

**Application Number**

P/2010/1388

**Site Address**

Land At Area 4 South  
Scotts Meadow  
Off Riviera Way, Browns Bridge Road And  
Rear Of 1 - 21 Swallowfield Rise  
Torquay  
Devon

**Case Officer**

Mrs Ruth Robinson

**Ward**

Shiphay With The Willows

**Description**

Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (In Outline)  
This is a revised scheme THIS IS A DEPARTURE FROM THE LOCAL PLAN

**Executive Summary / Key Outcomes**

There is a quantitative and qualitative need for housing sites in Torbay, in order to meet the 5 year supply of housing land and to provide for demonstrable housing need. This site, although understandably of value as reflected in its designation as an Urban Landscape Protection Area in the Local Plan, is one of the least sensitive of the strategic housing sites identified through the Landscape Character Assessment. This document forms part of the evidence base for identifying appropriate sites for inclusion in the emerging Core Strategy. The assessment broadly recommends its suitability for development, providing key landscape characteristics are reflected in the design. The site is in a sustainable location in relation to existing housing, services and transport routes.

The submitted scheme has been amended during the course of the application to reduce the number of dwellings from approximately 200 to a maximum of 155 and to increase the amount of open space to around 4 hectares, around 50% of the site. This revised scheme better preserves the character and function of the open space and the variety of wildlife habitats. Public access to green space will now be available.

This is an outline application fixing only access. However, substantial illustrative material has been provided that shows a 'landscape led' approach which is considered appropriate. This is to be substantiated through Reserved Matters applications.

Management of the open areas through an Ecological Management Plan will ensure that habitats are properly preserved, avoiding continued degradation if the site if it is left unmanaged. The western part of the site is to be actively

managed as a County Wildlife Site. Off site mitigation is to be secured to fully mitigate the impact on biodiversity.

There is to be a S106 that will deliver a range of improvements to the locality including 30% Affordable Housing, improvements to the Highway network and community infrastructure contributions in line with the adopted SPD. 'Advance planting' will be needed to ensure that the screening gets established as a priority as does habitat management.

### **Recommendation**

1. Site Visit.
2. That outline consent be granted, subject to the submission of design codes in respect of the proposed housing and the completion of a S106 Agreement in terms acceptable to the Executive Head of Spatial Planning, within 6 months of the date of this committee.

Conditions to be delegated to the Executive Head of Spatial Planning, including those identified at the end of this report.

### **Site Details**

Area 4 South or Scotts Meadow as it is more widely known, is a prominent area of grassland bounded by the A3022 (Riviera Way) to the south, Kingskerswell Road to the west, and Browns Bridge Road to the east. To the north is Swallowfield Rise. Vehicular access to the site is from the north via Plantation Way.

The site is sloping and south facing, and is key in long views across the valley, the land acts as a 'gateway' on the main approach into Torquay, forming a transition between the suburban character at the edge of the town and the more open countryside to the west. To the north and east of the site is the Willows, a residential estate of about 1500 dwellings which was approved in the late 1980s, close by to the east is its busy District Centre. This has a suburban character typical of its time. Across the valley is the low density suburban settlement of Shipway which is long established and enjoys views across to the application site.

The site itself comprises a mix of habitats but is predominantly open unimproved grasslands with mature hedgerows, which are of ecological significance, that partly border and bisect the site. A steeply sloping highway bank defines the southern border to the site. This contains an important habitat of unimproved grassland and includes wild orchid colonies which are quite rare.

It is defined Urban Landscape Protection Area in the saved Adopted Torbay Local Plan 1995-2011 as a consequence of its prominence, its function as a

gateway to the town and its position in relation to adjacent countryside areas. It is much valued by local residents for its visual, ecological and biodiversity qualities and for the relief it offers in an area where a significant amount of new development has been implemented or is in the pipeline.

It was identified in the Strategic Housing Land and Housing Register as a potential housing site. It has been, in past years allocated for potential development and was included as a potential housing site in the earlier consultation on the Core Strategy.

The red line representing the application site also includes the Storm lagoon located to the east of Browns Bridge Road designed to cater for surface water run off from the wider area. The land is privately owned and fencing was recently erected to the perimeter of the site to prevent public access.

### **Detailed Proposals**

This is an outline application with all matters, save access, reserved for future consideration. The application is accompanied by a Design and Access Statement, Landscape and Visual Appraisal, Transport Assessment, Ecological Study and Management Plan, a Noise Assessment, Air Quality Assessment, Flood Risk Assessment and a variety of plans which seek to confirm that the site can be developed in the manner indicated.

Initially, the application sought to accommodate around 200 homes on the site. Following concerns about the impact of this level of development on the landscape, function and biodiversity of the site, amended proposals were submitted which reduced dwelling numbers initially to 165 and increased the amount of the site that was left undeveloped. This has more recently been further revised to provide 155 dwellings and to further increase the amount of open space.

