

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 14th May, 2024								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Cheadle Vice Chairman Cllr Southcott</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Cunningham</td> <td>Cllr Mann</td> </tr> <tr> <td>Cllr Guthrie</td> <td>Cllr Moody</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Mott</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Wakeham</td> </tr> </table>	Cllr Cunningham	Cllr Mann	Cllr Guthrie	Cllr Moody	Cllr Jory	Cllr Mott	Cllr Leech	Cllr Wakeham
Cllr Cunningham	Cllr Mann								
Cllr Guthrie	Cllr Moody								
Cllr Jory	Cllr Mott								
Cllr Leech	Cllr Wakeham								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Hoare - Democratic Services Specialist								

1. Apologies for Absence

2. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes

1 - 8

Meeting held on 16 April 2024 and the Minutes of the Licensing Sub-Committee held on 9 April 2024;

5. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number:

<https://apps.westdevon.gov.uk//PlanningSearchMVC/>

(a) 4004/21/FUL

9 - 30

Former Hazeldon Preparatory School, Parkwood Road, Tavistock. PL19 0JS

READVERTISEMENT (revised plans & documents) Refurbishment of Hazeldon House to form a single dwelling (including demolition of non listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments

(b) 0107/22/FUL	31 - 62
Land north of Green Hill, Lamerton	
READVERTISEMENT (additional information & amended description) Outline application for proposed development of 19 dwellings with access & external works with all matters reserved other than the access	
(c) 0034/24/FUL	63 - 86
Land at SX 373 834, Lifton	
READVERTISEMENT (additional/revised information received) Construction & operation of water abstraction & pumping facility with associated access arrangements, landscape planting & other ancillary works	
6. Planning Appeals Update	87 - 88
7. Update on Undetermined Major Applications	89 - 92

This page is intentionally left blank

Agenda Item 4

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **16th** day of **April 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr R Cheadle – Chairman
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr N Jory	Cllr C Mott
Cllr T Leech	Cllr S Wakeham

Other Members in attendance:

Cllrs Johnson, Kimber, Renders and West

Officers in attendance:

Head of Development Management (JH)
Planning Case Officers (HE and LH)
Deputy Monitoring Officer (CB)
Head of Democratic Services (DW)
Devon County Council Highways representative (PT)

***DM&L.50 APOLOGIES FOR ABSENCE**

There were no apologies received from Committee Members for this meeting.

***DM&L.51 DECLARATION OF INTEREST**

Cllr N Jory declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Jory declared his interest by virtue of having attended (in his capacity as Leader of the Council from 2019-23) an exhibition at The Sculpture School and meeting the applicants at this time and remained in the meeting and took part in the debate and vote thereon.

Cllr C Mott also declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Mott declared her interest by virtue of having attended The Sculpture School on a number of occasions during her terms of office as Mayor of the Council and proceeded to remain in the meeting and take part in the debate and vote thereon.

***DM&L.52 URGENT BUSINESS**

There were no items of urgent business brought forward to this meeting for consideration.

***DM&L.53 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 27 February 2024 were agreed as a true and correct record.

***DM&L.54 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and also considered the comments of the local town and parish councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 0054/24/FUL Ward: North Tawton

Site Address: The Sculpture School, Moorview Farm, Bondleigh EX20 2AP

Development: Retention of 3 holiday lets in the form of 2 shepherds huts, conversion of attic space above sculpture school and addition of photovoltaic panels.

Recommendation: Refusal

Key issues for Committee consideration:

Holiday accommodation, Sustainability, Design, Landscape, Trees, Biodiversity and Ecology, Highways and Low Carbon Development

Case Officer Introduction:

The Planning Case Officer conducted a detailed presentation to the Committee and, in summary, informed that this application was a finely balanced one. That being said, the Case Officer advised that her recommendation was that the application be refused due to the development *'resulting in tourism accommodation in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car'*.

Public Speakers:

Supporter – Mr Sherry (Agent)

In summary, Mr Sherry stated that:

- the huts had been constructed to a particularly high standard;
- the officer reason for reason being countered by the information set out in the Carbon Reduction Statement;
- no objections had been raised by Devon County Council Highways Authority; and
- the business employed 8 individuals and this application was very important to ensure the ongoing sustainability and viability of this rural business.

Mr Sherry proceeded to respond to some Committee Member questions highlighting that:

- the priority use for the huts was for the Sculpture School students and, on the rare occasions that any were vacant, then the application sought to enable them to be used for tourism purposes;
- the Sculpture School had an excellent national (and international) reputation and had even commissioned work for the Royal Family. As a result, Mr Sherry felt that the Council should be very proud that such a renowned business was based in the West Devon Borough area.

Bondleigh Parish Council representative – Cllr Dr Warre

During his address, Cllr Warre reiterated the success of the local business and advised that the Parish Council was strongly of the view that all steps should be taken to support such rural businesses and he therefore called on the Committee to approve this application.

Local Ward Members: statement read on behalf of Cllrs Casbolt and Watts that included reference to:

- the planning history that saw the School originally being granted planning permission;
- the huts not looking out of place and in no way being detrimental to the open countryside.
- Students being allowed to reside on site would in fact reduce the daily travel to and from local hotels and holiday accommodation;
- Carbon emissions would be further reduced through the on-site Electric Vehicle Car Charging points;
- Policy SPT1 (Delivering Sustainable Development). The local Ward Members were of the view that the use of Shepherd Huts was both in-keeping and a sustainable solution to support a thriving rural business;
- the local Ward Members wholehearted support for the application. The Members were of the view that, should the Committee refuse this application, then it would be putting in jeopardy not only the great work and international recognition already gained by the School, but also the future of its fantastic students.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- the dilemma of balancing the intentions of policies SPT1 and SPT2 against the contents of policy DEV15. In addition, a Member highlighted that the cultural emphasis associated with this planning application had to be borne in mind;
- the relevance of the previous decision to refuse an on-site planning application in August 2023;
- the lack of local amenities (e.g. restaurants and shops) in the vicinity of the application site;
- the wish to take every possible step to support such a successful local rural business; and

- the usages associated with the Shepherds Huts. In acknowledging the Case Officer concerns relating to tourism use, Members questioned whether it would be possible (if the Committee was minded to conditionally approve the application) to impose a condition whereby they could only be used by students. Officers replied that this was a possibility.

A motion to refuse the application (in line with the case officer recommendation) was **PROPOSED** and **SECONDED** and, when put to the vote, was declared **LOST**.

Committee Decision: Conditional approval, with delegated authority being granted to the Head of Development Management, in consultation with the Committee Chairman and Vice-Chairman, to approve the exact wording of the associated conditions.

Committee Reasons:

In line with Joint Local Plan Policy DEV15, the Committee was satisfied that the proposals constituted appropriate and proportionate expansion of a successful rural business.

By imposing a condition to remove reference to tourism accommodation, the Committee felt that this overcame some of the officer concerns in respect of the sustainability of the rural location.

(b) Application No. 2435/23/FUL

Ward : Bere Ferrers

Site Address: Land at SX 453 669

Development: 31 no new dwellings, associated access road, pedestrian link, landscaping, public open spaces & drainage

Recommendation: Conditional approval

Key issues for Committee consideration: allocated site; proposed access; impact on national landscape and housing mix; and Section 106.

Case Officer introduction:

The Planning Case Officer provided an update to the Committee in relation to a clarification email that had been received since the agenda had been published. Whilst the email had been circulated to all Committee Members, the Officer provided a summary of its contents to the meeting.

Public Speakers:

Objector – Mr Crozier

In summary (and with the aid of visuals), Mr Crozier made reference to:

- the poor (and dangerous) access on to the highway from the application site and the surrounding junctions, which were at severe angles;
- the adopted Neighbourhood Plan being disregarded by these proposals; and
- this application site representing the worst possible alternative.

Supporter – Mr Coles (Agent)

During his address to the Committee, Mr Coles advised that:

- discussions had taken place with the Bowling Club in respect of a shared access point but these talks had proven to be unsuccessful;
- any proposed extension to the 30mph speed limit area was purely speculation at this current time; and
- there were design benefits associated with the southern access proposal.

Bere Ferrers Parish Council Representative – Cllr Lamb

With the support of photos, Cllr Lamb informed the Committee that:

- it was the understanding of the Parish Council that the Bowling Club had not been approached by the applicants. Further, both the local Housing Association and the Bowling Club had indicated a willingness to speak to the developers. To support this point, the representative shared copies of relevant correspondence with the Committee; and
- the Parish Council was of the view that feasibility had not been sufficiently demonstrated and the northern access alternative was a viable option.

Local Ward Member: Cllr Isabel Saxby

Cllr Saxby stated that:

- it was her opinion that nothing had changed in this application in comparison to the previous decision to refuse that had also been dismissed on appeal;
- the access point on to blind corners was incredibly dangerous;
- the lack of collaborative work on the proposals was a disappointment;
- there was a desperate need for additional housing in the parish; and
- there were ramifications on overriding the adopted Neighbourhood Plan.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- disappointment being expressed that the developers could not produce a scheme that saw both developments linked to the existing access point on to the road; and
- this being a very finely balanced decision for Members.

Committee Decision: Conditional approval (as per the published agenda report).

***DM&L.55 PLANNING APPEALS UPDATE**

The Head of Development Management took the Committee through each of the planning appeal cases listed in the published agenda papers and Members proceeded to note the contents of the update.

***DM&L.56 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Committee received an update from the Head of Development Management on the Undetermined Major Planning Applications that were listed in the published agenda papers and proceeded to note the contents of the update given.

(The Meeting ended at 12.25pm)

Chairman

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON TUESDAY 9 April 2024**

Present:

Cllr R Cheadle (Sub Committee Member)
Cllr C Mott (Sub Committee Member)
Cllr T Southcott (Sub-Committee Member)

Alan Parr, Lawyer (via MS Teams)
Naomi Stacey, Senior Licensing Officer
Kathy Hoare, Senior Democratic Services Officer
Karen Proctor, Principle Environmental Health and Licensing
Officer
Harry Lionis, Licensing Officer
Mark Loftus-Calvert, Immigration Enforcement Officer, Home Office
Robert Pannell, Immigration Enforcement Officer, Home Office
Ziaur Rahman, Designated Premises Supervisor, Rajpoot Restaurant

***LSC 11 APPOINTMENT OF CHAIRMAN**

It was **RESOLVED** that Cllr R Cheadle be appointed Chairman for the duration of the Sub-Committee meeting.

***LSC 12 DECLARATION OF INTEREST**

There were no declarations of interest declared.

***LSC 13 TO DETERMINE WHETHER TO REVIEW THE PREMISES LICENCE FOR RAJPOOT RESTAURANT, BRIDGE HOUSE, 25 FORE STREET, OKEHAMPTON EX20 1DL**

The Senior Licensing Officer introduced the report and set out the reasons for the Sub-Committee being required to determine this application. In February 2024, the Licencing Office received an application to review the premises license at Rajpoot Restaurant from the Home Office Immigration Enforcement Team. The Premises Licence holder had failed to meet the licensing objectives of prevention of crime and disorder due to illegal working being found at the premises when visited by the Immigration Enforcement Officers on four occasions since 2016.

The Immigration Enforcement Officer read out some key points from his report on the investigations that were carried out at the premises. He stated that employing illegal workers undermines the licensing objectives. Immigration enforcement is intelligence led and there would need to be sufficient concerns for them to investigate. They found four people who were working illegally on the visits made. Overall, fourteen

people had been found to be working at the premises since 2016 without the required permission. Civil penalties totally £215k had not been paid.

The DPS of the premises made his representation. He stated the Immigration Enforcement Offices had visited the premises a total of five times since 2020 and they found no illegal working taking place.

The Immigration Officer stated that whilst the extant order was in place, they found another illegal worker on the premises in 2023 and they were arrested. Another civil penalty was evoked as part of that.

The Committee adjourned at 10.20am. On their return they read out their decision in the following statement:

We are here to consider the prevention of crime and disorder in association with licensing arrangement at this premises. We are concerned about the continued employment of illegal workers at the establishment. We have therefore concluded that we shall remove the Designated Premises Supervisor and revoke the premises license. This will be confirmed in writing and there will be 21 days in which to appeal against this decision to a Magistrates Court.

(The meeting closed at 10.40am)

Chairman

PLANNING APPLICATION REPORT

Case Officer: Steven Stroud

Parish: Tavistock **Ward:** Tavistock North

Application No: 4004/21/FUL

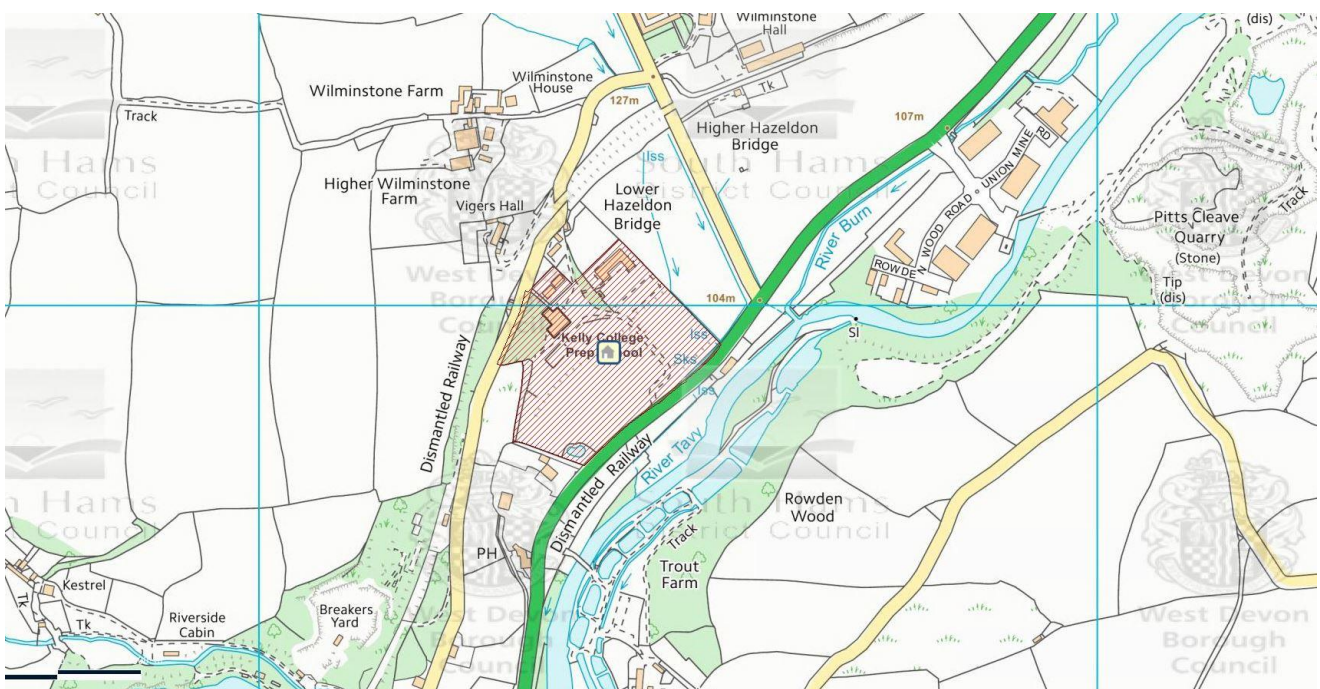
Agent/Applicant:

Mr Mark Scoot - Maypool Estates Ltd
Maypool House
Maypool
Brixham
TQ5 0ET

Applicant:

Mount Kelly Foundation Governors
C/O Agent
PL19 0HZ

Site Address: Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS



Development: Refurbishment of Hazeldon House to form a single dwelling (including demolition of non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking, and boundary treatments

Reason item is being put before Committee

Councillor Moyse (when a Councillor) requested the application be heard by the DM & L Committee especially as it is an important site on the gateway to Tavistock. Cllr Moyse contacted the Ward members in accordance with the Delegation Agreement. As Councillor Moyse is no longer a Councillor the Head of DM has called it to Committee because of the previous request.

Recommendation: Refusal

Reasons for Refusal:

1. The application provides for new development in the countryside without an essential occupational need to be so located, and in a location where occupiers are likely to be reliant upon the private car, contrary to the adopted spatial strategy of an up-to-date development plan. The proposed housing mix, comprising of predominantly larger dwellings, would not contribute to meeting local market housing needs or redressing existing imbalances in housing stock. The proposed development of houses in the open area to the site frontage will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics and the important views of the main house from the approach road to the east and other wider views of the house. The application scheme therefore does not amount to sustainable development and so would conflict with Joint Local Plan policies SPT1, SPT2, TTV1, TTV26, DEV8, and DEV23. The application does not accord with the development plan when taken as a whole and other material considerations do not justify a departure from those policies where the application would also conflict with national guidance and paragraphs 15, 82, and 180 of the NPPF 2023.

Key issues for consideration:

- Principle of Development/Connectivity
- Housing Mix
- Heritage
- Design; Trees; Landscape Character and Appearance
- Affordable Housing
- Loss of Playing Fields
- Previously Developed Land
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Ecology and Biodiversity
- Energy Efficiency and Climate Change
- Planning Balance and Conclusion

Financial Implications (Potential New Homes Bonus for major applications):

The application may give rise to income through the New Homes Bonus. However, no material weight is afforded to this consideration in accordance with advice contained within the national Planning Practice Guidance ('PPG').

Site Description:

The site is located north of the A386 between Tavistock and Wallabrook. The site comprises a large area of grounds and the listed property known as Hazeldon House, formerly Hazeldon Preparatory School, which was previously used in connection with the Kelly College. The House is located along with several outbuildings in the north western part of the application site. The remainder of the site is grassed, with some buildings which have been used as temporary classrooms in the north east of the site. The grassed areas were previously used as school playing fields.

The land slopes down from Hazeldon house towards the A386. Access to the site is directly from the A386 and currently there is a sweeping driveway up through the site to Hazeldon House.

The boundaries of the site comprise:

- North western boundary: a Devon hedge with clusters of individual trees, some of which are large and good quality specimens.
- North eastern boundary: An outgrown hedge, mainly Beech with occasional oak, growing on top of the stone faced hedge, beyond which are fields which are improved grassland and used for animal grazing.
- The northern boundary is one residential property which is accessed off the Old Exeter Road.
- The southern boundary borders the A386 independently.
- The south east boundary has a belt of trees, and the south western boundary has no tree cover, but has agricultural land beyond.

The Parkland is approximately 4.1 hectares in extent. There are also trees (some of which are of a substantial stature) within the parkland.

The site is adjacent to the Dartmoor National Park (DNP) boundary which runs along the A386 and then north east of the site. There are views of DNP from the site and views of the site from the DNP.

Following discussion with the applicant, it is agreed that the site comprises 'previously developed land'.

The Proposal:

Planning permission is sought for the refurbishment of Hazeldon House to form a single dwelling (including demolition of the non-listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access and driveway route, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments.

The proposal involves the restoration of Hazeldon house to a 5-bed, 8-person dwelling. The demolition of the classrooms to the east of the site and the construction of 10 houses which comprise the following mix:

- 1 x 2 bed 4 person cottage
- 2 x 4 bed 8 person detached houses
- 2 x 3 bed 6 person detached houses
- 1 x 3 bed 6 person detached barn
- 1 x 4 bed 8 person detached barn
- 2 x 4 beds 8 person linked barns
- 1 x 3 bed 6 person detached walled garden house.

