes that effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater should be considered. Further, Policy ST03 relates to climate change and states that development should adopt effective water management systems including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater.

No details of the proposed drainage arrangements have been provided at this stage although the application form notes that a soakaway is proposed for surface water drainage. Due to the outline nature of the application with all matters reserved, these details would be for consideration at the reserved matters stage.

#### **6. Ecology:**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the Torridge District Local Plan through Policy DM08 of the Local Plan which requires new development to 'avoid adverse impacts on existing ecology features as a first principle, and enable net gains by designing in biodiversity features'.

A completed Wildlife Trigger List and Ecological Appraisal have been submitted in support of the application. The Ecological Appraisal confirms that the existing site has a lack of habitat diversity and is considered to be of low ecological importance. The report confirms that there are no suitable roosting habitats for bats, no evidence of badgers and no suitable watercourses for otters. In addition, no signs of dormice presence were found, with a lack of suitable habitat, and no suitable reptile habitat within the site. The Appraisal concludes that in the absence of appropriate mitigation, the proposed works have the potential to impact negatively on trees to be retained on the site and on nesting birds. Recommendations are set out in the report for mitigation measures and ecological enhancement. These include the planting of native species of trees and shrubs on the site as part of the proposed development, the addition of two integrated bat boxes and one nesting box on each dwelling, the planting of the tops of the existing and created hedges with native hedge species.

Taking into consideration the conclusions of the Ecological Appraisal and the proposed recommendations, no objections are raised to the proposal, subject to the inclusion of a condition ensuring that the development is undertaken in accordance with the recommendations.

#### **Conclusion:**

The principle of the site being developed for residential dwellings, at a considerable distance to local services and facilities would result in an unsustainable form of development, contrary to the provisions of Policies ST01 and ST07 of the North Devon and Torridge Local Plan (2018) and national policy guidance contained within the National Planning Policy Framework (2018), particularly paragraph 78.

#### **Human rights**

Consideration has been given to the Human Rights Act 1998.

## Recommendation

REFUSE for the following reasons:

- 1 The principle of the proposed residential development in this open countryside location, at a distance to local services and facilities, would result in an unsustainable form of development, contrary to the provisions of Policies ST01 and ST07 of the North Devon and Torridge Local Plan (2018) and national policy guidance contained within the National Planning Policy Framework (2018), particularly paragraph 78.

## Plans Schedule

Reference	Received
S 18 01	13.02.2019

## Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application. In this instance the applicant did not enter into pre-application discussions with the Council.