The overriding concept is of a 'landscape led' Masterplan which illustratively shows parcels of housing set within a landscape framework. It includes public open space and a play area within the scheme.

It is anticipated that a mix of housing types would be provided but with a predominance of family homes.

The scheme is to provide 30% affordable housing, highway improvements and will meet the requirements for local and community infrastructure as detailed in the adopted SPD 'Planning Contributions and Affordable Housing'.

The scheme is to be delivered in 2 phases, with the first phase being that around the entrance to the site adjacent to Plantation Way. This phase is to contain a high proportion of the affordable housing and will include delivery of the Play

Area.

The whole development will deliver around £1.28 Million over 6 years under the Governments New Homes Bonus (based upon band C houses and 30% affordable housing).

### **Summary Of Consultation Responses**

In response to the original consultation on the scheme for 200 dwellings, there was opposition from Devon Wildlife Trust, Torbay Coast and Countryside Trust and the RSPB in terms of wildlife habitats. The Environment Agency also had concerns about the lack of on site mitigation for surface water run off with too much reliance on use of the off site Storm Lagoon. Natural England supported the scheme subject to no tree planting being carried out on the steep highway bank in order to protect the Orchid populations. Highways had no objection in principle subject to a range of improvements to the highway network and to pedestrian and cycling opportunities.

In response to consultations on the revised scheme for 165 dwellings, Devon Wildlife Trust and the RSPB withdrew their objection. The EA still maintained concerns about the method of dealing with of surface water run off.

Following the reduction to 155 dwellings the Environment Agency are broadly satisfied that there are improved opportunities for achieving on site mitigation.

The following is a summary of the relevant responses.

*Highways:* No objection in principle subject to the implementation, under a s 278 notice of the following works:

- a) Widening of the approach from Nicholson Road onto the existing roundabout to allow two lanes of traffic and double stacking of 3-4 vehicle lengths,
- b) Continuation of the shared cycle/footway route along Browns Bridge Road into Nicholson Road at the crossing point, to provide a link to the Willows shopping area,
- c) The provision of a link to the proposed cycle route within the development,
- d) The amendment of the roundabout to provide two continuous lanes of traffic around it with approach lines marked with arrows,
- e) The provision of a pedestrian route from the east of the site to Browns Bridge Road, and;

f) Surfaced pedestrian and cycle route from junction of Riviera Way/Kingskerswell Road through site as shown in the Master Plan.

The development will also have to meet the funding costs of road traffic orders.

*Natural England:* No objection to the original scheme subject to the deletion of Lime Trees on the highway bank. They welcomed the subsequent amendment and increase in open space and retained habitats.

*Environment Agency:* The most recent response offers support for the option of surface water being dealt with through the provision of a pond, which has been made possible by the recent scaling back in development along the southern boundary of the site.

However the Environment Agency require further clarification on the overall strategy.

*South West Water:* Have no objections, subject to conditions in relation to sewage works being implemented.

*Devon Wildlife Trust:* Objected to the original submission on the grounds of impact on biodiversity and unimproved grasslands. In relation to the revised scheme for 165 units they acknowledged that the proposal represented a reasonable compromise between the impact on biodiversity and the potential of the site for housing. They also recognised that the site is not under active management which in itself threatens the biodiversity of the site.

*RSPB:* Raised concerns in relation to the original proposal in terms of impact on Gull Bunting habitats. These concerns were eased by the reduction in numbers of units and increase in retained habitats. Active management of the site in a way that will maintain the existing habitats will be beneficial and a range of conditions are recommended to ensure that construction on site is properly managed and that future landscape management is appropriate. RSPB also recommend the incorporation of the nesting facilities into the buildings to ease impact on house sparrows, swallows and swifts.

*Torbay Coast and Countryside Trust:* Have raised concerns in relation to the original submission and later amendments.

Whilst they recognise that the new revised layout has increased the extent of retained habitat they would prefer to see no loss of biodiversity on site. In mitigation, they wish to see a very strong and properly resourced Ecological Management Plan in place for the site, which should include clear management measures for the grassland interest onsite and ensure that this habitat is not degraded through dogs and amenity use. In terms of off site mitigation, they would wish to see a detailed off site mitigation plan for a selected site which

needs to demonstrate how it can deliver a net gain for wildflower grassland species in perpetuity and evidence of how this will be delivered.

*Torbay Civic Society:* Indicated that the Council should show that there is a proven need for housing before committing to a large scale scheme such as this.

*The Campaign for the Protection Of Rural England:* Objected on the grounds that the site is not designated for housing, that it is premature and not needed to meet housing need, that priority should be given to brownfield sites, and that the Willows area has provided its fair share of new homes.