The walled garden house is single-storey and flat-roofed with a grass roof system, walls comprising natural stone and charred timber cladding. With a stone plinth at the base of the building. The other properties comprise dwellings with a mix of single storey and two storeys (with pitched roofs), with a similar material palette.



Consultations:

The most up to date comments received from each consultee is summarised below. Full details are available for viewing on the planning pages of the Council's website and Members are direct to review them at:

<https://westdevon.planning-register.co.uk/Planning/Display/4004/21/FUL>.

All comments received have been considered fully and have been taken into account in the drafting this report.

Tavistock Town Council – neutral:

'Neutral View however recommended that attention be made to:

- Sustainability;
- The mix of types/sizes of houses proposed;
- Site not included in the Joint Local Plan

Refer to policies:

- SP22 (4)
- SP5(1)

- SP5(7)

However, the provision of heat pumps was welcomed (DEV 32)

Environmental Health Officer – no objection subject to conditions (contamination, CEMP, noise from air source heat pumps).

DCC Education – no objection; no contributions required.

Trees – no objection.

Local Highway Authority – no objection subject to conditions, and obligations relating to provision of bus stops and footway widening.

Dartmoor National Park Authority – no objection; the development would not be harmful to the setting of the Dartmoor National Park but request the Council as the Competent Authority considers the cumulative impact of recreational pressure from housing developments on this fringe of the moor on the Dartmoor Special Area of Conservation.

Sport England – objects; the application does not accord with any of the exceptions to Sport England's Playing Fields Policy or with the NPPF. Should the Council be minded to grant planning permission, the application should be referred to the Secretary of State. Sport England make the point that irrespective of when the use of the playing fields ceased a recent appeal decision found that a playing field last used in 2012 was still the lawful use.

DCC Waste – comments; request a condition for a waste audit prior to commencement of development.

Police DOCO – comments; recommend secure by design measures for the development proposed.

Lead Local Flood Authority – no in-principle objection to the proposal but have requested additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Affordable Housing – no objection; it is recognised that no contribution is required.

Ecology – no objection subject to conditions and Tamar EMS contribution.

OSSR – holding objection subject to further information regarding the amount of public open space, accessibility of the parkland, details of the proposed play facilities, discussion over loss of playing pitch land, and agreement of s106 contribution towards improvements to sports facilities.

Landscape – objects: 'The proposed development of houses in the open area on the south-eastern part of the site, will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics. Development of this part of the site would be contrary to the policy DEV23 of the JLP and para.[180] of the NPPF 2023.'

Heritage – [most recent comments copied in full, under Heritage section below]

Policy – object based on housing mix and unsustainable location.

Representations:

9no. letters of representation have been received, considered to represent 5no. objections and 4no. in support. The material issues raised in the letters are summarised below, but Members are directed to read them in full on the Councils website:

<https://westdevon.planning-register.co.uk/Planning/Display/4004/21/FUL>

Support

- The house should not be allowed to fall into disrepair and ruin
- Removal of ugly classroom buildings would be an improvement
- Proposed houses are sympathetically designed and in-keeping
- Visual impacts are minimised through well thought-out landscaping and planting
- Development of the site will support the school
- Sustainability/energy efficiency measures are important benefits
- Affordable homes not required in this location
- Good access to services and facilities/walkable
- Efficient use of a brownfield site as gateway to town

Objections

- Outside of Tavistock and is contrary to the Plan
- Out of character with the area and the setting of the Dartmoor National Park
- Wilminstone Cottage would be overlooked due to higher level of new dwellings; existing buildings are single storey
- Concerns due to increase of traffic
- Concern regarding proposed tree loss and effects of engineering works/driveway
- The site was previously removed from the Local Plan because it was unsustainable
- Three recent appeals nearby but closer to the town have all been dismissed
- WDBC is already meeting its housing needs
- The site would be better put to a community use
- Inefficient use of land; housing for young people and families are needed
- Site should remain open and unspoilt

Relevant Planning History:

2236/17/OPA: Former Hazeldon Preparatory School, Mount Kelly College, Parkwood Road, Tavistock PL19 0HZ

Outline application (all matters reserved apart from means of access) for the demolition of existing structures (no works proposed to Hazeldon House) and site redevelopment to provide up to 81 dwellings, associated access, parking, circulation, open space, landscaping and supporting infrastructure (including retaining structures).

Refused, 18/4/2018

0625/19/PRE

Pre-application advice for provision of 2 day heritage assessment by Conservation Specialist.

Partial support, 24/2//2021.

The present application has been considered on its own merits and in accordance with the present local and national planning policy framework and local circumstances.

ANALYSIS

Principle of Development/Connectivity:

The Plymouth and South West Devon Joint Local Plan ('JLP') sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, with other policies amplifying and giving effect to those requirements.

The adopted JLP establishes a hierarchy of settlements to which development will be directed, and those settlements are named as part of policy TTV1. Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

As paragraph 5.5 of the JLP explains, policy TTV26 will be applied 'outside built-up areas' and if so adjudged, will fall within the Countryside (on the bottom tier of the settlement hierarchy). In this case, the site is rural in character in an area where the built up edge of the town has feathered into more sporadic development as it transitions into open countryside – this is a judgement that can be reached not only spatially but as part of the kinetic experience travelling northwards along the A386 as you pass the B3357 junction to the east and Mount Kelly College to the west before eventually reaching the application site, where built development is less frequent and the highway boundaries more verdant (and *vice versa*). It is noteworthy that paragraph 13 of the Applicant's legal opinion pertaining to previously developed land also assesses the site as not being within a built up area. This finding is also consistent with what the Inspector found in the Wilminstone Industrial Estate appeal, discussed below.

Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets, and the Countryside. In such circumstances, policy TTV1 explains that: 'development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.'¹

Policy TTV26 of the JLP relates to development in the Countryside. The aim of the policy, as articulated in the first line, is to protect the special characteristics and role of the countryside. The policy is divided into two different sets of policy requirement; the first part applies to development proposals considered to be in isolated locations.

The JLP SPD (§11.50) states that the Council applies the test of isolation in a manner consistent with the *Braintree*² case and any superseding judgment. The subsequent *Bramshill*³ judgment affirmed that the essential conclusion in *Braintree* (at para. 42 of that judgment) was that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgement for the decision-maker on the facts of the particular case.

¹ Policy TTV27 is not considered to apply in this case/the application is not made pursuant to its requirements as a scheme for market dwellings.

² *Braintree DC v SSCLG* [2018] EWCA Civ 610.

³ *Bramshill v SSHCLG* [2021] EWCA Civ 320.

Having regard to the circumstances of this case, and despite matters of functional connectivity as discussed below, it is not considered that the application site is so far apart and physically disconnected from Tavistock to be isolated. The first part of policy TTV26 does not therefore apply. The second part of policy is set out as follows, applying to all development in the countryside.

'2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
- v. Avoid the use of Best and Most Versatile Agricultural Land.
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long-term degradation of the landscape and natural environment will be avoided'.

Not every criterion within this part of the policy would be engaged or relevant to every proposal. In this case there is partial compliance with the second criterion recognising the refurbishment of Hazeldon House. However, in relation to the fourth criterion there is no occupational justification that requires the erection of the 10no. new market dwellings in the Countryside location proposed. Likewise, the development of the site in at least relation to the five dwellings at the frontage would be harmful to the setting of Hazeldon House and the ability to appreciate its significance beyond the site boundary, thereby conflicting with the sixth criterion. Standing back and assessed as a whole, the application scheme does not accord with policy TTV26.

The Applicant's position is understood to be that the market dwellings are necessary to cross-subsidise the works to Hazeldon House. The receipt for the sale of those market units would also support the various community initiatives undertaken by the College. However, no precise costings have been provided to show that the housing proposed is only that which is necessary to enable the Hazeldon House works. On that basis limited weight is given to this factor.

Consistent with policies SPT1 and SPT2, Strategic Objective SO10 provides context and gives effect to policy TTV26 and clarifies what the plan seeks to achieve in Countryside locations. Of relevance to this application, the strategic objective states:

'SO10 Maintaining a naturally beautiful and thriving countryside

To protect, conserve and enhance the natural beauty of South West Devon's countryside, and to avoid the creation of new homes development in unsustainable or inappropriate locations.

Delivering new homes only in areas where there is an identified local need.

Protecting and managing the landscape.

Contributing to carbon reduction measures by reducing the need to travel...'

As will be explored below the development would not meet local housing needs which leads to conflict with SO10.1 (and policies SPT2 and DEV8). In light of the characteristics of the site, local landscape character would not be protected, at odds with SO10.2.

In respect of connectivity, this has been a matter of debate between officers and the Applicant. It is also recognised that the Local Highway Authority has not objected on grounds of safe and suitable access, subject to the measures proposed and to be secured (footway widening and bus stops), however they state in relation to bus provision:

‘Within the nine/ten journeys there are some gaps of over two hours which do detract from its attractiveness for local journeys – towards Tavistock there is no departure between 0805 and 1020 and again between 1457 and 1725. The 118 service is operated by two buses which have a limited amount of free time. The highway authority would not, on balance, recommend any contribution towards public transport from this comparatively modest number of new units (compared to the previously submitted applications which generated the need for a contribution).’

The nearest bus stop is currently c.1km away at the College but there are limited pickups at this point. As part of the application, it is proposed that new bus stops be provided on the A386 near the site access to attract more use of public transport as a means of travelling to and from the site. It is not clear the frequency of stops that could be secured albeit recognising that the 118 service provides routes to Tavistock and Okehampton which pass the site.

The Appellant has referred to an appeal decision at Folly Gate (ref. 3273815, September 2021) where an Inspector found that a 2.5km distance was acceptable in finding reasonable access to the vibrant mixed use centre of Okehampton, in accordance with policy SPT2. However, and conversely, a more recent appeal decision on land opposite Wilminstone Industrial Estate (ref. 3289369, November 2022), which relates to land at least 0.5km closer to Tavistock than the application site in the previous case, found a ‘significant distance to many shops, services and facilities.’ The Inspector also found no support for the development from policy TTV26.

In this case, direct access to the A386 is preferable and would offer a generally lit and level route into town. However, it would appear to be common ground that access to the vibrant mixed use centre of Tavistock, to meet daily needs, is around or more than 2km away and much of the distance would run immediately adjacent to a busy carriageway (c.600m being at a 40mph limit). In common with the above Wilminstone appeal this is a significant distance and is more than the guideline distances set out at Figure 3.2 of the JLP.

The Applicant makes the point that the table does not account for Countryside / fourth tier locations such as the application site (notwithstanding that realistically the occupiers of the development would be reliant upon the facilities of the town such that the table would indeed be relevant) but that is nothing to the point: whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (as NPPF para. 109) this does not alter the fact that the walking distances involved would be significant and would also not accord with national guidance where, for example, the Manual for Streets (‘MfS’) describes walkable neighbourhoods as being typically characterised as having a range of facilities within 10 minutes’ (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. It also notes that walking offers the greatest potential to replace short car trips, particularly those under 2km (para. 4.4.1). MfS also states that the propensity to walk is influenced not only by distance, but also by the quality of the walking experience. It notes a 20-minute walk alongside a busy highway can seem endless, yet in a rich and stimulating street, such as in a town centre, it can pass without noticing (para 6.3.1).

In summary, therefore, the distances for walking would not strictly speaking place the site within a “walkable” neighbourhood in the terms used by MfS, nor within distances which would likely promote walking as a sustainable travel mode (and exceed the guidelines in Figure 3.2). On

the other hand, the Applicant has sought to improve connectivity and access to sustainable travel through footway improvements and new bus stops – this is commendable albeit improvements to the footway would not make journeys by foot more attractive overall. The bus service is not comprehensive noting the comments of the LHA (it also being unclear how many pickups at the new bus stops could be agreed and provided in light of the ‘limited amount of free time’ available and so this benefit should be treated with some caution) but the existing bus service is not so limited to be unusable for some planned trips. Cycling would be a travel option into Tavistock but obviously would not be suitable for all occupiers; connection to NCN route 27 would be positive.

On balance, there would likely remain reliance upon the private vehicle to access local services and this results in a conflict with SO10.3 and policies SPT1 and SPT2 because there would be a lack of reasonable access to vibrant mixed use centres.

Overall, the application therefore fails to accord with policies SPT1, SPT2, TTV1, and TTV26. The policies of the development plan have identified opportunities for the TTV policy area to grow and thrive in a sustainable way and this directs where new sustainable development should and should not go. The application proposal is at odds with that strategy. The importance of the plan-led system is a key plank of Government policy and there is no indication that the JLP is not meeting required needs going forward. This is a matter of significant weight.

Housing Mix:

Policy DEV8 of the JLP states that a mix of housing sizes, types, and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. It is explained that the most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.
- ii. Housing suitable for households with specific need.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

The JLP SPD explains the rationale behind policy DEV8 as follows:

‘4.14 In South Hams and West Devon there is an imbalance between existing housing stock and the projected size and needs of newly forming households. There is a higher proportion of 4 or more bed homes than the rest of Devon and Cornwall and both are also in the top three in Devon and Cornwall for under-occupancy with around 35 per cent of homes having at least two spare bedrooms. The planning system cannot prevent people from under-occupying their homes, or buying a home with a spare room, but it can ensure that the mix of new homes is better suited to the needs of smaller households. A step-change in the delivery of smaller homes will enable greater churn within the existing housing stock as it will facilitate down-sizing for older people, as well as providing a first-step towards independent living for young people and young families.

4.15 Housing stock that comprises a relative over-provision of large houses makes it increasingly difficult to rebalance the demographic profile and increase home ownership because the current housing stock is inherently unaffordable. Large dwellings, particularly those in coastal settlements, are not suited to smaller households or households that are earning close or similar to the national wage.’

Similarly, policy SPT2 specifies that development should have a good balance of housing types and tenures to support a range of household sizes, ages, and incomes to meet identified housing needs; and promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services. This follows Strategic Objective 7 which among other matters seeks to deliver a quantity and mix of new homes that responds positively to local housing needs.

On its face, the emphasis of the application scheme is aimed at the larger house market, with only one 2 bed-unit proposed and the rest being 3-bed properties and larger (1no. x 2-bed; 4no. x 3-bed; 5no. x 4-bed; 1no. x 5-bed). It is important to place this proposed mix into context and the JLP Officer sets out the following:

‘2021 census data is available for Tavistock, and it helps to build a profile of the prevailing characteristics of the town and surrounding area. Key datasets include:

- over 70% of all households in Tavistock comprise of only 1 or 2 people.
- Over 40% of existing homes have at least 2 unoccupied bedrooms.
- Less than half of the population are economically active.
- 45% of the population are over the age of 55.

The profile built for Tavistock suggests that there is no local need for ‘family-sized’ dwellings based on the prevailing household size and extent of existing significant under-occupancy. Whilst there is some merit in some units having sufficient internal space to provide a home office, it is not considered necessary for all units to offer this flexibility given the age profile and level of economic activity within the local area. Indeed since 2011 the proportion of 4+ bed accommodation has increased from 23% to 24%, which suggests that recent changes in the housing stock have done little to address the defining characteristics of the local population.

Notwithstanding the unsuitable location for housing given its distance from local services and facilities, if we were to consider what an appropriate mix would look like, it could comprise a small number of 3 and 4 bed homes to reflect a limited need within the local population, but the prevailing characteristics of the local housing stock, and what we know about the demographic profile of the local community would demand a majority of smaller homes on site. Anything other than this would see a clear conflict with policies SPT2.4, SPT2.5 and DEV8. It should also be noted that dwellings sizes that correlate more closely to household size reduce exposing occupiers to excessive heating bills as it avoids having to heat and maintain unused rooms. This is not only economically preferable for occupants, but also helps to reduce carbon emissions.

The size of accommodation is also directly proportionate to the resale values, and, as the Garden Mill appeal⁴ identifies: “With specific reference to Policy DEV8, the SPD highlights the high proportion of 4 or more bed homes within South Hams and West Devon relative to the rest of Devon and Cornwall, the under-occupation and inherent unaffordability of such to those on lower incomes, particularly in coastal settlements, and the resulting inability to create opportunities for home ownership.”

⁴ “Garden Mill” was an appeal (ref. APP/K1128/W/21/3296573) relating to a site in the South Hams district but where the same policy considerations applied under the JLP; among other matters, the appeal was dismissed due to an unacceptable mix of housing that would not positively addresses existing imbalances in stock.

West Devon Borough Council have declared a Housing Crisis, and Tavistock is one of the highest value housing markets within West Devon. Any housing mix that is skewed towards larger housing will only perpetuate the pre-existing affordability gap between house prices and local wages, which have a disproportionate impact on lower earners access housing.’

Having regard to the above policy context and local circumstances, the application cannot be said to redress existing imbalances in housing stock (rather, the imbalance that does exist would be exacerbated), nor would the proposed dwellings suit younger people or smaller households.

The Applicant makes the point that the ability to meet local housing needs becomes less relevant in smaller schemes such as this and therefore the application cannot be expected to comply. However, that cannot be right because if all “smaller” schemes took such an approach then this would make it difficult if not impossible to meet local needs based on identified imbalances in housing stock. Such an approach has also been rejected in recent appeals for the TTV policy area including Stokenham (ref. 3307159) and Lamerton (ref. 3282233), where conflict with DEV8 was identified for those 3-unit and single-dwelling schemes respectively.

The proposed development would fail to accord with policies SPT2 and DEV8 and this also significantly weighs against the application.

Heritage:

The application involves works to refurbish Hazeldon House alongside demolition and new development within its setting. Hazeldon House is a Grade II listed building (no. 1453765).

In accordance with s66 of the listed buildings Act special regard has been paid to the desirability of keeping that designated heritage asset from harm; in practice this means affording considerable importance and weight/great weight to any harm identified and recognising that any such harm gives rise to a strong presumption against granting permission. Every effort must be made to at least preserve significance.⁵

Policy DEV21 identifies that development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, in a manner appropriate to their national and local significance. The policy goes on to state that great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against the public benefits of the development. Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

The local policy is consistent with the relevant provisions of the NPPF, particularly Chapter 16: Conserving and enhancing the historic environment.

⁵ A further listed building, Tavy Cottage (no. 1105816), is located to the southwest but due to the degree of separation involved (visually, functionally, and historically) its significance would not be materially affected by the development.

In the consideration of complex proposals that will inevitably lead to heritage harm as well as heritage benefit, the Courts have clarified that decision-makers may legitimately net-off/undertake an “internal” balance of such harms and benefits as a prelude to deciding whether the typical balance required by NPPF para. 208 (and in this case policy DEV21, too), is required. For ease, that is the approach that will be followed in this application recognising the latest response of the Heritage Officer who sets out their opinion as follows:

‘1.0 Background

It is not my role to comment on the architectural design or other aspects of the development proposal other than the effect on the listed building and its setting. My observations focus on that aspect of the proposal.

The aim of JLP policy DEV21 is clearly stated, *‘Development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance.’* My assessment is offered within the context of the NPPF as well – with paragraphs 203, 205 and 208 being most relevant. I have also applied Historic England guidance within ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’.

The application follows considerable pre-application discussion and has been submitted alongside 4005/21/LBC, which covers the restoration of this fine listed building. Whilst the decision has been held back to be in tandem with the full planning the LBC has full officer support.

2.0 Effect of proposed development

The proposed development is within the setting of Hazeldon and will impact upon the qualities and character of the designated heritage asset. It has been stressed throughout that Hazeldon and its parkland were designed as a single entity with the landscape integral to the character, significance, and special interest of the house. Successive alterations in the later 20th century to the access drive, the creation of playing pitches, erection of the modern structures associated with the preparatory school and removal / addition of trees have all eroded character and harmed setting. It is essential that the historic harm is reversed as part of any planning approval.