The Design Review Panel considered a 'pre app' scheme at its meeting of the 13th May 2010 and recommended that the context of the site be considered more critically both in terms of its links to surrounding facilities and in visual terms. They supported the landscape strategy but felt that a better relationship to topography would overcome some of the difficulties in developing a steeply sloping site. Maximising the advantages of solar gain from such a site was seen as an important point.

The need for surety about the balance of building to landscape and the capacity of an outline application to deliver this was raised. Rather than precedent studies of local architecture, more consideration should be given to identifying best practice in terms of integrating built form with sloping sites. The idea of creating a gateway feature and landmark buildings was rejected in favour of a more subtle design transition.

### **Summary Of Representations**

There has been extensive public consultation in response to the original and revised planning application. The applicants have themselves carried out consultation exercises in relation to both schemes. The Scotts Meadow Action Group has submitted copies of questionnaires collected from residents attending the Community Partnership Meeting held on the 18th July. The TDA Affordable Homes Team carried out a consultation exercise in an attempt to identify the housing needs of hard to reach groups within the community.

There is strong local opposition to the scheme to develop Scotts Meadow. Over 120 objections to the original scheme were received in response to statutory public consultation. Whilst the number of responses reduced to around 40 in relation to the re advertisement, it should not be assumed that this implies acceptance of the proposals.

The response to the formal public consultation, is, in summary as follows:

1. Loss of open space. Central in views from Shiphay across the valley. Much valued as a Gateway to the town and for relief offered in an area seen as

being subject to considerable development pressure. In this context seen as imperative to preserve the areas of open space that remain. Attractive approach to the town seen as important for tourism.

2. Loss of wildlife habitats and special 'Meadow' flora and fauna that has become established on the site.

3. Traffic implications of increasing number of vehicles using the 'Sainsbury's' roundabout to access and egress the Willows. Consider that transport infrastructure is at breaking point particularly when the shops are busy given recent increase in retail floorspace. Preference for a separate access to the site direct from Riviera Way/Kingskerswell Road.

Specific concerns from residents of Plantation Way, Swallowfield Rise and Centenary Way about capacity of Plantation Way to accommodate the increased scale of traffic and the safety of the junction onto Centenary Way. Particular concern about the steepness of Plantation Way and its accessibility in bad weather. Ability of Emergency vehicles to negotiate roads questioned.

4. General concerns about the scale of development the area has already accommodated and continuing pressure for more. Impacts that this has on local facilities and services such as schools/doctors etc.

5. Premature decision and should await outcome of LDF/ Localism Bill/Neighbourhood Plans.

6. Many Brownfield sites, particularly B&Q site at Torre owned by applicant which should be developed first.

7. That new homes should be linked to new jobs and improvements to transport infrastructure with people feeling that no new development should be approved without the Link Road being in place.

There was 1 letter of support

The Statement of Community Involvement details the applicant's consultation with the community. The most recent consultation exercise carried out by the applicants identified a reduction in the level of opposition to the scheme with 60% of the respondents supporting housing on the site compared with 20% following initial consultation. This is described as being due to increasing awareness of the needs for housing and the increase in open, publicly accessible space. 120 people attended the exhibition but only 45 forms were completed.

Of the 57 questionnaires submitted by the Scotts Meadow Action Group, 53 were opposed to any development on the site, 4 were incomplete and discounted. The reasons for this were due to its ULPA status, impact on wildlife,

overdevelopment, single point of access, loss of gateway to welcome tourists, and prematurity pending the Localism Bill.

The consultation carried out by the TDA Affordable Homes Team was targeted at people in need of affordable homes. 2502 questionnaires were sent out to people on the SW homes and Devon Home Choice housing waiting list and of the 288 who responded, 90% supported the development at Scotts Meadow to help meet their need for accommodation.

All these documents are available in the Members Room.

### **Relevant Planning History**

P/1999/0951: Housing and School/Community Use: Withdrawn.  
P/2000/1208: Residential Development: Refused, 31.10.00. subsequent appeal withdrawn.

Identified for development in the Deposit Version of the Torbay Local Plan.

Subsequently allocated as Urban Landscape Protection Area in the Adopted Local Plan.

### **Key Issues / Material Considerations**

#### **Principle and Planning Policy.**

There is a long history to development of this site. Scotts Meadow, or Area 4 South as it was described in the original brief for Scotts Bridge/ Barton has in the past been identified as a potential development site. However, in the Revised Deposit Plan 2000, the site was allocated as an Urban Landscape Protection Area having been previously identified (in the Deposit Version of the Local Plan) as a possible site for housing and a school.

The Inspector, in considering objections to the local plan did not support this designation and recommended that the site should be shown as a 'white area' considering that its release for housing purposes was not at that time justified (paragraph 3.17 of the Inspectors' Report refers). The Council took the view, due largely to the level of public support, to maintain the ULPA designation notwithstanding the Inspectors view. A High Court Challenge to this was unsuccessful and the ULPA designation for Scotts Meadow became part of the formally adopted Local Plan.

It is a difficult time to evaluate the future of this site as there are emerging changes in Planning policy at both a local and national level.

At a national level, the Localism Bill is being considered by parliament and this

will replace the housing targets included in the Draft Regional Strategy and seek to introduce more locally based means of encouraging 'sustainable' growth through Neighbourhood Plans.

The Draft National Planning Policy Framework has recently been issued for consultation and indicates the Government's intention to introduce a 'presumption in favour of sustainable development' and a clear intention to increase the supply and delivery of housing. The ministerial forward to the document indicates that development that is 'sustainable' should be approved without delay. The draft NPPF also requires that the Local Plan meets the full requirements for market and affordable housing, and planning authorities should maintain a 5 year (plus 20%) supply of specific deliverable sites.

The draft NPPF is controversial and may be amended prior to its final publication.

The Local Plan is now reaching the end of its operative period and it will be superseded by the Local Development Framework/new Local Plan. The draft Core Strategy (which may be rebadged as the Local Development Plan) will be published for consultation in October 2011. It is intended to publish a Pre-Submission version in Summer 2012. The Core Strategy, which is the focus of the LDF, will look to guide how Torbay will grow over the next 15-20 years.

It is necessary to examine the current position firstly in terms of a strategic delivery of housing and then to look at the situation at a local level.

PPS3 'Housing' requires Councils to have a 5 year rolling supply of available land for the delivery of housing. Recent appeal decisions have confirmed that this should be based on the figures contained in the Draft Regional Spatial Strategy, and up to date evidence of housing need. This means that the Council will be seeking to deliver around 500 dwellings per annum. Where a 5 year supply cannot be demonstrated, the guidance indicates that a planning application for housing should be considered favourably particularly if it achieves high quality housing, is sustainable and makes effective use of land.

There is also a significant amount of information about the extent of housing need most recently identified in the Exeter and Torbay Strategic Housing Market Assessment (2011 Update) which highlights a need for the delivery of around 820 dwellings a year. The evidence of need is likely to continue to be a material consideration even when the Localism Bill becomes law.

The Ministerial Statement accompanying the 'Planning for Growth' White Paper indicates a presumption in favour of development except where it would compromise key sustainable development principles and as stated, the emerging National Planning Policy Framework encourages growth and looks set to retain a 5 year housing supply target plus 20%.

Cumulatively, this indicates a need to be robust about identifying additional sites for housing to enable the 5 year supply to continue to be met and housing need to be better satisfied.

The Regulation 25 Core Strategy Consultation document [Sept 2009] identified options for development sites in order to meet identified need for homes and jobs. Scotts Meadow featured as a location for housing in 3 of the 5 options for growth.

In the emerging Core Strategy, Scotts Meadow is likely to be within the 'Torquay Gateway Cluster' and within that area of search, it is anticipated that around 1000 homes will need to be provided. The SHLAA identified Scotts Meadow and Edginswell as potential sites for housing within that area of search. At its meeting of the 9th September 2011 the Planning Policy Development Group [Local Development Framework] agreed to the emerging Core Strategy forming the basis for further community engagement during this Autumn. As noted, this is still a matter for public consultation as the principle of the "Torquay Gateway Cluster" has not yet been subject to full public consultation. Moreover, it is anticipated that the specific site allocations would be identified through Neighbourhood Plans. However, the resolution of this is some way off and a decision has to be made on this application in the context of current policies.

It is becoming increasingly clear that a failure to have sufficient land identified would prejudice the outcome of appeals and possibly lead to speculative applications on potentially more sensitive sites which may prove difficult to defend.

It is clear that there is, and will continue to be a need for housing sites, Scotts Meadow has some legitimacy as a housing site as it has featured in earlier options for growth, is identified in the SHLAA, and is within the Torquay Gateway Cluster which needs to yield space for 400 dwellings. It also needs to be considered in light of its suitability and sustainability. New housing sites will have to be identified and in an area like Torbay there are few sites that will not raise environmental or sustainability concerns either as a consequence of their site specific qualities or their locational impacts.

It is valid to test the suitability of Scotts Meadow in terms of the sustainability of its location and the likely environmental impacts in relation to other potential sites. It is worth noting in this context, that the Landscape Character Assessment of Torbay carried out in 2010 to help identify suitable locations for development, identified Scotts Meadow as one of the least sensitive in terms of landscape character and biodiversity.