The application offers several benefits including:

- Removal of poor structures that are themselves harmful to the setting of Hazeldon.
- Replacement of the structures within the walled garden with a more sensitive building that should secure the repair and future maintenance of the walled garden as a curtilage listed feature.
- Substantial restoration of the original designed parkland layout with appropriate planting and reinstatement of the carriage drive close to the original design.
- Restoration of the listed building as a single residence (its ‘Optimum Viable Use’) within much of its original designed landscape within its curtilage (see 3.0 below).

These are positive changes that can be considered to counteract any negative impacts of the proposed new development. The negative elements are significant development further to the SE of the existing structures, but there is some screening of this in views from the house and the views from the principal rooms will be only slightly affected, if at all. Views of the house from the public realm (mainly from the A386) are not of

significance to the special interest of the listed building. I assess the overall impact of the proposed development, on balance, to be neutral in heritage terms.

3.0 Securing the positive outcomes

A question remained regarding the definition of the Hazeldon curtilage, its management and ownership, especially relating to the parkland in front of Hazeldon. This has now been resolved in principle and provided the delivery of the full landscaping scheme is agreed with clear ongoing management assured via a S106 legal agreement that will secure the necessary enhancement to setting. This needs to be a quite detailed agreement incorporating works like the repair and restoration of the entrance piers and walls, the walled garden etc.

If the proposed development were to be approved, I would expect the S106 agreement to also require the full external repair and restoration of Hazeldon and removal of the negative structures in its immediate vicinity to be completed by agreed stages of the wider development. This would be necessary to ensure that the listed house benefits from development within its setting, but I must stress that the development cannot be seen as 'enabling development' as defined by Historic England guidance (Historic Environment Good Practice Advice in Planning: 4).

The worst scenario would be that the new development is undertaken without Hazeldon being fully restored so that outcome must be avoided. The same principle applies to the development within the walled garden which must secure complete restoration of the walls themselves.

4.0 Conclusion

My assessment of overall heritage impact is that it is neutral at worst, with positive restoration and enhancement balancing any negative impact of the development. This is on the assumption that all the enhancements shown would be delivered in a timely manner with all details agreed and an ongoing landscape management plan assured. Provided the positive benefits of the scheme are secured within any approval I have no reason to recommend refusal on heritage grounds.'

It is important to recognise that the proposed new development is of itself harmful because the new dwellings – particularly those five units to the frontage – would impinge upon the historic parkland character that contributes to the significance of Hazeldon House. However, adopting a cautious stance, the various heritage benefits to flow from the development including the refurbishment of the house and the demolition of various harmful surrounding structures (albeit in essence being replaced by new development), are sufficient to mitigate that harm such that, overall, no net harm would arise. In drawing that balance officers would recognise that for the purposes of the development proposed the capital receipts from the additional dwellings would be necessary, at least in part, to contribute to that refurbishment (recognising that on the other hand the Applicant also says that such funds are necessary to support the school more widely).

On that basis, the application would accord with policy DEV21 and the NPPF because the significance of Hazeldon House would be sustained overall, but this is a neutral factor in the decision: the proposed development is not harmful, but it does not in officers view enhance the significance of the heritage asset either.

Design; Trees; Landscape Character and Appearance:

The design of the proposed development, notably the provision of the new dwellings, has been subject to an iterative process following discussion between officers and the Applicant. Design

changes have included reducing ridge and eaves heights, a reduction in upper-floor glazing, and various aesthetic changes to better reflect local distinctiveness, albeit the dwellings would nonetheless have a contemporary feel that is not of itself objectionable. Layout changes have also been undertaken to provide for a more balanced grouping of built form when viewed at distance. The rationale for the design approach undertaken is accepted and overall, the quality of the scheme is acceptable of itself.

Previous concerns raised by the Council's arboricultural officer have now been addressed and no objection is raised in relation to protection of important existing trees and new planting, subject to the implementation of the measures outlined in the submitted Arboricultural Impact Assessment and associated Tree Protection Plan.

In respect of landscape character, the Council's landscape officer objects and this specifically relates to the proposal for five dwellings on the lower-lying, south-eastern area of the site, where for this element of the application scheme there is a clear divergence of opinion between professionals. The landscape officer, having paid regard to the commentary of the Applicant's consultant, states most recently:

'Notwithstanding the comprehensive landscape strategy, which includes additional native planting within and around the site boundaries, the five, large, detached houses, with equally large, detached garages result in 10 additional and substantial buildings, which do not accord with the recognised character of this site's landscape. The open nature of the former playing fields and open spaces in this south-eastern area is a distinctive characteristic of the application site. I acknowledge that the presence of buildings is not necessarily incompatible in general terms with the Landscape Character Type within which it falls (LCT 3F). However, I remain of the opinion that the introduction of buildings into the lower-lying area of the site, formerly occupied by playing fields, would be intrusive to the current character of this site.'

The overall landscape strategy is well-conceived, and broadly appropriate for the areas to the west of the driveway and south of the main house. The landscape proposals and proposed softworks schedule are noted and species chosen are broadly acceptable.

The proposed new housing would ultimately be much less visible once the strategic landscape scheme has established and matured. The proposed landscape scheme will introduce a substantial amount of new planting, which is broadly welcomed, and will result in the level of enclosure and screening from public view increasing. However, visual effects are not the only consideration – the character of the landscape is also relevant. So, whilst I concur that new native tree planting will make a positive contribution to the landscape character of the site and wider landscape, I am still of the view that development of the nature proposed, in the south-eastern parts of the site, would not be sympathetic to the present character of the wider site.'

In essence, it is axiomatic that the application would be harmful in this discrete regard proposing as it does new built development in an otherwise open area of countryside regardless of whether it is strictly PDL or not, and this amounts to conflict with policy DEV23.

Affordable Housing:

In respect of the requirement for affordable housing, policy DEV8 states that:

'Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site

commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.'

However, since the last report was published it has been clarified that the site does not fall within a rural area as so designated and therefore the usual requirement applies where at least 30% on-site affordable housing is required for schemes of 11 or more dwellings. Applied fairly and reasonably to the development proposed in this application, officers have agreed that no provision is required. This is because notwithstanding the refurbishment of Hazeldon House which as an existing dwelling, only a net increase of 10 dwellings is proposed therefore falling under the threshold of the policy.

Loss of Playing Fields:

Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with paragraph 103 of the NPPF. This is at variance to the views expressed at pre-application where it was indicated that no objection would be raised due to the provision of alternative space elsewhere.

The applicant does not consider that Sport England has jurisdiction to respond to the application because the playing fields were last in use in 2014 and there is no apparent intention to resume that historic use. Where the land in question is not being used as a playing field(s) and was not used as such for at least five years prior to the submission of the application, there is no statutory duty to consult in accordance with the provisions of Schedule 4 of the DMPO 2015. The requirement to refer the application to the Secretary of State if Members are minded to grant planning permission would appear to be moot (because if there is no requirement to consult Sport England then there is no formal mechanism for an objection to be made by them). Likewise, the guidance contained in the PPG would also appear to indicate that no consultation is required. Officers are inclined to agree with the applicant on this point but if Members are minded to grant permission, then it would remain prudent to refer the application (and the Council's intention) to the national casework unit and seek direction.

Either way, considering the significant period of non-use and where there is no existing use (nor any apparent intention to resume use assuming that it has not in fact been abandoned), it is not considered that there would be any conflict with policies DEV3 and DEV4, or the NPPF. Even if there were technically a breach of those local or national policies the clear local circumstances in this case, which includes an alternative provision having already been provided by the Applicant, mean that this is of no material significance to the overall decision. This is a neutral factor overall.

Previously Developed Land:

During the application process a matter of debate arose as to whether the land at the site frontage (i.e., the playing pitches) was previously developed land/brownfield ('PDL'). In response the Applicant provided a legal opinion arguing why that area should be PDL having regard to the NPPF and recognising the significant engineering works required to create the structures that formed those pitches.

Whilst as a matter of planning judgement there could be some debate as to whether the pitches and other structures have in fact through the passage of time blended into the landscape, and bearing in mind that despite the claims in the opinion that the pitches could be readily put back to their intended use (at tension therefore with the Applicant's position regarding the Sports England objection), officers are inclined to accept this position and also where even if part of the site had blended into the landscape the site overall remains PDL.

On that basis it should be recognised that the application would accord in this discrete respect with policy SPT1 (3.i.). However, the weight to be afforded to this consideration as a benefit should be tempered in recognising that in its present form the open nature of the site frontage still contributes positively to the character and appearance of the area. Members should also note that the NPPF requirement to give substantial weight to the value of using brownfield land applies within settlements; that exhortation therefore does not apply here.

Overall, therefore, and recognising that the site is essentially in its totality brownfield, the use of PDL land is consistent with the environmental objective of policy SPT1 (and the general thrust of the NPPF) but nevertheless specific circumstances should temper the weight of this benefit in the round.

Residential Amenity:

It is always necessary for developments to consider the amenities of neighbours, third parties and impact on the environment. In this case, the proposed development would comply with the principles of good neighbourliness and the protection of existing residential amenities recognising the degree of separation between the proposed dwellings and existing properties outside but adjacent to the site including Tavy Cottage and Hazeldon Mews.

Likewise, amenity standards between proposed dwellings would be acceptable and there would be adequate private amenity space for the future occupiers of the development with sufficient space for the drying of clothes, private sitting, and children's play (noting the guidelines in the JLP SPD). Dwellings also meet the NDSS, as required by policy.

The development would therefore accord with JLP Policies DEV1, DEV2, DEV10 and the requirements of the NPPF.

Highways:

The LHA is satisfied that safe and suitable access can be achieved for all users and that impact upon the local highway network would be acceptable. The application therefore accords with policy DEV29 and the NPPF in that respect.

In total 42 spaces are proposed on the site: 21 car port spaces, 16 on-plot spaces and 2 driveway and 3 visitor parking spaces. This gives a parking ratio of 3:1 including 3 spaces for Hazeldon House, in the form of a flat roof car port, located to the east of the house. The parking proposed meets the requirements of the SPD. Internal access and turning arrangements are equally acceptable.

In having regard to the above, it is considered that the proposal accords with JLP Policy DEV29.

Flood Risk and Drainage:

The site is identified as being at low risk of fluvial or pluvial flooding. The submitted drainage strategy indicates that soakaways are not feasible. It is therefore proposed to place an attenuation tank under the parkland in the southern part of the site. The discharge will be to a stream which currently exists along the southern boundary. There are also two areas which are currently ponds. Whilst these are shown on the drawings, there is no reference to them being utilised for surface water run off purposes. The Lead Local Flood Authority have confirmed that they have no objection in principle to the proposed surface water drainage, albeit require additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Where officers were previously proposing a recommendation of refusal for the application, the additional information was not specifically requested. Regardless, as no in-principle objection has been raised i.e., that it is an implementation matter, this can be dealt with by Grampian condition if Members are minded to grant permission.

A foul drainage system is proposed to be provided which will discharge to South West Waters adopted foul sewer 470m south of the site at the junction of Parkwood Road and Old Exeter road. South West Water have confirmed that there is capacity on the current sewer network to accommodate the development proposed.

The application therefore accords with policy DEV35.

Ecology and Biodiversity:

A Preliminary Ecological Appraisal/Update (with previous Ecological Impact Assessment appended) has been submitted with the application. Subject to precautionary, mitigatory and enhancement measures it is considered that the application would safeguard protected and/or priority species. Following submission of the supporting DEFRA metric spreadsheets, it has been confirmed that 10% BNG can be secured (19.09% increase in habitat and 100% increase in hedgerow units).

The site falls within the Zone of Influence for new residents likely to have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a unilateral undertaking, and this approach has been agreed by Natural England. Adverse impacts can therefore be avoided.

On that basis, the application is considered favourably where it accords with policy DEV26.

Energy Efficiency and Climate Change

The application is accompanied by an Energy Statement which details how the requirements of policy DEV32 are capable of being met. It is envisaged that the scheme will exceed Part L of the Building Regulations, but the issued statement relates to an older standard. It is also the case that the Council's 'DEV32 plus' policy has come into being during the lifetime of the application and this requires a more rigorous assessment of climate change matters. The current submission does not meet that standard. However, given the other issues raised that go to the heart of the principle of development it is not considered necessary on this occasion to put the Applicant to the additional expense of providing an updated assessment. Furthermore, based on what has been submitted so far, there is no reason to consider that the improved standard cannot be met, and this could be secured by planning condition if Members were minded to grant planning permission.

Planning Balance and Conclusion:

The recent case of *Corbett*⁶ has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

⁶ *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point.

The application provides for new development in the countryside without an occupational need to be so located, and in a location where occupiers are likely to be reliant upon the private car, contrary to the adopted spatial strategy of an up-to-date development plan. This is supported by two recent appeal decisions in locations closer to Tavistock town having been so dismissed.

The proposed housing mix, comprising of predominantly larger dwellings, would not contribute to meeting local market housing needs or redressing existing imbalances in housing stock. The proposed development of houses in the open area to the site frontage will harm the open and recreational nature of the eastern part of the site, which should remain undeveloped to protect the particular landscape characteristics. The application scheme does not amount to sustainable development where it would conflict with policies SPT1, SPT2, TTV1, TTV26, DEV8, and DEV23.

Because of the planning policy conflicts identified, the application development fails to accord with the development plan as a whole. The starting point for determination of the application must be to withhold a grant of permission but this is not the end point.

When assessed against the policies of the NPPF the development would be outwith the strategy in an up-to-date plan where the planning system should be genuinely plan led (para. 15); would not respect local circumstances because it would fail to respect local housing needs (para. 82); and would not recognise the intrinsic character and beauty of the countryside (para. 180).

The Council can demonstrate that it has a five-year housing land supply and continues to pass the Housing Delivery Test; the development plan is up to date. The consequence of such being that:

- i. The most important development plan policies for determining the application cannot be deemed as out of date by virtue of NPPF footnote 8.
- ii. The development plan is meeting the Government's housing land supply requirements without the proposed scheme; and, accordingly
- iii. Although still a material benefit, the provision of market housing proposed by the applicant cannot be as weighty a consideration as it would be in the event that such a supply or HDT result could not be demonstrated.

The other public benefits of the development are not insignificant, however. Aside from the social and economic benefits of arising from the development in construction and future occupation, environmental benefits in the form of improved planting and BNG would be secured. The application also represents the redevelopment of PDL.

The Applicant is an important local employer and whilst no undertaking has been provided, following discussions with them there is a degree of confidence that the receipts to be gained from the development of the net dwellings would be recycled in the support of the school and its future community initiatives. However, in the absence of any project details/security of delivery, or clear linkage in land-use planning terms, the weightiness of such benefits should be tempered accordingly.

The heritage benefits are of considerable importance but cannot be double-counted because they are in essence neutralised by virtue of the heritage harms represented through the new development proposed.

Overall, the application is finely balanced. The proposed development would be contrary to the development plan and national planning policy and, on that fine balance there are no material considerations that justify a departure from those policies; the harm that has been identified outweighs the benefits.

This application has been considered in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance, and any other material considerations. Section 38(6) of the Planning and Compensation Act 2004 requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13th May 2019 confirming the change.

On 19th December 2023 DLUHC published the HDT 2022 measurement. This confirmed the Plymouth, South Hams, and West Devon's joint HDT measurement as 121% and the consequences are "None".

The combined authorities can demonstrate a 5-year land supply of 5.84 years at end March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published February 2024).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV20 Spatial priorities for development in Tavistock.

TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land, and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands, and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan:

The Tavistock Neighbourhood Development Plan is at an early stage of the plan-making process (pre-submission Reg 14) such that it carries no determinative weight in this decision.

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (JLP SPD)

Other material considerations include the policies of the NPPF and guidance in Planning Practice Guidance (PPG).

There are no material considerations which indicate that the direction of the plan should not be followed in this case.

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.

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Steven Stroud

Parish: Lamerton **Ward:** Milton Ford

Application No: 0107/22/OPA

Agent:

Tom Rogers
Rogers and Jones Architects
17 Gordon Terrace
Mutley
PL4 6EP

Applicant:

Piers Turner
Southern Properties
4 Culvers Meadow
Launceston
PL15 8RR

Site Address: Land north of, Green Hill, Lamerton

Development: Outline application for proposed development of 19 dwellings with access and external works, with all matters reserved other than the access.



Recommendation: Grant Conditional Planning Permission (subject to s106)

Obligations (heads of terms):

- i. Affordable Housing as required by Housing team (inc. provision of self-builds and controls for discount sale and local connection on relevant plots)
- ii. Provision, access, and future management of open space / natural greenspace
- iii. An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, allotments in Lamerton.
- iv. An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, equipped play provision in Lamerton.
- v. An off-site financial contribution towards improvements to, and on-going maintenance of, sports facilities in Lamerton and/or Tavistock.
- vi. Secondary education transport
- vii. Tamar EMS contribution
- viii. Biodiversity Net Gain

Conditions (summarised; in full at end of report):

- i. Standard time limits for RM and implementation, and phasing (noting self-build plots)
- ii. Development shall accord with red-lined location plan (S-)01, and access drawing (PL-)02 A
- iii. RM shall generally accord with Landscape Strategy Plan GE-LAM-01 A
- iv. Open market dwellings to meet Category M4(2) of Building Regulations (all to meet NDSS)
- v. Open market dwelling mix to be approved at RM
- vi. Tree Protection Plan and Arboricultural Method Statement
- vii. DEV32 / scheme for climate change and energy efficiency with RM
- viii. External lighting
- ix. Self-build Design Code
- x. As requested by LHA
- xi. As requested by LLFA
- xii. Construction Management Plan
- xiii. CEMP inc. measures to safeguard river environment
- xiv. As requested by Ecologist (inc. LEMP)
- xv. Archaeology
- xvi. Unexpected Contamination

Key issues for consideration:

- Principle of Development/Affordable Housing and Policy TTV27
- Landscape Character and Appearance; Trees
- Heritage
- Highways
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Energy Efficiency and Climate Change
- Planning Obligations and Infrastructure
- Planning Balance and Conclusion

Financial Implications (Potential New Homes Bonus for major applications):

The application may give rise to income through the New Homes Bonus. However, no material weight is afforded to this consideration in accordance with advice contained within the national Planning Practice Guidance ('PPG').

Site Description:

The application site relates to a greenfield area of agricultural pasture land (1.63ha) north of Green Hill, Lamerton. The site is presently used for grazing cattle and horses and slopes down

from south west to north west; levels of 139.64m AOD can be found in the western corner of the site and levels of around 113.07m AOD can be found in the eastern corner of the site. It would appear to be common ground between all parties that the site is outside of the discernible built up area of the village such that it is in the Countryside for planning purposes.

The site is otherwise well-related to the settlement taking access from a key route into the village with key facilities such as the primary school, village hall and playing pitches, public house, and bus stops, all within accessible walking distance.

The site is not within any protected landscape designation (National Park or Landscape/AONB) but is within an area that provides an important visual setting to these two designations. It is within the 3G River valley slopes and combes West Devon Landscape Character Type. A veteran Oak tree, the subject of a TPO, is situated slightly to the east of the centre of the field.