One of the key policy threads in terms of bringing forward new housing sites is the sustainability of location. This is emphasised in existing and emerging policy at a strategic and local level. Policy H2 in the saved Torbay Local Plan, is

relevant, although it deals primarily with sites of less than 0.4 ha. It describes what is required of new unidentified housing sites in terms of their location and function. Scotts Meadow is sited immediately adjacent to an existing urban area and in close proximity the District Centre and to public transport/major transport links. It is important to local people because of its landscape function and this is reflected in the current ULPA designation. Providing the key landscape and biodiversity/ecological qualities of the site are respected and its functional impacts are addressed then it is thought that this site should be considered favourably to deliver housing.

The key issues to be considered in delivering the development of this site are therefore:

Landscape Character  
Biodiversity/ecology  
Design  
Highways  
Local Amenity  
Floodrisk

Each will be addressed in turn.

#### *Landscape Character*

The site has an undoubted value in terms of the transition that it offers between the open countryside and the more urban character of the town. It is most visible from the slopes of Shiphay and is much valued by those residents.

Within a defined Urban Landscape Protection Area development will not be permitted which would 'seriously harm the value of an area as an open element within the townscape and the contribution it makes to the quality of the urban environment'.

The Landscape Character Assessment, in identifying Scotts Meadow site as a potential development site, indicated that the site had the potential to accommodate some further change without wider landscape and visual impact. As a gateway site, it said, 'the extent and design of any new development should be carefully controlled to ensure that the principal characteristics are retained and strengthened with a generous green infrastructure that reflects the character and prominence of the locality.'

It is necessary to evaluate the impact that the proposal will have on the appreciation of this space, whether the scheme respects the character of the site and delivers a sufficiently generous green infrastructure to offer a satisfactory level of mitigation.

Although the scheme is in outline, fixing only access, substantial information has

been submitted to illustrate the design approach to be taken and the primary intention has been to create a scheme that is 'landscape led'. The Design and Access Statement identified the need to create parcels of development that would sit within a maintained landscape setting. This was further refined following the DRP's comments which broadly encouraged greater recognition of the topography of the site in developing the broad form of the scheme and in subduing the architectural approach, to enhance the dominance of the landscape in the overall evolution of the scheme.

The original submission involved 200 homes spread across the majority of the site and the scale of the proposal and the inclusion of large blocks of buildings along the frontage to Riviera Way was thought to be intrusive and damaging to landscape character.

The extent and scale of development was reduced following negotiations, initially to 165 units and then to 155 units, the amount of site coverage has been reduced and the level of open space increased with around 51% of the site now left undeveloped [although a proportion of this is steeply sloping and would be unsuitable for development].

The scheme includes retaining planting/green areas to the boundaries of the site and supplementing this where appropriate, retaining areas of open land within the scheme for recreational and ecological purposes, retaining existing species rich hedgerows and existing tree planting. A substantial area of land to the west of the site is retained as a semi natural open space. This has increased in size from 0.5 ha in the original scheme to 1.52ha in the most recent revision.

The green spaces include a Play Area and park, a trim trail, 2 pocket gardens with native planting, informal open space and grassland areas. Linear planting through the site has been increased. The amount and scale of new buildings along the Riviera Way frontage has been substantially reduced, set back and softened by tree planting and the introduction of Devon banks and hedging. Strategic landscaping in the form of a substantial new hedgerow is proposed that will bisect the site from north to south just to the east of a line with Pepys Gate and running parallel to the existing retained hedgerow. Substantial new planting and Devon Banks are to be introduced along the southern boundary of the site. This will act in a way to soften and screen the houses in distant views. Photo montages and visual appraisals have been submitted which show the appearance of the site in its current form and how it would appear if developed. It is a question of whether this delivers an acceptable scheme and adequate mitigation.

Development to the east of the main retained hedgerow, which bisects the site, would be largely screened from view from most principle vantage points and this scale of development would not harm the landscape value of the area in its wider setting. However development of this part of the site only, which would deliver

around 80 - 100 dwellings, is described as not viable by the applicant and the additional housing to the west and south of this hedgerow is deemed essential.

In terms of the housing proposed to the west of the retained hedgerow, this will be visible in long views and will have, to some degree, an impact on its value as 'an open element within the townscape' particularly when viewed from the slopes of Shiphay.

The housing to the south, located close to the top of the highway bank, will be readily apparent in views, particularly of motorists, and will be the most noticeable in terms of the 'gateway function' that the site is valued for.

It was in response to these concerns that the applicant agreed the final reduction to 155 units. This has resulted in the distance from the top of the highway bank to the housing being increased from 33 to 55 metres and the increase in the semi natural green space to the west from 0.5 to 1.5 ha. This scale back from the southerly and westerly margins of the site does help maintain more openness and its function as a transitional space is better preserved.

The value of Scotts Meadow as ULP is confined to the visual contribution it makes to the quality of the townscape. It is private land and as such, not lawfully accessible to the public. The implementation of this scheme will provide substantial areas of public open space that people will be able to use for play, walking and recreation. This is seen as offering some compensation for the reduction in 'openness' resulting from the proposed development. However, it is felt that the recent reduction to 155 units and the scale back from the most prominent areas of the site does much in itself to preserve 'openness', and this better maintains the transitional function that the site performs in marking the change from open countryside to a more urban environment.

It is considered that the strategic planting, to the west and south of the site, which will have a significant effect on screening the development should be 'advance planted' and agreement is sought through the S106 to have this in place within a specified period of time of the outline decision being issued.

#### *Biodiversity and Ecology.*

An Ecological Impact Assessment and Management Plan clearly establish that the site has value in terms of the various wildlife habitats and particularly of the unimproved grassland within the body of the site and wild orchids evident on the highway bank.

Some protected/notable species were identified and these include 3 Devon notable plants, 10 invertebrates, slow worms and UK BAP Priority species birds including foraging and travelling habitats for Cirl buntings and Bats. The hedgerows were also in large part identified to be species rich. The scheme sought to retain features of value where feasible.

The original scheme for 200 houses was objected to by the Devon Wildlife Trust and Torbay Coast and Countryside Trust. Natural England did not object to the original scheme although they did comment about the need to maintain the biodiversity of the site and indicated that they would not support tree planting on the slope of the highway bank itself as it would shade and kill the grassland/orchid population. The quality of the site in terms of the unimproved grassland and biodiversity was considered worthy of designation in part as a County Wildlife Site. However this designation cannot be imposed but has to be agreed to by the landowner.

The scaling down in numbers has allowed greater retention of features of value, of unimproved grassland, has allowed the tree planting to be substantially increased and relocated to the top of the highway bank and has facilitated improved wildlife corridors particularly along the southern boundary of the site. Importantly, the applicant has offered to allocate and manage the most westerly part of the site as a designated CWS. This is welcome and in responding to the revised scheme, DWT withdrew their objection.

With the reduction to 165 units, TCCT still maintained concerns about the impact on biodiversity and on unimproved grassland and wanted to see more scale back along the sensitive western and southern boundaries. Whilst they welcome the recent reduction in numbers, recognising that it does increase the extent of retained habitat, they would prefer a further reduced level of development on site.

However, the latest amendment does allow improved links between open spaces which is more beneficial to wildlife as well as mitigating impacts on views and biodiversity. There is still, in the revised scheme, a need to mitigate for the loss of unimproved grassland by identifying off site opportunities for mitigation.

The introduction of pond features to provide on site surface water drainage adds to the wildlife biodiversity of the site.

The RSPBs recommendations about incorporating nesting facilities into the individual dwellings will be secured by condition and will also boost biodiversity.

It does need to be borne in mind that the value of the site in terms of its unimproved grassland will decline if it is not properly managed, as the grassland will become overgrown as is currently happening where brambles are becoming established along the road bank. The importance of a sympathetic management regime is highlighted in the Landscape Character Assessment for this reason. This development therefore provides an opportunity to achieve an actively managed CWS to maintain important habitats on the site. The recommendations of the DWT and the TCCT will be reflected in the S106 for the site.

### *Design*

The quality of design is a key consideration with PPS1 'Delivering Sustainable Development' PPS3 'Housing' and a range of local and national policies exhorting LPAs to deliver good quality well designed neighbourhoods. These can be evaluated against the Building for Life criteria and it is a Council objective to deliver schemes that achieve a high score on this assessment.

This scheme is however in outline, with only access fixed. The form, location, position, and appearance of the scheme are 'illustrative' and the question posed to the LPA is effectively whether this gives sufficient certainty about the capacity of the site and the quality to be delivered. In simple terms, whether it will all 'fit' when the scheme is worked up in more detail and that it will be possible to negotiate an 'exemplar' scheme once the numbers are established.

In terms of capacity, the conceptual plans indicate well spaced blocks in generous settings with the dominance of green spaces overriding the built form. It is described in the D& A Statement as following the 'Garden Suburb' principle. However, it was considered that the concept plans needed to be more fully worked up to demonstrate that the numbers of units of the sizes specified, along with all the garaging and car parking, could indeed be accommodated on such a sensitive and steep site whilst still delivering the landscape led concept embodied in the Master Plan.

This 'working up' exercise delivered a more realistic impression of what this level of development would look like. This was useful as it identified where the greatest visual impacts were likely to be and possible design solutions could be tested. For example, there were concerns about the visual impact of the proposed housing immediately to the left of the main entrance, due to the slope of the land and the need identified in the Noise Report for noise attenuation fencing. A change to split level housing and the introduction of Devon Banks to screen the fencing demonstrated that it is capable of resolution.