The eastern edge of the application site is adjacent to the River Lumburn and that area is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. The Environment Agency have been duly consulted and they raise no objection. It is noted that the red-lined application site boundary deliberately excludes this area so that, strictly speaking, no part of the development would take place there (as observed by the EA).

The site is not within the Lamerton Conservation Area and is sufficiently distant from it to pose no material impact. The nearest listed building is the Grade II Foxglove Cottage (a.k.a. 'Greenhill and Homelfigi', list entry 1326230), around 50m southwest of the westernmost boundary of the site and separated by mature landscaping and the wider field edge. Considerations relating to that asset are dealt with later in this report.

The site was previously considered as part of the preparation of the Lamerton Neighbourhood Plan, within the Site Options and Assessment Report prepared by AECOM (November 2019). The site – covering at that time a much larger area of 3.7ha and with an indicative capacity of 103 dwellings – was given an 'Amber' rating where it was concluded that a: 'Smaller scale development to the south of the site is considered potentially suitable to allocate in principle subject to mitigation of identified constraints.' In reaching that conclusion the Report also identified that: 'Small scale development towards the south west of the site by Green Hill would be more appropriate and fit in with the local villagescape.' Whilst a useful indicator of how the site has been viewed in the past, adopting a cautious stance officers afford no weight to this as a consideration; the application has been assessed on its own merits and in accordance with the current policy framework.

In that vein regard has also been paid to the draft submission version of the Lamerton Neighbourhood Plan (in the published form known to date, October 2020) where the site was proposed to be allocated for 18 dwellings (on a slightly smaller site area), as an exception site where affordable housing was to be maximised in a manner consistent with policy TTV27 of the Joint Local Plan (policy H3). It is understood from the supporting text to that draft Plan document that the Green Hill site was determined by a public session to be the 'alternate "first choice"' (page 52); hence, being proposed to be allocated alongside a site at Court Cottage Farm (policy H2). However, it is understood that the plan-making progress of that Plan subsequently stalled, and the relevant steering group is now preparing a new neighbourhood plan for Lamerton instead. Either way and adopting a cautious stance despite apparent historic community preference for the site in question, the stage of the plan-making process in this case means that the Lamerton Neighbourhood Plan is not a determinative consideration in this instance and has no bearing on the recommendation made.

The Proposal:

Planning permission is sought for the erection of 19no. dwellings and associated development. The application is made in outline, with all matters reserved save for the point of access into the site. Therefore, except for access (dealt with later in this report) the assessment for this application is primarily concerned with the principle of the development proposed, also having regard to its likely impacts and effects i.e., whether the quantum and nature of development applied for can be acceptably brought forward.

As an application driven to meet an identified need for affordable housing within the village, the overall housing mix by tenure/type is as follows and this can be secured by the proposed s106 legal agreement:

- 10 x local connection affordable homes (7 no. social rent and 3 no. shared ownership)
- 2 x self-build restricted market dwellings (restricted by local connection criteria (JLP area) and a 20% discount below market value of the plots) [shown as plots 3 and 4 on the illustrative layout]
- 2 x self-build market dwellings [shown as plots 1 and 2 on the illustrative layout]
- 5 x open market dwellings

Individual housing mix (size and bedroom nos.) for the open market dwellings is not for determination at this outline stage but can be controlled for future agreement by planning condition. The affordable units are to be secured as part of the proposed s106 legal agreement, being as follows, as agreed with the Council's housing officer:

7 x Social Rent units of the following sizes:

- 1 x 4 bedroom, 7 person house
- 1 x 3 bedroom, 5 person house
- 4 x 2 bedroom, 4 person houses
- 1 x 1 bedroom, 1 person house

3 x Shared Ownership units of the following sizes:

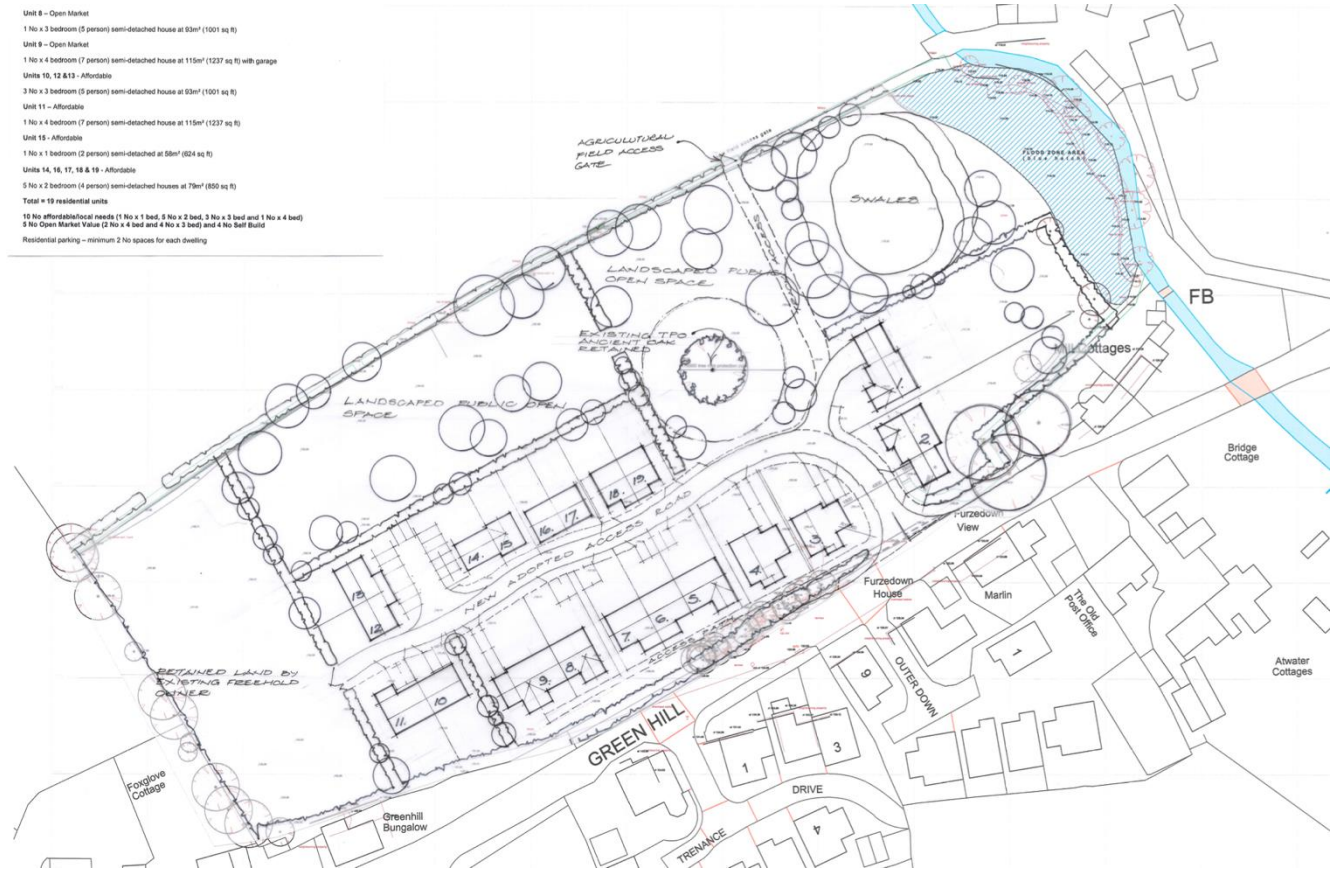
- 2 x 3 bedroom, 5 person houses
- 1 x 2 bedroom, 4 person house

All units would meet the Nationally Described Space Standard as required by policy DEV10. Planning condition can ensure that all the open market dwellings meet Category M4(2) of the Building Regulations (exceeding the 20% requirement of policy DEV9).

Following a long and iterative process (that has included a reduction in the total units proposed from 21 to 19) impacted by discussions of viability, landscape character and arboriculture, an illustrative layout has been prepared to indicate how development might be brought forward if permission is granted, where it is incumbent upon an applicant to demonstrate that there will be at least one configuration of reserved matters that will be acceptable once the principle of development has been settled through the grant of an outline planning permission.

The illustrative layout is presented below based on the submitted Landscape Strategy Plan (ref. GE-LAM-01 A, also below) which accompanied the Landscape and Visual Appraisal. For sake of prudence and considering the positive work that has been undertaken to address the key site constraints to date, it is considered important that the reserved matters at least

generally accord with that Landscape Strategy Plan. This can be secured by planning condition and gives comfort that the veteran Oak tree will be safeguarded and landscape character/villagescape positively addressed. The minor revisions that would be required to the illustrative layout to gain support from the Council's tree officer are capable of being secured (and this would be in accordance with that Landscape Strategy Plan).



Illustrative Layout

- Unit 8 - Open Market
- 1 No x 3 bedroom (5 person) semi-detached house at 65m² (1001 sq ft)
- Unit 9 - Open Market
- 1 No x 4 bedroom (7 person) semi-detached house at 115m² (1237 sq ft) with garage
- Units 10, 12 & 13 - Affordable
- 3 No x 3 bedroom (5 person) semi-detached house at 93m² (1001 sq ft)
- Unit 11 - Affordable
- 1 No x 4 bedroom (7 person) semi-detached house at 115m² (1237 sq ft)
- Unit 15 - Affordable
- 1 No x 1 bedroom (2 person) semi-detached at 68m² (824 sq ft)
- Units 14, 16, 17, 18 & 19 - Affordable
- 5 No x 2 bedroom (4 person) semi-detached houses at 79m² (1050 sq ft)
- Total = 19 residential units
- 10 No affordable/low needs (1 No x 1 bed, 5 No x 2 bed, 3 No x 3 bed and 1 No x 4 bed)
- 9 No Open Market Value (2 No x 4 bed and 4 No x 3 bed) and 4 No Self Build
- Residential parking - minimum 2 No spaces for each dwelling



Landscape Strategy Plan

Consultations:

The application has been through several rounds of consultation as the application has been amended. The most up to date comments received from each consultee is summarised below. Full details are available for viewing on the planning pages of the Council's website and due to the lengthy nature of some of the responses received, Members are directed to review them at:

<https://westdevon.planning-register.co.uk/Planning/Display/0107/22/OPA>

All consultee responses and representations received have been read, duly considered, and taken into account when preparing this report for Members.

Lamerton Parish Council – objects:

- The site is in an unsustainable location / would be reliant upon the private car
- The Council has a 5.97 year housing land supply and there is no pressing need for housing Lamerton when its affordable housing need can be met through the indicative JLP requirement of 20 dwellings.
- There is no scope within TTV27 to overprovide for affordable housing i.e., provide more than 8 affordable homes.
- The overall mix is not justified and does not meet the requirements of TTV27
- Self-build units do not comply with TTV27 / should be counted as market dwellings
- The latest neighbourhood plan evidence is that the majority of people do not want more than 10 homes built in Lamerton

Housing Team – Supports:

- The application would meet an identified local housing need in the parish
- The size and tenure mix of the homes is agreed
- The overall housing mix would meet policy DEV8
- Visitor parking appears limited and could be improved
- Policy DEV9 of the Joint Local Plan, states that self and custom build housing will be supported in order to meet our duty set out in the Self-Build and Custom House Building regulations. The 4 serviced self-build plots would not be part of the open market housing mix. Self-Build is a different product and offers costs savings on VAT and CIL for households who wish to build their own home. According to the National Custom and Self-Build Association, you can typically save 20-40% on self-build compared to investing in a new mainstream home.
- Housing Crisis – In February 2022, West Devon Borough Council declared a Housing Crisis with a 15 point action plan. The crisis was declared in response to huge issues with affordability, lack of available properties to rent, delays in house building and the increase in short term holiday lets. This planning application if approved, would help the Borough to tackle the housing crisis.

Environmental Health Officer – no objection/comments:

- The site is accessed through residential areas and there is potential for building works to impact on existing residences. We therefore recommend that the standard CEMP condition is included in any approval.

Landscape Specialist – no objection:

- Overall, the amendments are welcomed, which suggest that the site has the capacity to provide an acceptable layout with the quantum of development proposed, whilst complying with adopted policy on design (DEV20), landscape character (DEV23), trees, woodlands and hedgerows (DEV28).

Trees – no objection/neutral:

- The landscape masterplan is a good step forward, easing pressure on the key tree.
- However, it places increased pressure on trees to the South from the proximity of units 3 to 6; seek easement of those units and those facing north.
- Require a tree management plan for the veteran Oak tree.
- An improvement but needs minor adjustment, deferring to the wider view of Landscape Specialist.

[officer comment: the minor revisions can be adequately secured at RM stage with the illustrative layout broadly followed but subject to the minor tweaks suggested – general compliance with the Landscape Strategy Plan would secure this alongside the proposed LEMP condition and obligation regarding provision, access and future management of public open space]

OSSR – no objection subject to the following conditions/obligations:

- Provision, access, and future management of open space / natural greenspace
- An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, allotments in Lamerton.

- An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, equipped play provision in Lamerton.
- An off-site financial contribution towards improvements to, and on-going maintenance of, sports facilities in Lamerton and/or Tavistock.

Ecology – no objection subject to conditions:

- The additional information provided by the applicant's ecologist has been reviewed and I can confirm this addresses our previous comments satisfactorily and I would suggest the following condition:
 - o Details of measures to protect the River Lumburn and other adjacent habitats from construction phase pollution must be detailed in a Construction Environmental Management Plan (CEMP).
- The previous response includes a suggested condition regarding a LEMP which would cover the additional mitigation detailed by Woodfield Ecology in their response.

Local Highway Authority – no objection subject to conditions:

- The proposed access geometry is acceptable in all respects and the proposals can safely be accommodated on the highway infrastructure in the village.

Lead Local Flood Authority – no objection subject to pre-commencement conditions.

DCC Education – no objection subject to obligation:

- Primary and Secondary schools have capacity to accommodate development
- A request is made for secondary education transport as there is an entitlement to transport to Tavistock College from this location.

DCC Heritage – no objection subject to condition requiring investigation / recording of archaeological deposits.

Devon and Cornwall Police – comments:

- Revised layout and reduction in units is welcome.
- Active surveillance of the open space area is limited and could be improved.

Environment Agency – no objection:

- No objection in principle.
- If any land within the flood zone is subject to permitted development rights, then these should be removed.
- A small part of the site is in FZ 2/3 and technically the Sequential Test is required. However, the layout approach is welcome and shows that a sequential approach has been undertaken.

South West Water – no objection:

- Clean potable water from the existing public main is available
- Connection to the existing foul system is available
- The proposed surface water strategy is acceptable and meets the hierarchy

Representations:

A significant number of representations have been received through the life of the application and rounds of consultation undertaken; some respondents have made multiple representations. For sake of prudence the material issues raised in all responses received are summarised below, but Members are directed to read them in full on the Councils website: <https://westdevon.planning-register.co.uk/Planning/Display/0107/22/OPA>

Objections

- Noise and light pollution, and harm from car headlights on higher ground
- Increase of flood risk
- 'Impact on environment'
- Highway and pedestrian safety issues / the proposed junction is unsafe
- Highway capacity issues
- Poor design / layout / scale
- Council will be responsible if an incident occurs on Green Hill as a result of development
- Would harm quality of life to residents of Green Hill
- Risks due to construction traffic
- Harm to heritage (designated and non-designated assets)
- Harm to character and appearance, and tranquillity, of the area and countryside
- Existing parking would be displaced
- Brownfield land should be prioritised over greenfield
- Outside of settlement / village boundary
- Loss of Devon bank
- Harm to wildlife
- More housing proposed than is needed / 10 dwellings already built in village (Koshti Bok and Cherry Court)
- Drainage issues
- No shops or key facilities in village; poor bus provision
- Does not comply with policies TTV26 or TTV27; too many market homes
- Only 10 further houses needed until 2034, 8 of which affordable
- The application should have been refused when first considered rather than reconsulting on amended plans
- This site was previously ruled out as being appropriate for housing
- More suitable sites have already been turned down by the Council
- Self-build homes are not affordable
- The viability assessment and appraisal are flawed; if not viable it cannot proceed
- 19 homes are not proportionate to village
- Harm to village character and street scene
- Would prejudice emerging Neighbourhood Plan
- Proper procedures should be followed; the Council appears intent to approve
- Contrary to Neighbourhood Plan
- The Council has 5+ years housing land supply and passes the Housing Delivery Test; the development is not needed
- The AECOM assessment stated the site was too large for housing
- Would disturb neighbouring residents' sleep
- The Council should follow its case made against the Farriers development
- Harm to biodiversity
- Other appeals show that housing must meet identified needs (Garden Mill, Kingsbridge)
- The Council could not previously make the site work and this shows it is undeliverable

- Self-builds are not more affordable than other types of property and only suit those with additional financial means
- Does not respect local grain of development
- Loss of agricultural land
- Harm to veteran Oak tree
- Loss of privacy
- Loss of outlook
- Limited bus provision unsuitable for commuting
- Contrary to NPPF
- There is no safe route to the school
- Landscape and Visual Appraisal is flawed
- Ecological information is flawed
- This is likely only the first phase of a much larger scheme
- The best way to protect and to conserve is to not build
- Too dense
- How will drainage strategy be managed
- Market homes will not be affordable
- Would contravene human rights
- Contrary to a large number of local policies
- Does not address climate change / policy DEV32
- The LHA must reconsider its position
- Lamerton is not a sustainable village
- Harm to Conservation Area

In addition to the above objections a letter was received from a planning consultancy known as 'D2 Planning', stated to be drafted on behalf of 60 residents. The letter makes the following points in summary:

- The updated Housing Needs Survey shows a need for 8 affordable dwellings. The likely need open market and self-build is likely to be significantly lower than stated.
- The application clearly exceeds the identified housing needs for Lamerton, on affordable housing alone.
- Self-build housing is not affordable housing and cannot be counted as such.
- The application does not accord with policy TTV27.
- The application is not small scale and does not relate to the frontage development of the site only; it is contrary to policy and guidance.
- It is the Council landscape officer's original comments that should be followed which show a fundamental objection to the application.
- No weight can be given to the illustrative layout provided.
- The loss of hedgerow to create visibility splays is objectionable and the scale of development is such that it will have a detrimental impact on the landscape character and appearance of the area.
- The development would conflict with the linear settlement pattern; the proposals would result in a form and scale of development which would adversely affect the linear character and appearance of the settlement. It would not appear as a natural or organic addition to the existing village form.
- There would be an over-reliance on use of private car in what is an unsustainable location.
- The application should be refused for the following reasons:

- Detrimental impact on the character and appearance of Lamerton village due to the scale of the proposals.
- Detrimental impact to the landscape character and appearance of the area.
- The site is outside the settlement limits of Lamerton in a greenfield and would result in development in the countryside which provides an excessive form of development which is not required to meet a proven local need.
- The proposals represent an overdevelopment of the site which would be detrimental to the rural character of the area. The proposals would not represent a sustainable form of development due to the lack of a permanent public transport system.