Conversely, this demonstrated that the tall blocks adjacent to the highway bank embodied in the original submission, once replete with noise barriers which would be necessary due to the measured traffic noise, were not going to be acceptable if landscape character was to be reflected in the final scheme. Similarly relationships to key landscape features, such as the retained hedgerows were properly tested to ensure that even though the details of the scheme are indicative, it can be implemented as shown.

In terms of the balance of built form to landscape this did shift to create a less 'green' and more urban character. However this was based on the size of units indicatively to be provided. A reduction in the size and type of units, for example more terraced units or flats or would reduce the footprint and increase the green component of the scheme.

It is also important, in terms of BFL standards, that the satisfactory relationship and arrangement of buildings and spaces is shown to be capable of resolution and that a lack of space would not result in poorly arranged and cramped buildings and spaces. This can only be guaranteed if there is a realistic indication of the position and relationship of individual buildings.

The applicant had been reluctant to invest resources in delivering this level of detail, due to the uncertainty of the outcome of the application. However, in approving a specific number of units it has to be fully demonstrated that the scheme is capable of being implemented as shown. The applicant contends that this can be done through the Reserved Matters applications and assessments of the scheme suggest that this is so.

It needs to be made clear, however, through a carefully worded condition that this permission only allows UP TO 155 units of an unspecified size and that it will need to be fully demonstrated through detailed plans in relation to layout and design that the scheme delivers the Garden suburb concept detailed in the D&A statement and a high score in a BFL assessment. A reduction in the number or preferred size and arrangement of dwellings may be necessary if these tests are not met and it may require the use of non standard housing types to make the scheme 'work'.

In terms of the elevational treatment, materials, and the final appearance of the scheme, there is much good supporting evidence for delivery of a quality scheme. The broad brush of the D&A Statement can be translated into design codes, which should be agreed before a decision is issued which can be relied upon to deliver a satisfactory outcome at the reserved matters stage providing the appropriateness of layouts and relationships can be confirmed.

#### *Highways*

Highways have indicated that they are satisfied with the access to the site and the capacity of the highway network to accommodate the increase in traffic safely subject to the measures agreed as part of the S106 and which are detailed in their official response to the scheme.

As regards the specific points about the capacity of Plantation Way, its steepness and unsuitability for traffic in icy weather, the junction with Centenary Way and access for Emergency vehicles, comments are awaited. However the Transport Assessment which assessed the whole matter of access did not raise any concerns about the capacity and the safety of the access arrangements.

#### *Local Amenity*

There have been concerns from people living near to the site about the noise and nuisance of traffic, air quality, pollution, and the impact of the proposed houses on the privacy and outlook of residents of Swallowfield Rise. Reports into Noise and Air Quality identified no substantive problem in relation to the original

proposal and clearly, the reduction in numbers reduces any impact further still. Measured surveys/sections in relation to the Swallowfield Rise properties indicates that the new houses themselves are sited far enough away to avoid impacts on amenity.

#### *Flood risk*

The Environment Agency originally expressed concerns about surface water drainage as the original submission relied heavily on the use of the Storm Water Lagoon for disposal of surface water. Their preference is for on site attenuation. The scaling back of the development obviously eases concerns but also allows more space for on site mitigation. The EAs response to the most recent amendment is that the provision of a new pond, as now shown, offers an alternative drainage solution to the existing lagoon, which could be explored in more detail. A condition will need to be applied to the consent confirming this approach.

Overdevelopment of the area and the preference for brownfield rather than Greenfield development were raised as concerns by objectors. In terms of the former, given the location of the Willows on the edge of the urban area and its proximity to key transport routes it is likely to continue to be under pressure for development. It is important in this context to deliver well designed schemes that respect key characteristics of the area. In terms of the latter, a significant amount of development has been implemented on brownfield sites and this will continue. It is not possible to meet future need for growth solely on brownfield land.

#### **Economy -**

It is estimated that the scheme would generate about 1.5 jobs per unit during construction plus a significant number in the supply chain but this is difficult to quantify. It is estimated that the value of the investment is about £16.5 million.

#### **Closing the gap -**

The scheme will provide 30% Affordable Housing, thus providing accommodation for those in housing need. New Homes Bonus and s106 contribution will be invested in the locality.

#### **Climate change -**

South facing slope/can be utilised to promote greater energy efficiency and can be subject to a condition.

#### **Environmental Enhancement -**

Public Access to substantial areas of green space/actively managed retained habitats allocation of CWS.

#### **Accessibility -**

Highway Improvements to improve pedestrian and cycling activity.

## **S106 / CIL -**

The S106 heads of agreement should deliver:-

1. Phasing Agreement confirming delivery of specific elements of the scheme.
2. Measures to ensure public access and management of public areas of the site in perpetuity
3. 30% affordable housing, of which 50% shall be intermediate housing, 25% affordable rent and 25% social rent.
4. Sustainable Transport and Community Infrastructure Contributions in line with the Adopted SPD in respect of the following:
  - a) Waste
  - b) Sustainable transport
  - c) Stronger Communities
  - d) Life long learning
  - e) Greenspace.

These to be related to floorspace of the units and subject to discounts, as appropriate in respect of the affordable units.

The applicants have suggested that only 50% of the Sustainable Transport Contribution should be paid due to the sustainable location of the site and that £20,000 should be paid to fund the off site wildflower mitigation with no further contribution in respect of greenspace due to the level of provision on site. The reduction in sustainable transport contributions is disputed by Highways Officers as is the level of investment to fund the off site mitigation/greenspace and is subject to ongoing discussion.

5. Highway Improvements as detailed.
6. Pedestrian/Cycle routes as detailed.
7. Ecological Management Plan to be in place for entire site and allocation/designation of western area of open space as CWS including measures to avoid degradation through use by dogs/amenity users. This to be subject to time triggers to ensure that no further degradation of habitats.
8. Off site Mitigation for loss of grassland/wildflowers.
9. Advance Planting of strategic hedgerows/tree planting along western boundary of the development and similar along southern boundary including Devon banks within one month of outline consent being issued in accordance with previously

agreed details.

### **Conclusions**

This scheme has generated a significant amount of opposition from local residents. In the current Adopted Local Plan it is identified as Urban Landscape Protection Area. In terms of the delivery of housing sites, there is a need to meet a 5 year land supply, this at the moment needs to be based on the Draft Regional Strategy which means an increase in the number of housing units to be provided.

It is becoming increasingly clear that a failure to maintain an adequate 5 year supply of land for housing will compromise the ability to defend appeals and in the light of the current policy position the Councils position may not be as robust as previously thought.

There is a proven qualitative and quantitative need for housing. Sites will have to be identified and the means of doing this is complicated by the changes to planning policy at a national level in terms of exactly how growth is to be delivered. Nonetheless it is clear from current government advice that the need to deliver sustainable growth will be a key requirement.

The Core Strategy has identified areas of potential growth and this site is within a key area of search. It has been highlighted in the past as suitable for development. It is one of the least sensitive of the potential housing sites, and was identified as such in the Landscape Character Assessment which supported site identification for the Core Strategy. It is also in an eminently sustainable location and providing its key characteristics are not 'seriously harmed' then it should, under paragraph of PPS3 be considered favourably for housing.

Detailed negotiations have taken place to maintain the broad function of its landscape character and to maintain biodiversity on the site. The applicant has responded positively to these concerns and the scheme now achieves the delivery of needed housing whilst retaining key landscape and biodiversity functions, a generous green infrastructure and a managed County Wildlife Site.

There is inevitably some loss of openness however this should be weighed against the benefit from the land being publicly accessible. Carefully worded conditions are necessary that will tie down the delivery of the landscape concept embodied in the Master Plan and a high scoring BFL assessment.

There is some inevitability about the future of this site given its history, its location and the fact that difficult choices will have to be made about sites to meet housing need.

### **Conditions.**

1. Submission of Reserved Matters- Layout and design, appearance, landscaping, existing and proposed levels across the site- Scheme to provide up

to 155 dwellings of a size, layout, design and type that will ensure the delivery of the 'garden suburb' landscape master plan as laid out in the relevant and approved documents and that will enable a high score in the BFL Assessment/Secure by Design to be achieved.

2. Phasing Plan confirming delivery of specific elements of the scheme. Including Affordable Housing, Highway works Greenspace/ Play Areas/CWS

3. Implementation of approved landscaping scheme.

4. Submission / Implementation of Environmental Management Plan including triggers for advance works to offset degradation of habitats and implementation of CWS. Inclusion of means of improving on site biodiversity as suggested by RSPB/DWT/TCCT/Natural England.

5. Submission/Implementation of off site grassland mitigation.

6. Means of disposing of Surface Water Drainage. Details of proposed pond/means of ensuring safety.

7. Boundary details.

8. Means of dealing with level changes across the site.

9. Submission of details of 'advance planting along southern and western boundaries of the site and triggers for implementation.

10. Materials

11. Sustainability Audit and measures/targets for maximising eco efficiency/sustainability in design/ orientation etc.

12. Lighting.

13. Restriction on PD.

14. Details of all noise attenuation fencing.

15. Bins and bikes.

16. SWW Sewage.

17. Hedge/Tree Protection

18. Travel Plan.

19. Construction Method Statement.

**Informative(s)**

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

**Relevant Policies**

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