Support

- Green Hill was one of the top two sites identified for development by the previous Neighbourhood Plan group.
- The Court Barton site did not meet the affordable housing needs that this scheme will meet
- The previous proposal for development of the site by the Council has the full support of the Parish Council
- The planned mix of housing covers all needs
- Landscape strategy is positive
- Good access to services and facilities
- There is safe access to the school and the roads are regularly walked
- Accords with the development plan as a whole
- Accords with policy TTV27
- Development would be an asset to the village and support its vitality
- A single site, being the application site, is what is needed to meet needs and protect from other speculative development
- It is the most logical, centrally located site available
- As a member of the speed watch group, I can confirm that Green Hill is safe and does not suffer from speeding issues
- The views of the many supporters should be considered as opposed a small group of objectors
- Most if not all professional consultees now support or do not object to the development
- The original Housing Needs Survey was independently produced, and residents expressed an opinion that Green Hill was a preferred site.
- The most recent housing survey was not openly/independently conducted
- The application has been positively amended to address concerns raised
- Local needs housing is important to the village and residents with relatives who have been priced out of market but wish to stay local
- Lamerton needs houses for local families to keep the village young and vibrant and support the local amenities within
- The original housing report concluded a need for 8 affordable homes, 10 market, and some self-build; this application delivers that
- The previous Housing Topic Paper for the Lamerton Neighbourhood Plan concluded that Green Hill was the most suitable site for housing development
- The Parish Council should not be restarting the Plan from scratch
- The Parish Council and Council should follow the original Housing Needs Survey
- The application should not be subject to yet further delay
- As per WDBC rules, the 10 houses built to date are deemed windfall and do *not* count towards the 2034 target of 20 to 30 houses.

- This is the only scheme available that delivers the needed affordable housing
- The site layout is positive and respects the village
- The public open space would be a focal point and useful for wider residents
- Pleasing that the veteran Oak has been given a prominent role in the development
- Query the approach to energy efficiency; as many measures should be included as possible
- Query whether number of affordable homes needed is actually higher
- The site is far enough away not to harm amenity to neighbours
- Sustainable transport options are available
- The field has not been in active agricultural use for at least 15 years

A representation of support was also received from a Graham Parker. Exceptionally, their comments are copied below due to their concern that their opinions had been misrepresented by objectors:

‘I note that Stevens Scown and members of Lamerton Parish Council have quoted me in support of their objections to this application. For the record, Lamerton Parish Council has confirmed that its appointment letter to me was written under false pretences and they claim that, consequently, I did not speak for the council in any role connected with the Neighbourhood Plan, the Farriers appeal or the Green Hill application. Against that background, I object to the scurrilous way in which the Council and its solicitors have used selected quotes from me in support of their objection to the application and I reject any suggestion that I support their position. To be clear, since the Council has stated that I do not represent them in any way, until now, I have refrained from commenting on this application. However, now that the Council claims my support for their objection - without my permission - I feel able to offer my unbiased view based on several years of personal experience related to the JLP, the emerging Neighbourhood Plan and planning applications in Lamerton. In short, I support this application and believe that it should be approved. It is well related to Lamerton’s facilities, meets the landscape and urban design criteria for a sustainable development and accords with the JLP policy for development outside, but well related to, the existing built up area. It seems to me that Stevens Scown in particular misunderstands the difference between open market and other forms of housing, and I am entirely happy to debate this point further if they continue to challenge me on the point. I firmly believe that the mix negotiated by the Council accords with JLP policy TTV27 and all other relevant policies. That being the case, the LPA should consider that the proposal accords with the development plan. Since there are no material considerations that indicate otherwise, Section 38(6) of the Act requires the LPA to approve the application without delay and I would support such a decision.’

Relevant Planning History:

There is no relevant planning application history to the site, being as it is a greenfield area of pasture land. Previous considerations and the proposed Neighbourhood Plan allocation have been considered at the beginning of this report when describing the site and its constraints.

The present application has been considered on its own merits and in accordance with the present local and national planning policy framework and local circumstances.

ANALYSIS

- Principle of Development/Affordable Housing and Policy TTV27

- Housing Mix
- Landscape Character and Appearance; Trees
- Heritage
- Highways
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Energy Efficiency and Climate Change
- Planning Balance and Conclusion

Principle of Development/Affordable Housing and Policy TTV27:

The Plymouth and South West Devon Joint Local Plan ('JLP') sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, with other policies amplifying and giving effect to those requirements.

The adopted JLP establishes a hierarchy of settlements to which development will be directed, and those settlements are named as part of policy TTV1. Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

As paragraph 5.5 of the JLP explains, policy TTV26 will be applied 'outside built-up areas' and if so adjudged, will fall within the Countryside (on the bottom tier of the settlement hierarchy). In this case, it appears to be common ground between all parties that the site falls within the Countryside and is not a site strictly speaking within the village (despite in officers' view that it is nevertheless well-connected to the settlement).

Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside. In such circumstances, policy TTV1 explains that: 'development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.'

In accordance with policy TTV1 the applicant makes a case under policy TTV27. This policy relates to "exception sites"; that is, sites that would not otherwise ordinarily be released for residential development, but which are required to meet identified affordable housing needs. This is because residential sites in the Countryside are unlikely to have any occupational justification and would therefore fail to accord with Policy TTV26 even if they are not isolated.

To comply with policy TTV27, it must be demonstrated that the site is adjoining or very near to an existing settlement. This aspect of the policy is clearly satisfied. Furthermore, the application must demonstrate that:

1. It meets a proven need for affordable housing for local people.
2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.

3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.
4. The proposal meets the requirement of all other relevant policies of the Plan.

Those criteria are considered as follows:

1. The development is proposed to deliver 10 affordable homes for local people. It is understood that the most recent recorded Housing Needs Report/Survey revealed a need for 8, new affordable homes 'in the near future' based on the survey with a response rate of 35%. As the Report recognises, it only represents a snapshot in time and any provision of affordable housing should account for this and recognise that personal circumstances continually evolve. In discussion with the applicant and the housing officer, it is quite foreseeable that there may be further, concealed need within the locality such that there may be a greater need than that currently identified. In any event, the application would meet the proven need that has been identified and therefore the application accords with the policy in this respect where it has the full support of the Council's housing team. That the application proposes two affordable homes additional to the 8 units recommended by the Report is not considered to be of consequence to compliance with the policy overall, recognising that the 8-unit figure is not unequivocal and in consideration of the housing and affordability crisis that persists in the Borough and affecting Lamerton.
2. There are a number of elements to the second limb. Firstly, that the scheme can provide for market housing products as part of the overall mix but only where necessary to make the scheme financially viable. Naturally, this should be the minimum amount of market housing to ensure the delivery of the affordable homes proven to be needed i.e., it is not a market-led scheme. Secondly, any open market housing must not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.
 - In respect of the first element the application has been through an iterative process and has been subject to external and independent viability review where various financial scenarios have been run to establish the minimum number of market housing units to provide a deliverable scheme. The conclusions of the appointed consultant are copied as follows:

'The aim of granting consent for development in rural areas is to encourage the provision of affordable housing. A scheme that is not viable is unlikely to be deliverable, and therefore not able to provide the affordable housing urgently required.

The purpose of this review is to assess the viability (s) of this application as presented. Consequently, this review found it possible to increase the number of affordable homes outlined in the original 21 unit scheme submission. Following a number of meetings with WDBC officers and the applicant, the architect submitted a final revised scheme (drawing - 2319/PL-04). This indicative layout plan provides 10 affordable homes, 5 Market houses and 4 self-build plots. This updated option is deemed viable.

As mentioned, the prime objective of a Rural Exception Site under policies in the Local Plan (TTV 26/27), is to provide local affordable housing. In

order to ensure that the development is deliverable, the viability exercise is undertaken to assess the minimum number of open market homes that are required to cross fund the scheme and comply with other policy requirements.

In this instance the updated application, of 19 units, with 10 affordable homes, 5 Market houses and 4 self-build plots achieves this intention.'

This aspect of the criterion is therefore satisfied.

- The second element has been subject to debate, and this ultimately turns upon how the proposed self-build units are treated. In this case there are proposed to be 4 self-build units and it is now proposed that two of the self-build plots be subject to a 20% discount on their market value, with a local connection tie (JLP area) with the remaining two to be sold at full value.

The view of the Council's housing team is that self-build homes are more affordable in general terms even if they do not strictly meet the definition of affordable housing (and would also meet a need identified in the Housing Needs Report). However, if they are not affordable homes consistent with the understood definition (JLP or NPPF) then this is of great importance to determining whether the 40% threshold of open market housing as part of the overall mix has been exceeded. Clearly, on the view of the objectors to the scheme this means that 9 of the 19 units would be open market houses and this equates to 47% thus failing to comply with the policy.

However, debate arises in the interpretation of this part of the policy and whether there is a material difference between 'open market housing' and 'market housing products'. It has been officers view that there is, and that the use of two different terms, within the same policy criterion, is deliberate and of meaningful consequence. The Housing team have also advised that the self-build plots should not be considered as open market housing. Where the interpretation of planning policy is a matter of law, officers have been provided with a legal opinion drafted by Counsel to the applicant and which concludes as follows:

'The policy does not provide any definition of either 'market housing' or 'open market housing', nor does the Development Plan as a whole or the SPD. Taking things back to basics, all that an 'open market' is, is an unrestricted market with free access. There are many different types of self and custom-build housing, some of which will be accessible on the market on an arguably unrestricted basis. However, in this case, two of the self-build plots are being offered at a 20% discount on their usual market rate. Accordingly, it is arguable that they cannot reasonably be said to comprise 'open market housing'. This would mean that only 7 of the 19 dwellings proposed could be reasonably described as 'open market housing', which is around 36% so within the confines of the policy.'

In light of the above, the 'open market housing' of either 5 open market dwellings or as a worst-case 7 open market dwellings (if including the two undiscounted self-build plots) would not exceed 40% of the total homes to be provided on the site (being 37%).

Likewise, those units would not represent more than 40% of the land take excluding infrastructure and services. Whilst layout is a reserved matter the submitted illustrative layout demonstrates how this can be achieved.

The second criterion of the policy is therefore satisfied.

3. The third criterion can be satisfied through obligation as part of the proposed s106 legal agreement and the applicant is agreeable to this control.
4. For the reasons set out in subsequent sections of this report, the proposal meets the requirements of all other relevant policies of the plan when taken as a whole. This criterion is therefore satisfied.

Overall, therefore, the application accords with policy TTV27 and this aids in establishing the in-principle acceptability of the development.

Consistent with policies SPT1 and SPT2, Strategic Objective SO10 provides context and gives effect to policy TTV27 and clarifies what the plan seeks to achieve in Countryside locations. Of relevance to this application, the strategic objective states:

'SO10 Maintaining a naturally beautiful and thriving countryside

To protect, conserve and enhance the natural beauty of South West Devon's countryside, and to avoid the creation of new homes development in unsustainable or inappropriate locations.

1. Delivering new homes only in areas where there is an identified local need.
2. Protecting and managing the landscape.
3. Contributing to carbon reduction measures by reducing the need to travel...'

As stated, the development would meet local housing needs which accords with SO10.1 (and policies SPT2 and DEV8). Local landscape character is capable of being conserved, consistent with SO10.2.

In respect of connectivity (SO10.3 and policy SPT2), officers do not consider the site to be in a wholly unsustainable location given the proximity of local facilities such as play provision and the primary school which are both walkable. Whilst the route to the school is quite narrow and without pavement, it is nevertheless a rural village where anecdotally other families make the same journey without issue and the nature of Green Hill is such that cars are unlikely to speed. Objectors have pointed to the limited bus service provision but in officers' view it is not so limited to be unusable for planned trips, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (as NPPF para. 109). On balance, there would likely remain reliance upon the private vehicle to access local services, but the site location is not inherently unsustainable and there would be no conflict with the above policies.

Overall, the application therefore accords with policies SPT1, SPT2, TTV1, TTV27, and DEV8. It is acceptable in principle, subject to consideration of other material issues and relevant policies of the JLP.

Policy TTV25

Many objections refer to policy TTV25 and a concern that in approving the application too many houses will be built for Lamerton over and above the 20 houses figure indicated in the JLP. Aside from the fact that the lead policy for the determination of this application is TTV27,

because it is a rural exception affordable housing scheme, this criticism requires careful consideration.

Policy TTV25 concerns development in Sustainable Villages, and Lamerton is designated as such. The JLP seeks 550 homes from those villages as part of the overall housing supply for the TTV Policy Area; however, neighbourhood plans are seen as the key to identifying and meeting those needs. TTV25 identifies that Lamerton can accommodate around 20 dwellings, which should be provided through a neighbourhood plan. Where there is no neighbourhood plan, the Local Planning Authority is still able to support development which meets the identified need of local communities and which responds positively to the indicative figures set out in the policy, providing that development falls within the village (3rd paragraph).

Therefore, irrespective of whether the site falls within or outside of the village, and the compliance with policy TTV27 which provides an exception for housing in rural areas outside of settlements, the housing numbers are indicative and should be informed by local evidence. The supporting text to the policy further states that the indicative housing requirement figure should be interpreted on a local basis: neighbourhood plans or development-led proposals may deliver more or less than indicated but such action must be justified by an appropriate level of evidence.

In respect of the indicated 20-dwelling figure, it is correct that two permissions for development in Lamerton already exist and which amount to 10 dwellings¹. Neither scheme delivered any affordable housing. Those sites should be counted toward the indicative housing requirement for Lamerton, and the Council has previously advised the Parish Council that this is considered to be the case.

However, the Housing Needs Report published in December 2021 provides the most up to date assessment of housing need for the village as a true “bottom up” assessment, to be contrasted with the “top down” indicated apportionment of housing provided by the JLP.

The Housing Needs Report identifies a local need in the near future for 8 no. affordable housing units, as dealt with above. Supporting data within the Report also indicate a need for 10 no. open market units and 9 no. self-builds, however preference for those tenures could be selected by respondents together; thus, the true open market/self-build general housing “need” is likely to be much lower (as some objectors have pointed out). Such needs would still therefore be addressed by the application proposal in this case recognising the 5 open market and 4 self-build plots to be provided (two of which being available at a discounted rate and further restricted to purchasers with a local connection).

On that basis, aside from the fact that the application is justified in principle through policy TTV27 because it meets a proven need for affordable housing as an exception site, it would nevertheless generally accord with policy TTV25 too, insofar as it responds positively to the indicative requirement supported by more up to date evidence of housing need.

Landscape Character and Appearance; Trees:

The policies of the development plan seek to secure high-quality design (policy DEV10) and recognise the intrinsic character and beauty of the countryside; the application of policies DEV20 and DEV23 seek to secure development that is compatible with it.

¹ Application refs. 3244/16 and 1462/17.

The site is not within any protected landscape designation (National Park or Landscape/AONB) but is within an area that provides an important visual setting to these two designations. It is within the 3G River valley slopes and combes West Devon Landscape Character Type. A Veteran Oak tree, the subject of a TPO, is situated slightly to the east of the centre of the field.

The application is in outline (save for access) and therefore matters of scale, layout, landscaping, and appearance are reserved for consideration at a later date. Nevertheless, it is incumbent upon an applicant to show how the development might acceptably be delivered at that stage having regard to the site-specific constraints.

The outline application is supported by a Landscape and Visual Appraisal (Greenearth Landscape, Dec 2022) which is considered proportionate to the nature of the proposal, and which provides an appropriate evaluation of the current condition of the character and visual amenity of the site and surrounding area. There is also a Landscape Strategy Plan, which has informed the illustrative layout of the development and indicated how it might be brought forward, and which would provide for a generous ratio of green space (both public and private).

In this case the Council's specialist landscape officer raises no objection in principle and their comments are endorsed. The layout is indicative, and the site appears to be able to be accommodate the outline development proposals without unacceptably affecting the landscape character and visual amenity of the site and its environs. The final illustrative layout demonstrates how the LVA recommendations – as provided for in the Landscape Strategy Plan – can be acceptably accommodated. Whilst some further tweaks to the layout shown would be required, such as in relation to the frontage hedgerow, these are all capable of being secured at the reserved matters stage:

'I would support the idea of an axial layout that highlights the veteran Oak as a key feature of the site – this is an approach that should be explored further if the design progresses beyond Outline stage.

The reduction in dwelling numbers from 21 to 19 (10no. affordable, 5no. open market, and 4no. self-build) is noted.

Both layouts indicate that Landscape Officer's and Landscape Consultant's (LVA) comments have been considered, and the following points are welcomed (noting the indicative nature of the illustrations):

- a number of dwellings now front onto Green Hill Road, creating an active frontage which is more in-keeping with the rural lane character;
- development now avoids the higher ground in the north-west, where there would be likely to be adverse effects on the character and appearance of the landscape;
- The POS now shown in the NW of the site, along with the swales / attenuation features in the NE and the wider area around the veteran tree, will offer opportunities for further enhancements to the character and appearance of the landscape, and habitat and biodiversity improvements;
- the Landscape schematic suggests that dwellings would also front onto the POS as well as Green Hill, which is an opportunity that should be explored if the design progresses, as it would offer natural surveillance benefits, as well as providing an attractive outlook for those dwellings. This approach is not reflected in the amended site configuration diagram, which shows dwellings backing onto the POS to the NW.

Both 'layouts' suggest a suitable area of space has been allowed around the veteran oak tree, and that it is intended to be a focal point of the development (although the 'layout' arrangement varies between the plans).

I am aware that the WDBC Tree Officer has commented on the increased proximity of units to the hedgerow trees along Green Hill, which is an issue that would need to be addressed in any detailed layout.

The position of self-build plots at site entrance does raise concerns about allocating these key plots on the site as self-build. It would be important to establish whether there would be controls on when these plots would be built out, and what the detailed design / appearance would be, as they are located at a key arrival point to development and would be the dwellings most visible from road.

Ideally, if such controls are not possible, the self-build should be relocated to a less prominent location on the site, especially if there is a risk that their design and development may be out of the developer's control.

In relation to other indicative plots, it should be possible to redesign these to avoid tandem parking within the available space.

The additional landscape schematic layout is broadly welcomed and describes some beneficial approaches to mitigation of adverse visual effects, and goes some way to explain how the proposal might respond positively to the current settlement characteristics of the village.

Overall, the amendments are welcomed, which suggest that the site has the capacity to provide an acceptable layout with the quantum of development proposed, whilst complying with adopted policy on design (DEV20), landscape character (DEV23), trees, woodlands and hedgerows (DEV28).'

Read as a whole, the development is capable of according with relevant development plan policy, including policies DEV10, DEV20, and DEV23. This would be subject to ensuring by condition that the final scheme at reserved matters generally accords with the positive Landscape Strategy Plan. Officers share the concern regarding the final design of the self-build plots and again this can be controlled through condition (both phasing / in respect of which housing types are located where but also securing consistency in design through the agreement of 'Plot Passports'/Design Code which is a typical measure in such schemes).

It is axiomatic that development of a greenfield site brings with it a degree of harm and to that extent makes it exceedingly difficult to both conserve *and* enhance the landscape. However, in this case it has been satisfactorily demonstrated how the development could assimilate into its setting and fulfil the objectives of development plan policy as well as recognising the intrinsic character and beauty of the countryside and villagescape thereabouts. The application is therefore acceptable in this respect. Contrary to some objections made, officers consider that the development could, if designed in accordance with the Landscape Strategy Plan, be laid out in a manner consistent with the local grain and settlement pattern.

In respect of the veteran Oak tree, planning policy DEV28 and the NPPF seek to safeguard such assets. In this case compliance with the Landscape Strategy Plan, alongside condition/obligations relating to future provision, access, and management of public open space, will ensure that this important tree is protected and would in fact form a key element

and visual feature of the public realm within the development. The Landscape Strategy also proposes additional hedge planting to mitigate for the loss caused by the provision of site access and this can be subject to further consideration at reserved matters. The application therefore complies with planning policy in this regard also.

Heritage:

In accordance with s66 of the Listed Buildings Act special regard has been paid to the desirability of keeping listed buildings as designated heritage assets from harm; in practice this means affording considerable importance and weight/great weight to any harm identified and recognising that any such harm gives rise to a strong presumption against granting permission. Every effort must be made to at least preserve significance.

Policy DEV21 identifies that development proposals will need to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, in a manner appropriate to their national and local significance. The policy goes on to state that great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against the public benefits of the development. Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. The local policy is consistent with the relevant provisions of the NPPF, particularly Chapter 16: 'Conserving and enhancing the historic environment'.

In this case there is a single asset of concern, being close to the application site: the Grade II-listed Greenhill and Homelfigi (now known as 'Foxglove Cottage', list entry: 1326230) located around 50m southwest of the westernmost boundary of the site and separated by mature landscaping and the wider field edge.

Its listing description is as follows:

'Pair of houses. Early C19 with some C20 alterations. Rubble, slate-hung front from about 1 metre above ground level, colour washed and rendered sides, asbestos slate roof with gable stacks. Double depth plan with entry at front of cottage to left and in right gable end of cottage to right. Cottage to left has passage along party wall formed by partition access to rear room. 2 storeys and 2 windows, all 2-light casements of 4 panes each, smaller under eaves, off-centre slightly to left C20 glazed and gabled porch with half-glazed inner and outer door, slate hanging has decorative string formed by 2 courses of scalloped and diamond-cut slates; attached to right a brick lean-to porch with door with glazed panel and 2-pane light to side. Left return has 2-light casement at ground and first floor right. Rear outshut has ground and first floor similar casement and door with glazed panel, ground floor openings with segmental heads. Interior not accessible. Built as pair of houses, formerly part of Camplehay Estate in Lamerton C.P.'

Foxglove Cottage principally derives its significance through its physical presence and related heritage interests; in that regard, as a listed building it would not be directly harmed by the proposed development. However, it is important to consider how its setting may be affected such that there may be impact upon significance indirectly.

There is some visual connection between the application site and the asset despite the dense, mature landscaped boundary that encloses the field parcel that includes the application site.

However, in historic and functional terms there appears to be limited connection between the two. For example, the Tithe records from the 1840 apportionment show the house(s) and associated land to be in different occupation to the land comprising the application site (Plots 570 and 571), identified as 'Hoopers' being pasture land occupied by Revd William Cowland.

The application site boundary has been deliberately drawn to leave a buffer of c.50m from the field edge and the site boundary would itself be subject to additional planting as part of the proposed Landscape Strategy Plan. The degree of separation involved is such that the surroundings in which the listed building is experienced would not be harmfully interrupted i.e. there would be no erosion of the significance of the building and the way that its heritage interests are understood.

Even if, adopting a very cautious stance that the development would be harmful, such harm would be 'less than substantial' within the understood local and national meaning, and would be at a low level. Such harm, even if afforded considerable importance and great weight, would not outweigh the very significant public benefits of the development as a housing scheme proposed to meet a proven local affordable housing need (and the other associated public benefits to flow from that).

On that basis, the application would accord with policy DEV21, and permission can be granted when following the statutory duties in the Listed Buildings Act. The heritage harm, however, still remains to be weighed in the overall planning balance against the other considerations of harm and benefit.

The property known as Marlin

Some objections have referred to a nearby property known as Marlin, located opposite the application site, and the potential for harm where it has been previously identified by the Council as a 'non-designated heritage asset' (NDHA). However, in a recent appeal a planning Inspector determined that the building was not a heritage asset (APP/Q1153/D/21/3289366, April 2022), stating:

'Marlin is a traditional, two storey, stone and slate built semi-detached dwelling with a single storey, rendered rear addition. The building has a pleasing form and appearance and lies within the historic core of Lamerton. However, there is no evidence to demonstrate any significant heritage value. It does not appear to have been identified as a non-designated heritage asset (NDHA) through the plan-making process. Neither is it on any list of such assets that may be held by the LPA, and it is not identified on the Historic Environment Record. There is nothing of substance to support the argument that Marlin should be treated as a NDHA.'

Officers have reflected on that decision and accept the judgement of the Inspector.

Even if the building were still considered a NDHA, any harm by virtue of the development falling within its setting would realistically be very low and such harm would not be subject to the same statutory presumption against permission and great weight because it is not a listed building. Such harm when undertaking a balanced judgement (as policy DEV21 and NPPF 209) would fail to interrupt the overall judgement of compliance with the development plan as a whole and the clear direction to grant planning permission when accounting for the very weighty public benefits associated with delivering housing to meet a proven affordable housing need in the locality.

Highways:

The LHA is satisfied that safe and suitable access can be achieved for all users and that impact upon the local highway network would be acceptable. The application therefore accords with policy DEV29 and the NPPF in that respect. Detailed consideration of parking provision and internal layout would be for determination at reserved matters.

In having regard to the above, it is considered that the proposal accords with JLP Policy DEV29.

Residential Amenity:

It is always necessary for developments to take into account the amenities of neighbours, third parties and impact on the environment. In this case, the proposed development is capable of complying with the principles of good neighbourliness and the protection of existing residential amenities. This will require further assessment at the reserved matters stage when the full and final details of the proposed development are known, however a high standard of amenity for future occupants is capable of being secured.

The development would therefore accord with JLP Policies DEV1, DEV2, DEV10 and the requirements of the NPPF.

Flood Risk and Drainage:

The red-lined application boundary has been drawn so that the site is within Flood Zone 1, but it is recognised that a small portion of land east of the wider site/field parcel is located adjacent to the River Lumburn and within Flood Zones 2 and 3 (medium and high probability of fluvial flooding). Even so, this area has been left as undeveloped and so the entirety of the developable area of the site is within Flood Zone 1. As a matter of judgement, the Sequential Test is not therefore considered to apply recognising in any event that the Environment Agency raise no objection.

The site is located at elevations above 113m AOD which is outside of the tidal limit. Therefore, the proposed developable areas of the site are not at significant risk of flooding from either fluvial or tidal sources. Groundwater flooding is also not considered to be a risk to the development.

The indicated surface water drainage system principally relies upon an attenuation basin located towards the lower levels of the site in the east which will discharge to the river at a controlled rate. The LLFA raise no objection, and this can be considered further at reserved matters/through the imposition of a planning condition that will deal with the final design of the drainage strategy based on the final approved layout.

SWW also raise no objection and are content that foul capacity is available.

The application therefore accords with policy DEV35.

Ecology and Biodiversity:

An Ecological Impact Assessment has been submitted with the application alongside a further 'Response' document to deal with the initial comments of the County ecologist. Subject to precautionary, mitigatory and enhancement measures it is considered that the application would safeguard protected and/or priority species.

In respect of BNG, the proposals would deliver net gains for habitats of c. -25% and hedgerows of 49%, therefore meeting the requirement for a 10% net gain for hedges but falling short for habitats and an alternative means of securing additional biodiversity units is required to meet the 10% net gain target. This can be secured via s106, and the ecologist raises no objection on that basis. 'Off-site' gains can be made if utilising the land immediately to the south-west and the applicant has indicated that this can be acquired and provided alongside the development site. Notwithstanding that each case turns on its own merits, such a solution would also give comfort that this scheme is not the 'thin end of the wedge' and would not be a prelude to further development beyond the current red-lined area.

The site falls within the Zone of Influence for new residents likely to have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). Mitigation will be delivered through the 'Recreation Mitigation and Management Scheme for the Plymouth Sound and Estuaries Marine Site' which requires all residential development within the 12.3km Zone of Influence to contribute towards the costs of the Scheme plan. This can be appropriately secured by legal obligation, and this approach has been agreed by Natural England. Adverse impact to the protected areas can be avoided and an Appropriate Assessment has been carried out on that basis.

On that basis, the application is considered favourably where it accords with policy DEV26.

Energy Efficiency and Climate Change

The application is accompanied by an Energy/DEV32 statement which details how these policy requirements are capable of being met. Relevant measures are summarised by the applicant as follows:

'Each dwelling will use modern, efficient materials and sustainable principles throughout to justify the embodied energy of the build against lifetime energy savings made. The scheme will include:

- Air source heat pump or Photovoltaic panels on each dwelling.
- High Levels of insulation and air tightness
- Low energy light fittings
- Water saving taps and flow regulating access valves
- Dual flush sanitary systems
- Low E, Argon gas filled double glazed windows
- Electrical car charging points

In terms of the Building Regulations the heat/energy loss of all individual elements of the building such as walls, floors, windows, etc. will be designed to either meet or exceed the requirements of the regulations. This equates to a vast improvement in energy efficiency and lower running costs over the life span of each house and reduced energy bills for residents.'

This is however a matter for later determination once the full and final details of the development are known. This can be appropriately dealt with by way of planning condition to comply with local policy.

Planning Obligations and Infrastructure:

To make the development acceptable in planning terms, the following obligations and infrastructural contributions are required, where based on the justification provided by consultees and having regard to the contributions evidence base, they are considered to meet the CIL 122 tests. Heads of terms as follows:

- i. Affordable Housing as required by Housing team (inc. provision of self-builds and controls for discount sale and local connection on relevant plots)
- ii. Provision, access, and future management of open space / natural greenspace
- iii. An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, allotments in Lamerton.
- iv. An off-site financial contribution towards provision of/improvements to, and on-going maintenance of, equipped play provision in Lamerton.
- v. An off-site financial contribution towards improvements to, and on-going maintenance of, sports facilities in Lamerton and/or Tavistock.
- vi. Secondary education transport
- vii. Tamar EMS contribution
- viii. Biodiversity Net Gain

The Applicant has accepted the need for a legal agreement to meet the above obligations and a draft deed is in preparation to be completed before permission can be granted. The application can therefore be treated favourably in accordance with relevant policies including DEV4, DEV8, DEV27, and DEV30.

Planning Balance and Conclusion:

The recent case of *Corbett*² has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

Overall and in the round, the application is considered to accord with the development plan. The development positively responds to identified needs and is in a sustainable location well-related to the settlement; the development would not give rise to any unacceptable harms being as they are outweighed by the significant public benefits, even where considerable importance and weight is afforded to any heritage harm identified.

The direction is to grant planning permission, subject to the completion of a s106 agreement to secure the necessary obligations set out in this report and subject to the imposition of planning conditions including those drafted above.

This application has been considered in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the Planning and Compensation Act 2004 requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council,

² *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13th May 2019 confirming the change.

On 19th December 2023 DLUHC published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 121% and the consequences are "None".

The combined authorities can demonstrate a 5-year land supply of 5.84 years at end March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published February 2024).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation

DEV4 Playing pitches

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

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan:

The Lamerton Neighbourhood Development Plan is at an early stage of the plan-making process such that it carries no determinative weight in this decision.

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (JLP SPD)

Other material considerations include the policies of the NPPF and guidance or policy in the national Planning Practice Guidance (PPG).

The development complies with the policies of the NPPF when considered as a whole. That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c)), planning permission should be granted without delay.

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.

.....

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale of the development, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

[Reasons for conditions 1 – 3: To comply with the requirements of the planning Acts.]

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan drawing ref. 2319 (S-)-01; and Site Access drawing ref. (PL-)02 A.
5. The reserved matters shall be in general accordance with the Landscape Strategy Plan ref. GE-LAM-01 A.
6. Concurrent with the first application for approval of reserved matters, a phasing plan for the location and delivery of the open market, affordable, and self-build dwellings hereby permitted shall be submitted to the Local Planning Authority for approval.

[Reasons for conditions 4– 6: For the avoidance of doubt and in the interests of proper planning to secure an orderly development and to ensure that the resultant development is consistent with the assessment undertaken in granting outline planning permission]

7. The open market dwellings shall accord with Category M4(2) of the Building Regulations and the Nationally Described Space Standards.

[Reason: To ensure that at least 20% of the dwellings to be delivered are of the required accessibility standard, in accordance with policy DEV9]

8. The plans and particulars submitted in accordance with condition 1 above shall include details of the mix of type and size of the open market dwellings to be provided (i.e. excluding the affordable homes and self-build dwelling plots). The development shall be carried out in accordance with the approved details.

[Reason: To ensure an appropriate mix of open market housing to reflect housing needs as required by policy DEV8, where affordable housing is controlled by obligation and self-build housing is only available to self-builders]

9. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS). The TPP and AMS shall include:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition proposed within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for any scaffolding and ground protection proposed within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Any boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

[Reason: To ensure that important trees on or close to the site will not be damaged during demolition or construction and to protect and enhance the character and appearance of the site and locality, in accordance with policy DEV28]

10. The plans and particulars submitted in accordance with condition 1 above shall include details of how the development will meet with the objectives of policy DEV32 of the Plymouth and South West Devon Joint Local Plan. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

[Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.]

11. The plans and particulars submitted in accordance with condition 1 above shall include the submission of a Landscape and Ecological Management Plan which will include details relating to habitat creation, species specification and long-term management. The development shall be carried out in accordance with the approved details.

[Reason: In the interests of safeguarding ecology and biodiversity, in accordance with policy DEV26.]

12. The plans and particulars submitted in accordance with condition 1 above shall include the submission of a detailed Lighting Strategy that will minimise indirect impacts from lighting associated with the pre- construction, during construction and operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. The development shall be carried out in accordance with the approved details.

[Reason: In the interests of safeguarding ecology and biodiversity, and residential amenity, in accordance with policies DEV1, DEV2, and DEV26.]

13. The plans and particulars submitted in accordance with condition 1 above shall include:

- a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- b) A detailed drainage design based upon the approved Residential Development, Green Hill, Lamerton, Devon Flood Risk Assessment incorporating A Surface Water Drainage Strategy (Report Ref. J-2078, Rev. 01, dated 15th September 2021) (for soakaway option) and Drawing Conceptual Surface Water Layout (Drawing No. 3001, Rev. C, dated 05th April 2022), and the results of the information submitted in relation to (a) above.
- c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

[Reason: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG, and policy DEV35. The conditioned details are required concurrent with reserved matters since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.]

14. Before the development hereby permitted is commenced a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved CMP. No burning shall take place on site during the site clearance/demolition or construction phases of the development.

The CMP shall include the following matters:

- a) Haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- b) Compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements.
- c) Overburden/topsoil storage areas, fuel storage, hazardous materials storage.
- d) Provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting.
- e) Details of proposed means of dust suppression
- f) Details of equipment/plant noise suppression.
- g) Full piling details, if proposed.
- h) Details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management.
- i) Details of deliveries times to the site during construction phase.
- j) Details of provision to ensure pedestrian and cycle safety.
- k) Programme of works (including measures for traffic management and operating hours and hours of construction).
- l) Parking and turning for vehicles of site personnel, operatives and visitors.
- m) Loading and unloading of plant and materials.
- n) Storage of plant and materials.
- o) Provision and maintenance of a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the construction period.

[Reason: In the interest of residential amenity, highway safety, to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. A pre-commencement condition is required in order to appropriately plan for an manage construction.]

15. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following matters:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) Measures to safeguard the River Lumburn and other adjacent habitats from construction phase pollution.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period.

[Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).]

16. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

[Reason: To ensure, in accordance with Policy DEV21 and paragraph 200 of the NPPF, that an appropriate record is made of archaeological evidence that may be affected by the development. This condition is required pre-commencement to ensure that any archaeological assets are not harmed or destroyed.]

17. No development shall commence until a Development Design Code for the 4no. self-build plots has been submitted to and approved in writing by the Local Planning Authority. The Development Design Code shall set out the guiding principles to be applied in the design of the self-build dwellings, associated structures, hard surfaces and landscaping to be constructed pursuant to the development of those relevant plots. The code shall include maximum building height, built form, appearance, materials, plot coverage, set back from plot boundaries, boundary treatment, access and parking facilities, protection of existing trees and hedges. The design of each dwelling the subject of this permission shall be developed in accordance with the approved Development Design Code.

[Reason: To secure an orderly and coherent design with the rest of the development, in the interests of good design and the character and appearance of the area in accordance with policies DEV10, DEV20, and DEV23.]

18. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and

sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

19. No other part of the development hereby approved shall be commenced until:
- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
 - c) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

[Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.]

20. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed.
 - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.
 - c) The cul-de-sac visibility splays have been laid out to their final level.
 - d) The street lighting for the cul-de-sac and footpaths has been erected and is operational.
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed.
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined.
 - g) The street nameplates for the cul-de-sac have been provided and erected.

[Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.]

21. When once constructed and provided in accordance with condition 20 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

[Reason: To ensure that these highway provisions remain available.]

22. The development shall at all times adhere to, and be carried out in accordance with, the recommendations and enhancements contained within the Ecological Impact Assessment (Woodfield Ecology, November 2021) and associated 'Green Hill Response to LPA Ecologist Comments' document (Woodfield Ecology, March 2022).

[Reason: In the interests of safeguarding ecology and biodiversity, in accordance with policy DEV26.]

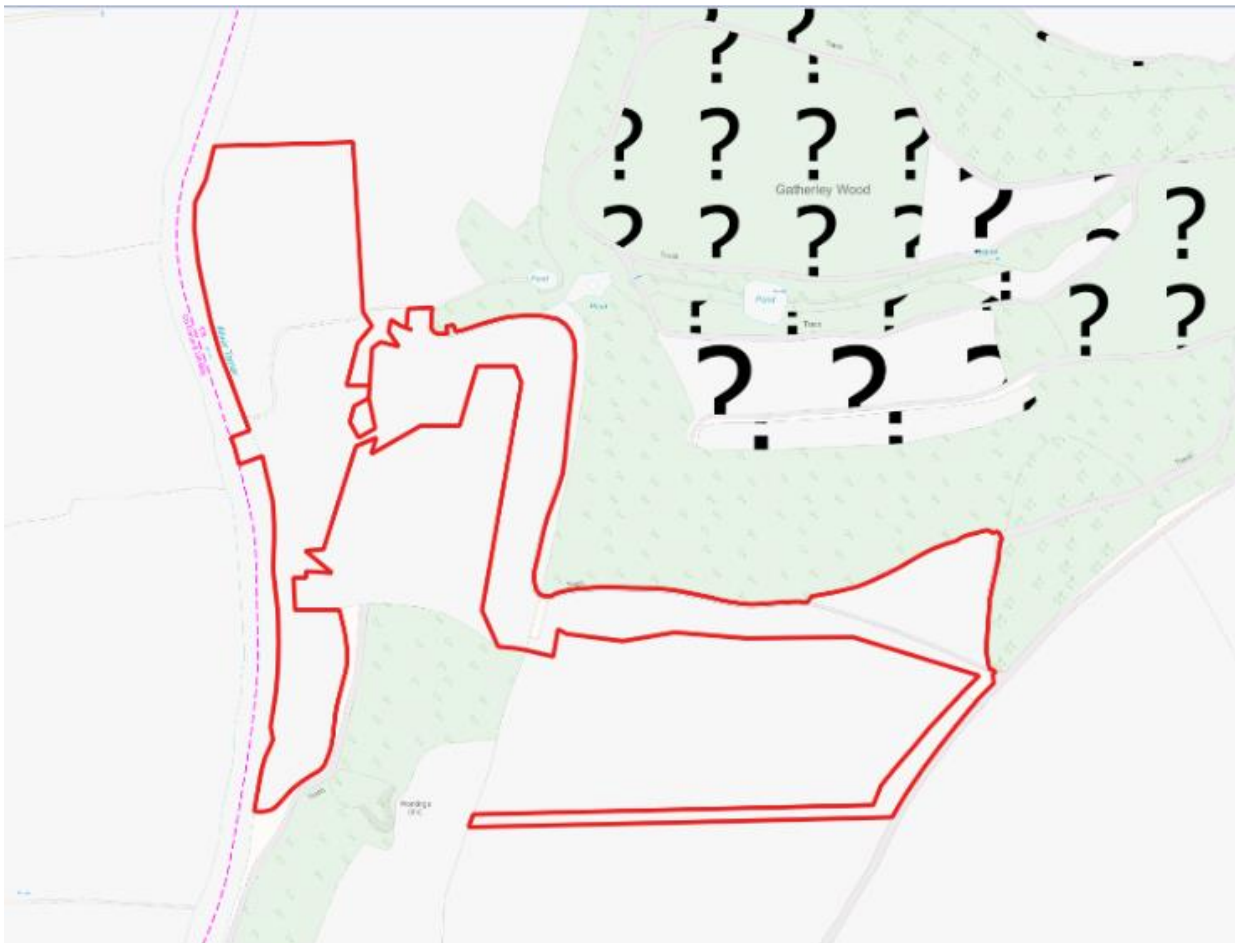
23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

[Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately, in accordance with policy DEV2.]

COMMITTEE REPORT

Case Officer:	Clare Stewart		
Parish:	Lifton	Ward:	Tamarside
Application No:	0034/24/FUL		
Applicant:	South West Water Limited Peninsula House Rydon Lane Exeter Devon EX2 7HR	Agent:	Miss Emily Comber tor&co 23 Heddon Street London W1B 4BQ
Site Address:	Land at SX 373 834, Lifton		
Development:	READVERTISEMENT (additional/revised information received) Construction & operation of water abstraction & pumping facility with associated access arrangements, landscape planting & other ancillary works		



Reason item is before Committee: Called in by Ward Member (Cllr Edmonds) for the following reason -

“after careful consideration I feel it is appropriate to call this strategic infrastructure planning application into the DM&L Committee as a building in this location would not normally be supportable”

Recommendation: Conditions approval

Conditions:

1. Time limit
2. Accord with plans
3. Surface water drainage (PTC – date agreed 30/04/24)
4. Details of hard and soft landscaping to be submitted and agreed
5. Implementation of the submitted CEMP
6. Implementation of submitted Installation and Removal of in-river channel temporary works method statement
7. Implementation of AIA and Existing Gatherley Track Reinstatement Method
8. Implementation of Ecological Method Statement
9. Revised Landscape Strategy Plan (PTC – date agreed TBC)
10. Revised LEMP (PTC – date agreed TBC)
11. Implementation of submitted Invasive Species Method Statement.
12. Submission of revised BNG report and metric
13. Watercourse habitat compensation scheme
14. Updated Waste Audit Statement (PTC – date agreed 30/04/24)
15. Employment and Skills Plan (PTC – date agreed 30/04/24)

Key issues for consideration:

Principle of development, design, landscape impact, biodiversity, environmental impacts, trees.

Site Description:

The site is located within the open countryside, c. 2.2km south west of Lifton and comprises open fields adjacent to the River Tamar. The site is accessed via a Class E road from Leat Farm in the north to Gatherley Farm in the south. The western area of the site fall within Flood Zones 2 and 3. The site is adjacent to areas of Ancient Woodland; Gatherley Wood to the north east and south of the site.

The site is not subject to any landscape designations. It does lie within a County Wildlife site.

The Proposal:

Permission is sought to construct and operate a permanent water abstraction and pumping facility with associated access arrangements, landscape planting & other ancillary works.

The applicant is South West Water Limited (SWWL). The submitted Planning Statement includes the following:

“SWWL is the statutory water service provider in Cornwall, Devon, and parts of Dorset and Somerset. As such, SWWL has a statutory legal obligation to provide safe drinking water to the public and to undertake all necessary infrastructure improvements required to ensure that this obligation is met.

The proposed facility is part of the Roadford Pumped Storage project, which together with the Northcombe to Prewley Transfer Mains, form SWWL’s North Devon Pipelines Green Recovery Initiative to accommodate population growth and increase resilience in the south west region from more frequent heat waves associated with climate change.”

Following the original consultation period additional/revised details were submitted to address comments from technical consultees and further design development. The application was then formally re-advertised for public comment.

The physical works include an abstraction intake structure within the River Tamar, a pumping station building, permanent access road, and a walkway/access road from the pumping station to the abstraction intake. The intake structure would be located within Flood Zone 3, with the Pumping Station within Flood Zone 1.

The Pumping Station would be stepped into the hillside, with the internal equipment tightly enclosed within a simple low-pitched roof building form. The Pumping Station would have a gross internal area of 738.6sqm (40.3m long x 19.3m wide), with an external yard containing electrical substations to the east measuring 146.1sqm in area (6m wide x 25.8m long). When viewed from the west elevation the main building would have an overall height of approximately 8.2m.

Externally the main building would be finished in stone effect concrete masonry at low level with metal panel cladding above. A 2.4m high security fence is proposed around the electrical substation compound. Colour finishes have been specified within the submitted Design and Access Statement in grey/green tones.

The abstraction intake would be of functional/utilitarian appearance, with a platform area measuring approximately 13.2m x 11.2m.

Consultations:

Following two rounds of consultation the latest comments are summarised as follows. Full copies of all comments are available to view on the Council’s website.

- DCC Highways – No highways related issues
- DCC Archaeology – No comments received
- DCC LFFA – No objection in principle subject to pre-commencement condition
- DCC Waste – No objection subject to pre-commencement condition
- Environment Agency – No objection strictly subject to recommended condition to secure a scheme for watercourse habitat compensation

- Natural England – Subject to mitigation the development will not have a significant adverse impacts on statutorily protected nature conservation sites. concur with the Appropriate Assessment conclusions, providing that mitigation measures as specified in the AA are appropriately secured by conditions in any planning permission given.
- LPA Ecology – Ecological information submitted is sufficient, conditions required. Natural England must be consulted on the Appropriate Assessment prior to determination (see response above)
- Designing Out Crime Officer – Comments for applicant
- Environmental Health – No concerns
- Tree Officer – No objection on Arboricultural merit subject to submitted AIA being an approved document if consent given
- Landscape Officer – Support subject to condition
- Lifford Parish Council – Support
“At the Parish Council meeting held on 28th March 2024, Councillors' discussed the amendments to the above planning application which included the raising of the pump house roof by 1 metre to enable a crane gantry; and changes put forward by the Environment Agency (EA) relating to water abstraction. South West Water had also added photographs to the planning application. Although Councillors noted the 19 letters of objection on the planning portal, the majority of which were from the Cornwall-side of the proposed works, Councillors were unable to identify any material planning objections for this application. The water abstraction rates and water quality is the responsibility of the EA. Councillors noted the design of building which had been carefully considered to blend in with the countryside surroundings; they considered the wider benefits of the project and the need to find balance between impact and local needs. Given they could not identify any material planning objections, Councillors decided to support this application.”
- Lawhitton Parish Council (neighbouring Parish within Cornwall) – Concerns
“As the ground works & construction has been ongoing for some time Lawhitton Parish Council comments on this application can only be academic.

Nevertheless, the Parish Council have concerns:

- *Local disruption and noise pollution during construction.*
- *Monitor noise pollution when in operation.*
- *Aspect will be put right as soon as work is completed.*
- *Landscape planting will be adequate for full screening to minimise the visual impact and noise pollution.*
- *Monitoring watering quality of water down river from the Sewerage Treatment Works.*
- *Have trust in the planning process and Government agencies for regular site inspection.”*

Representations:

19 letters of objection have been received, with issues raised summarised as follows:

- Visual impact on landscape
- Only untouched part of the Tamar Valley
- Green field site
- No other farmer/business would get permission so close to the river so why should SWW
- Unconfirmed noise pollution levels and vibration from pumps
- Environmental impacts of river bank removal and shuttering using concrete
- Environmental consequences of water removal from the Tamar
- Abstraction will lead to collapse of the river eco system
- No consideration of salmon and sea-trout
- Sewage released in Tamar, will be pumped into Roadford
- Proximity to poorly performing sewage plant (St Leonards)
- EA have not yet granted abstraction license, planning application should not be determined before licence application
- Water quality in this location will restrict what can be extracted
- Lack of involvement/consideration of Cornwall side of the Tamar
- Full consultation with village of Lawhitton required, would be most affected by visual and noise impacts
- Abstraction is not a sustainable method of topping up a failing reservoir
- More accessible location could have been chosen
- New reservoir could enhance the environment, provide recreational facilities and create employment
- Who will police the abstraction levels & environmental impact
- Concerns regarding application 3309/23/FUL
- Query how turning a rural and agricultural area into an industrial site qualifies as a Green Recovery Initiative
- If approved building should be totally soundproofed to the surrounding area and screened on all sides
- How will impacts be measured, monitored and made available to the general public in real time
- Unnecessary development – SWW need to fix leaks in supply pipework
- Development could be located towards the A30 crossing where there are road links and impacts would be less
- Incorrect buffer distances from Ancient Woodland.

Relevant Planning History

- 0098/23/PR7 Pre Application Enquiry For - New Pumping Station. Not concluded.
- 2490/23/SCR Request for EIA screening opinion, appropriate assessment & information notification of permitted development for proposed pumping station & access road. ES not required.
- 3309/23/FUL Construction and operation of temporary water abstraction plant and ancillary works. Conditional Approval

- 0053/24/ARC Application for approval of details reserved by conditions 10 (Construction Phase Method Statement) and 11 (In-Stream Structures) of planning consent 3309/23/FUL. Discharge of Condition Approved.

ANALYSIS

1. Principle of Development/Sustainability:

1.1 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise.

1.2 The recent case of Corbett¹ has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole and bearing in mind the relative importance of the policies which are complied with or infringed, and the extent of the compliance or breach.

1.3 The Plymouth and South West Devon Joint Local Plan sets out the framework for consideration of all new development proposals within the Plymouth, West Devon and South Hams Local Planning Authority Areas. JLP Policy SPT1 sets out the spatial strategy for delivering sustainable development across the plan area. The stated principles include a “sustainable society” where “Resilient communities and developments are delivered, which are able to accommodate the impacts of climate change and do not cause detrimental impacts to other communities and developments, for example through increasing flood risk” (SPT1.2(iv)). JLP Policy SPT2 provides the guiding principles of sustainable linked neighbourhoods and sustainable rural communities to guide development and growth in the Plan Area. SPT13 states that WDBC (along with SHDC and PCC) will work with partners to ensure that the infrastructure needed to deliver the spatial strategy is delivered.

1.4 JLP Policy TTV1 provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. For the purposes of policy assessment the proposal site is characterised as being in the countryside, and is therefore in the 4th tier of the settlement hierarchy. JLP Policy TTV1.4 states development in the countryside will only be permitted where it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27. Policy TTV26 seeks to protect the special characteristics and role of the countryside.

1.5 The spatial strategy contained within Policy TTV1 is clear that most development should be directed towards our most sustainable, named settlements. Policy TTV26 (and sometimes TTV27 but that is not relevant to this particular proposal) introduce some additional considerations for sites beyond these named settlements. Although it isn't directly referenced within SPT13, the strategic nature of the proposal subject of this application and the importance of a resilient water supply (particularly in the face of climate change) needs to be acknowledged.

¹ R (Corbett) v Cornwall Council [2020] EWCA Civ 508

1.6 Policy TTV26 sets out the tests for development in the countryside. In this instance, the site is located c. 2.2 km south of Lifton; access is provided via single track metalled lanes with no footpath or street lighting along the route and on this basis is considered to be isolated from a settlement and both limbs of TTV26 apply.

1.7 The first limb of TTV26 specifies that:

“1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.”*

Items (i)-(v) are illustrative of when, exceptionally, isolated development may be permitted in the countryside. The nature of the proposal means of necessity it must be close to the river and in this location. This, together with the strategic nature of the proposal, is sufficient to demonstrate exceptional circumstances and ensure that the proposal complies with the policy.

1.8 The second limb of TTV26 requires that development should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.”*

The proposal does not impact on any public rights of way and therefore complies with clause i. Clause ii relates to the re-use of existing buildings only and is therefore not relevant to the current application. Clause iv requires that proposals are supported by an agricultural, forestry and other occupational need that requires a countryside location and clause iii that the proposal is complementary to and does not prejudice any viable operations on a farm. The use of the land to support water abstraction is considered complementary to the surrounding agricultural uses of land that justifies a countryside location. The proposal is sited on Class 3 Agricultural Land but is not considered to represent such a significant loss of agricultural land so as to warrant a refusal on this basis. Furthermore, when considered that the requirement to be adjacent to the river limits the potential options for siting the development and in this context, the proposal complies with the provisions of clause v.

Clause vi concerns the impact of the proposal on the immediate setting of the application site and the natural environment. This is covered in more detail later in this report.

1.9 JLP Policy DEV15 seeks to support the rural economy – this proposal is essentially for strategic infrastructure and arguably does not fall within the scope of what DEV15 seeks to influence (whilst there would be some job creation during the construction phase once operational the site would only really be accessed for maintenance purposes and not therefore be a generate employment or significant vehicle movements). However, in a broader sense the security of water supply is of importance to the rural economy, and the proposal does not directly conflict with any of the specific DEV15 criteria.

1.10 The submitted Design and Access Statement includes the following as “key requirements” of the abstraction intake location:

- *The abstraction point on the River Tamar needed to be downstream of the Lyd / Tamar confluence for sufficient volume to be available in the channel, and on the eastern (Devon) side of the Tamar to avoid an unnecessary pipeline crossing.*
- *The intake needs to be on an outside meander bend in the river where water depth is greatest and to minimise the extent the abstraction structure projects into the river.*
- *The abstraction intake needs to be as close as possible to the Tinhay abstraction (on the River Lyd) to allow existing pipeline infrastructure to Roadford Reservoir to be used, and to optimise the route of new infrastructure for lowest capital cost and maximum efficiency in operation.*
- *The intake and pumping station needs to be located in an area readily accessible for construction, operation and ongoing maintenance.”*

1.11 Within its immediate context the precise location of the pumping station was selected with regard in particular the following (again taken from the submitted Design and Access Statement):

- *Optimises the length of underground pipework between the abstraction point, pumping station and connection to the main pipeline route.*
- *Pumping station location optimal for clearance to woodland, priority wetland habitat, recorded species in waxcap grassland and badger sets.*
- *Location allows utilisation of existing track route (with minimal additional hardstanding) with limited upgrade work required for periodic operational and maintenance access to the facility.”*

1.12 The JLP would generally be resistant to development of this scale/form for non-agricultural purposes in an isolated rural location. However the specific nature of this application for what is essentially strategic infrastructure needs to be weighed in the balance. Based on the available information it is considered there are sufficient reasons to justify the proposed development in this countryside location, and the provisions of SPT1, SPT2, TTV1, TTV2, TTV26 in particular are broadly satisfied.

1.13 A number of third party objectors have queried the site location and suggested alternatives which they consider to be more appropriate. The Council is required to determine the application as submitted for the development in the location proposed.

1.14 Having assessed matters of principle, there are a number of technical issues which required detailed consideration.

2. Flood Risk/Drainage:

2.1 The proposed intake structure would be located within Flood Zone 3, with the Pumping Station within Flood Zone 1.

2.2 JLP Policy DEV35 requires all developments to incorporate sustainable water management measures, with further detailed guidance in the adopted SPD. DEV35 also states that *“In respect of development of sites not provided for in this plan, a sequential approach will be used in areas known to be at risk from any form of flooding. Development will be resisted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”*

2.3 Paragraph 161 of the NPPF sets out that a *“sequential, risk-based approach”* should be taken in planning the location of development, managing the residual risk by applying the Sequential Test and then is necessary, the exception test. Paragraph 162 states: *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3”* (*emphasis added*).

2.4 Annex 3 to the NPPF includes pumping stations within the definition of ‘water-compatible development’, which are not subject to the Exception Test for any Flood Zone. The initial response from the Environment Agency included the following with respect to flood risk: *“We are satisfied from a flood risk perspective regarding the location and elevation of actual pumping station. This is to be set in flood zone 1 (low risk of flooding) at a minimum floor level of 49.70 AOD. This is in excess of 3m above the surrounding ground levels of the flood plain which extends for approximately 400 metres in width across the valley bottom at this point. The pipe work and access track linking the pumping station to the intake on the banks of the River Tamar are proposed to be set at existing ground levels to avoid any impedance to out of bank flood flows or significant loss of floodplain storage capacity which is acceptable.”* It is also noted that a Flood Risk Activity Permit will be required. It is the responsibility of the LPA to determine whether the Sequential Test has been satisfied – having regard to the inherent need for the pumping station to be in immediate proximity to a river (and could not be appropriately located at any significant distance away from the river in order to avoid the Flood Zone area), it is considered reasonable to conclude (and as is indicated within the submitted Flood Risk Assessment), that the Sequential Test can be considered satisfied in this case.

3. Environmental Impacts/Ecology/BNG:

3.1 In addition to addressing any site-specific ecological impacts arising from survey work, all major developments are required to deliver a 10% increase in biodiversity (Biodiversity Net Gain, BNG) in accordance with JLP Policy DEV26 and the adopted JLP SPD. The NPPF also states that development should provide for net gains in biodiversity (paragraph 174(d)) and that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated (as a last resort) then planning permission should be refused (NPPF

paragraph 186). (It should be noted that the submission date of this application pre-dates the statutory requirement for BNG, but as a major development the proposal still needs to deliver 10% BNG to accord with JLP Policy DEV26).

3.2 After the initial application submission concerns were raised by the LPA Ecologist and the Environment Agency. Following further discussions additional/revised information was received (and advertised for comment by any interested parties). The revised consultation response from the Environment Agency was received as follows:

“Environment Agency position

We consider that this proposal will only be acceptable if subsequent planning permission includes a condition to ensure a scheme for watercourse habitat compensation is agreed and implemented. Our recommended condition together with our comments regarding habitats, fisheries, and various regulatory requirements are set out below.

Condition – Watercourse habitat compensation scheme

Within six months of the commencement of the development hereby approved, a scheme for the provision and management of compensatory watercourse habitat shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall include details of all in-channel and riparian compensation proposals, including for the main channel and tributary within the application boundary, and be supported by an updated Biodiversity Net Gain Assessment. The watercourse habitat compensation scheme shall be implemented within 18 months, once approved.

Reason: *To ensure loss of priority habitat is adequately compensated for in accordance with paragraph 186 on the National Planning Policy Framework.*

Advice – Habitat compensation

Regarding compensation for the loss of riverbank and riverbed through construction of the permanent abstraction, we are seeking appropriate mitigation within the tributary that is within the red line boundary to the north end of the site. In particular we seek:

- Restoration of channel banks within the red line boundary for proven, long term, sustainable improvements to ecological status.*
- Restoration of riverbed within the red line boundary for proven, long term, sustainable improvements to morphology.*
- Restoration of both bed and banks for improved “Naturalness” of the watercourse.*
- Actions outside of the boundary on neighbouring land (i.e., upstream of the proposed mitigation will need to be considered to ensure longevity of the interventions).*
- To look for further opportunities within the red line boundary (i.e. riparian compensation).*

We are satisfied that the recommended condition will ensure appropriate habitat compensation is secured.

Advice – Fish

We are satisfied that the revised application has addressed all our previously raised concerns regarding the temporary works.

The relevant supporting documents and revisions of the overall landscape plans do not clearly show how our previous comments in relation to design and management guidance to reduce potential for fish stranding in the new riparian ponds/wetlands have been

incorporated. However, these matters have been discussed directly between the applicant and our specialists and we are content that this detail be confirmed separately.

As a further advisory point, we would recommend that the new area of reno-mattress to be installed as a tie-in between the invert of the new headwall structure and the riverbed, is set sufficiently low as to allow accretion natural bed material over time. This is to ensure the mattress itself does not become an exposed feature which could cause issues and impact upon recreational and angling interests in this reach.

Advice – Environmental Permitting and other regulatory requirements

Our previous letter (23 February 2024, Ref. DC/2024/123863/01-L01) highlighted other regulatory requirements relating to this proposal.

We noted that the construction of the intake structure will require a Flood Risk Activity Permit (FRAP) from us due to the proximity of the works to a designated Main River. We can confirm that we have received and are currently processing a FRAP application for these works.

We can confirm that the intake screening arrangements conform with best achievable eel protection under the Eels (England & Wales) Regulations 2009.

Finally, we reiterate that an abstraction licence will also be required for the proposed operations.”

3.3 It is important to note that compliance with other regulatory regimes, and in particular the need for an abstraction licence, falls beyond the scope of planning control (and it would not be reasonable to refuse the planning application subject of this report simply because the Environment Agency have not yet issued an abstraction licence). In light of the above response from the relevant statutory body it is considered third party concerns regarding impact on fish have been addressed.

3.4 On the basis of the revised information the LPA Ecologist has raised no objection subject to conditions. Their detailed consultation response includes the following points of particular note:

“Proposed works intersect with potential functionally linked habitat for SAC features (migratory fish and otters). There are likely fish spawning areas within c.180m downstream of the works.

Potential construction impacts include loss and degradation of in-river and riparian habitat, risks to migratory fish and otters. The intake would directly affect c.25m of river bank. Operational impacts due to abstraction are subject to a separate AA to be undertaken by the Environment Agency (EA).

An HRA screening and Appropriate Assessment was completed by DCC Ecology 19.09.23 for the EIA screening of the permanent scheme, which considered impacts on the Plymouth Sound & Estuaries SAC and Dartmoor SAC in detail. The Tamar Estuaries Complex SPA was screened out for HRA.

An Update of Information to inform HRA (IIHRA) dated November 2023 has been submitted, informed by EA comments. A minor modification to the scheme of moving intake slightly upstream is taken into account. Potential Likely significant effects have been identified therefore an Appropriate Assessment has been carried out.

A further iteration of the information to inform an HRA will be completed in autumn 2024 for the EA abstraction licence application.”

Additionally:

“The DCC Ecology Appropriate Assessment dated 03.04.24 concludes that the development subject to this planning application, with all avoidance and mitigation measures being secured by condition and implemented in full will not adversely affect the integrity of any European site.”

Natural England have been consulted on the Appropriate Assessment, and have confirmed that they *“concur with the assessment conclusions, providing that mitigation measures as specified in the AA are appropriately secured by conditions in any planning permission given.”*

3.5 With reference to the County Wildlife Status of the site, LPA Ecology have stated in their response:

“The western field contains a regionally important waxcap and other fungi assemblage of CWS standard. In addition, certain fungi present are priority species (see below).

Detailed grassland fungi survey carried out by Seasons Ecology on 28 September and 20 October 2022. Further eDNA surveys of soil samples collected on 11 & 12 September 2023.

The site for the proposed works is an area of grassland described by the consultant ecologist as of ‘regional importance’ for waxcaps, including date coloured waxcap listed as a species of principle importance under the NERC Act and listed as vulnerable globally by the IUCN. The combined field and eDNA surveys suggest that 15 waxcap species and 3 other important fungi are present. As noted above, the western field is of County Wildlife Site quality.

The works will affect approx. 7750 sq m of waxcap habitat although the area with species of higher value impacted is 97 sq m.”

3.6 The Applicant and their project team have sought to work with LPA Ecology to suitably address the ecological sensitivities of the site (with particular regard to the waxcaps), and information provided at this stage includes an Ecological Method Statement and a Landscape and Ecological Management Plan (LEMP). On the basis of the latest information LPA Ecology are satisfied ecological matters have been addressed subject to a number of conditions.

3.7 The removal of five trees adjacent to the river corridor will require the applicant to obtain a European Protected Species Licence (EPSL). The LPA Ecology consultation response includes the following:

“Removal of the 5 trees adjacent to the river corridor will be carried out under licence and with restrictions on timing and under an Ecological watching brief by a dormouse licence holder. The EMS sets out how impacts to dormice will be avoided and a RAMMS provided. The LEMP provides details of dormouse habitat creation and management.

The authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPSL which would permit the proposal to lawfully proceed. The first two tests (below) are essentially planning tests and are for the case officer to conclude. The third test I have concluded below. i) The consented operation

must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; ii) There must be 'no satisfactory alternative'; iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

Provided the mitigation measures included within the submitted information are conditioned it is my opinion that the third test of the Habitats Regulations will be satisfied."

3.8 In relation to the first two derogation tests, the public health interests associated with drinking water supply are considered to provide an overriding public interest (first test); and the proposal the proposal is considered to reasonably require this riverside location (second test). It is therefore reasonable to conclude that Natural England will grant an EPSL.

3.9 With regards to the JLP policy requirement for 10% BNG, the LPA Ecology consultation response includes the following:

"The Metric Dec 23 gives headline results of a net gain of +10.94% in habitat units and +66.4% hedgerow units. Bespoke compensation for loss of priority river habitat is necessary. This comprises the creation of a riparian habitat mosaic (approx 175 x 10m) as outlined on the Landscape Strategy Plan P03 in the Annex below. This will include scrub, wetland, pond creation and dead wood habitat.

Management and monitoring

The Feb 24 LEMP give a timetable for a 30- year period and includes details for habitat creation, enhancement and management.

Monitoring of BNG is referred to in the LEMP but no detail is provided.

Findings

The habitat and hedgerow baseline calculations appear broadly accurate. It is understood that additional in-channel and riparian habitat measures will also be delivered in the northern part of the site and secured by planning condition. Any delay in creation/enhancement will mean that the habitat net gain is likely to not reach 10%. The applicant has agreed that the site can and will accommodate the necessary additional net gain to achieve a 10% net gain.

We are confident that a minimum 10% net gain will be achieved. It has been agreed that a planning condition will require submission within a set period of a revised Metric, LEMP and Landscape Strategy Plan to satisfy net gain requirements.

3.10 Conditions are recommended in light of the above technical response to ensure 10% BNG is secured. As detailed above Natural England have confirmed they concur with the findings of the Appropriate Assessment (subject to conditions to secure the appropriate mitigation). It is considered ecological matters arising from the proposal have been addressed subject to imposition of the conditions listed above on any approval.

4. Trees:

4.1 The Tree Officer has raised no objection, detailing the following in their response:

“Appraisal

- 1. The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.*
- 2. An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery following a combination of a site visit and Teams meetings with all stakeholders.*
- 3. The AIA satisfactorily reflects negotiated outcomes and finds the best solution for the conflicts between the statutory designation and the requirements of the scheme.*
- 4. Further details of tree planting appear to be required in terms of species mix and establishment regimes. I would advise the Senior Landscape Specialist is consulted for a review of their efficacy and supporting information.”*

4.2 The consultation response from LPA Ecology notes:

“Gatherley Wood Unconfirmed Wildlife Site (UWS) and Ancient Woodland and River Wood UWS are adjacent to the site. A new access track will be constructed partially within 15m of Gatherley Wood Ancient Woodland. It has not been possible to avoid the 15m buffer zone completely due to steep level changes and minimising impact on waxcap grassland. The 15m buffer to ancient woodland is required by the JLP SPD for Policy DEV28. The West Devon Tree Officer has undertaken a site visit and has no objection on ancient woodland grounds, subject to the AIA being conditioned.”

4.3 Whilst third party objectors have raised concerns regarding the impacts of the development on trees, in the absence of any objection from the relevant technical consultee it is considered refusal of the application could not be substantiated on this basis.

5. Design/Landscape:

5.1 JLP Policy DEV20 requires all development proposals to meet good standards of design and protect and improve the quality of townscape and landscape including through *“Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character...”* JLP Policy DEV23 requires all development to conserve and enhance landscape character and scenic and visual quality. Policy DEV23.3 states proposals should *“Be of high quality architectural and landscape design appropriate to its landscape context.”*

5.2 In design terms the proposed Pumping Station building, whilst not insignificant in scale would broadly appear as a modern agricultural building within the wider landscape. Careful consideration has been given in particular to the siting, orientation and choice of materials. Overall Officers are satisfied that the proposed development accords with JLP Policy DEV20.

5.3 The Council’s Landscape Officer has raised no objection subject to condition, and provided the following detailed comments:

“Landscape and Visual Impact Assessment:

The supporting Landscape and Visual Impact Assessment is noted (LVA, 330202118_200.6 Roadford Pumped Storage_LVIA_01, Nov 2023, Stantec). The LVA broadly accords with

the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition 2013 (GLVIA3), published by the Landscape Institute and IEMA, and the methodology is appropriate.

Reference is made to Landscape Institute Technical Guidance Note 02/21: "Assessing landscape value outside national designations".

*The assessment fails to identify the West Devon Landscape Character Assessment and Guidelines as a relevant evidence base for the landscape character appraisal, which is disappointing as pre-application advice specifically highlighted the site's Landscape Character Types: the more elevated land being within **LCT 5A: Inland elevated undulating land**, and the lower-lying land being within **LCT 3C: Sparsely settled farmed valley floors**. However, aside from this omission, the LVIA explains the baseline landscape and visual amenity context clearly. Mitigation measures are clearly described and considered appropriate, and I broadly concur with the assessment of effects on landscape character and visual amenity.*

The DAS is noted, and clearly explains the design development, including the various mitigation measures that have been explored and subsequently adopted as part of the proposals for the built form and structures, the materials and finishes, the access, and the landscape strategy.

The proposals are accompanied by a Landscape Strategy Plan that illustrates a range of planting proposals. These will provide both landscape and biodiversity enhancements within an effective green infrastructure framework, which will provide additional screening and also assimilate the new development within the landscape, and provide habitat and biodiversity benefits. There are no detailed landscape proposals, but full hard and soft landscape details could be secured by condition, with an expectation that such details reflect the landscape strategy that has been submitted, as well as the objectives and management actions described in the LEMP. In relation to landscape, details in the LEMP covering objectives and management actions and monitoring and plan review are considered appropriate – other Specialist colleagues will comment on the acceptability of the LEMP documentation in relation to habitats, protected species and biodiversity.

The proposals accord with JLP Policy DEV23. However, a condition requiring full details of hard and soft landscape proposals will be required to secure the appropriate level of detail to deliver the proposed Landscape Strategy and mitigation measures."

5.4 The revised submission details included additional visualisations which help to support the view that visual harm to the landscape would be minimised. There have been a number of third party objections regarding the visual impact of the development from within Lawhitten, which lies to the south west of the application site (west of the River Tamar). Lawhitten is in excess of 2km from the application site, and having regard to the separation distance and scale of development proposed Officers are not persuaded that there are grounds to refuse the application due to the impacts on this settlement or the wider landscape more generally.

6. Heritage:

6.1 A Historic Environment Desk-Based Assessment has been included with the application submission. This also includes assessment of the pipeline route which does not form part of the planning application subject of this report.

6.2 The nearest listed building is Gatherley Farmhouse (Grade II) which lies at some distance to the south east of the application site. Given the separation distance and scale of development proposed, the proposal would not result in harm to the setting of this heritage asset and no policy conflicts are identified in this regard.

7. Highways/Access:

7.1 JLP Policy DEV29 requires new developments to provide, amongst a number of criteria, safe and satisfactory traffic management and vehicle access to and within the site.

7.2 DCC Highways have not offered any specific comments on this application, on the basis that it does not raise any specific highways issues. The volume of traffic associated with the development once operational would be very limited. Other consultees have requested details of a CEMP which would suitably address construction matters in this case.

8. Low Carbon Development:

8.1 JLP Policy DEV32 includes a Plan Area target to halve 2005 levels of carbon emissions by 2034. It also states: *“All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.”* Further guidance is now contained within the Plymouth and South West Devon Climate Emergency Planning Statement.

8.2 The application submission includes a completed Climate Emergency Compliance Form and a Carbon Reduction Assessment. The assessment notes that the Pumping Station building is exempt from Building Regulations (including Part L). As such the standard methodology for assessing compliance against DEV32 cannot readily be applied. The possibility of on-site renewable energy was still considered, in particular solar PV, but was seemed unfeasible partly due to the limited water abstraction time during winter months only (and would not provide sufficient energy to power the equipment). Efforts have been made in terms of the choice of materials to reduce carbon impacts: *“The building's structural framework comprises steel, with a commitment to utilising recycled steel whenever feasible. The roofing and wall panels are intended to be coated with a plastisol finish to ensure weather durability and protection. Plastisol, chosen for its properties, is a material known for its minimal waste production and low emission of Volatile Organic Compounds (VOCs), aligning with sustainability objectives and environmental considerations. Window frames, door frames, and louvres are intended to be polyester powder-coated metal, a sustainable choice due to its production process, which eliminates the release of toxic emissions and significantly reduces the necessity for intensive waste disposal methods.”*

8.3 It is acknowledged that clear compliance with DEV32 has not been demonstrated in this case and this needs to be considered in the planning balance, acknowledging that the standard assessment method cannot be applied. Managing water supply/resilience is part of the wider picture of adapting to the impacts of climate change (NPPF paragraph 158) and this can also be taken into consideration.

9. Neighbour Amenity:

9.1 JLP Policy DEV1 requires amongst other matters satisfactory standard of amenity for both existing and future occupiers, with unacceptable impacts judged against the level of amenity generally enjoyed in the locality.

9.2 The nearest residential properties are a considerable distance from the proposal site, and no policy conflicts are identified with respect to amenity.

10. Other Matters:

10.1 Concerns have been raised by third parties with respect to noise – the Environmental Health Officer has reviewed the application and raised no concerns.

10.2 Comments regarding water abstraction and drinking water standards are noted but these are covered by separate legislative frameworks and statutory bodies and are considered beyond the scope of this report.

10.3 JLP Policy DEV19 requires all major development proposals to provide a site related employment and skills plans in order to support local employment and skills in the construction industry. No such details have been provided with the application as submitted, and would need to be conditioned as part of any approval.

10.4 In response to concerns regarding application 3309/23/FUL – these are not material to the determination of the current application. Site notices for the application subject of report were posted on the western side of the River Tamar (i.e. within Cornwall) as well as the east, and the relevant Parish Council within Cornwall were consulted.

11. Conclusions and Planning Balance:

11.1 The site is located within the 4th tier of the settlement hierarchy where new development is restricted. The proposal is essentially for strategic infrastructure which Officers consider does justify a countryside location, and specifically a site in close proximity to the River Tamar. The importance of a resilient water supply needs to be acknowledged. The application has been subject to detailed review by a number of technical consultees (in particular the Environment Agency and the LPA Ecologist), and subject to a number of recommended conditions the various requirements are considered to have been addressed. The Council's Landscape Officer has raised no objection (subject to condition), and whilst third party concerns have been raised regarding the visual impacts of the development Officers consider the application as now presented accords with the relevant policy requirements in this regard. The application has not however demonstrated clear compliance with JLP Policy DEV32 and this needs to be acknowledged, as do the public benefits of a resilient water supply and the importance of this as part of the broader response to climate change. Several matters raised by third party objectors fall outside the scope of this planning application.

11.2 There is a statutory presumption in favour of the development plan. The NPPF, an important material consideration, reiterates this fundamental point. When taken as a whole, it is considered that the proposed development accords with the policies of the development plan, and the application is recommended for approval subject to the conditions listed at the beginning of this report. It is also subject to receipt of consultation response from Natural England on the Appropriate Assessment.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the parish of Lifton but it has not yet reached a stage where it can be considered material to the decision making process.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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.

Recommended conditions in full:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Received 03/01/24:

268603 -TOR-PW-ZZ-DR-A-P001 - 1 Site Location Plan

268603 -TOR-PW-ZZ-DR-A-P010 - 1 Pumping Station Floor Plan

Design and Access Statement December 2023 Section 4.3 Appearance and materials

Roadford Pumped Storage Drainage Strategy Report Ref. 70101653-WSP-CIV-PWD-DOC-CE-000001, Rev. Draft Issue, dated 11th December 2023

Received 04/03/24:

268603-TOR-PW-ZZ-DR-A-P013 Pumping Station Site Section

268603-TOR-PW-ZZ-DR-A-P003-rev4 Site Layout Plan Proposed

268603-TOR-PW-ZZ-DR-A-P011-rev2 Pumping Station Section/Elevations

268603-TOR-PW-ZZ-DR-A-P012-rev3 Abstraction Screen Structure received

70101653-WSP-CIV-PWD-DRW-CE-000103 S4 P01 Abstraction structure overview general arrangement

70101653-WSP-CIV-PWD-DRW-CE-00111 S4 P02 Abstraction structure general arrangement and details sheet 1 of 3

70101653-WSP-CIV-PWD-DRW-CE-00110 S4 P02 Abstraction structure general arrangement and details sheet 2 of 3

70101653-WSP-CIV-PWD-DRW-CE-00113 S4 P01 Abstraction structure general arrangement and details sheet 3 of 3

70101653-WSP-CIV-PWD-DRW-CE-00112 S4 P02 Abstraction structure isometric view and river cross section

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. PRE-COMMENCEMENT: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Roadford Pumped Storage Drainage Strategy (Report Ref. 70101653-WSP-CIV-PWD-DOC-CE-000001, Rev. Draft Issue, dated 11th December 2023) but with the restriction of discharge rate to Q_{bar} of 0.2l/s.

- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

4. Prior to construction of the Pumping Station hereby approved continuing above slab level, details of both hard and soft landscape works shall have first been submitted to, and approved in writing by the Local Planning Authority. The Landscape Plan shall include details of:

- (i) Existing features for retention and means of protection during the development;
- (ii) Features to be removed with clear justification for the proposed removal;
- (iii) The location, species, density and size of proposed tree, shrub and hedge planting;
- (iv) The means of establishment, protection and maintenance of the trees, shrubs and hedges;
- (v) Materials, heights, levels and details of hard landscaping;
- (vi) Materials, heights and details of fencing and other boundary treatments;
- (vii) A timetable for the implementation of all hard and soft landscape works.

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details. All work shall be completed before the end of the first available planting season following completion of the development hereby permitted.

Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with the same species, size and number as originally approved. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: To ensure appropriate landscaping is provided to integrate the site into the local area, and in the interests of the protection and enhancement of biodiversity and protected species/habitats. This condition is imposed in accordance with DEV20, DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

5. The development hereby approved shall be carried out strictly in accordance with the Construction Environmental Management Plan (CEMP) dated March 2024.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and JLP Policy DEV26, and in the interests of local amenity in accordance with JLP Policies DEV1 and DEV2.

6. The development hereby approved shall be carried out strictly in accordance with the Installation and Removal of in-river channel temporary works method statement 001 dated 29/02/24.

Reason: In the interests of protected sites and species and in accordance with JLP Policy DEV26.

7. The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment Project Ref: 330202118.500.04 Rev: P01 Date: 16th November 2023, and Existing Gatherley Track Reinstatement Method dated 29/02/2024.

Reason: To avoid the loss or deterioration of trees in the interests of visual amenity and the protection and enhancement of biodiversity, and the protection of a County Wildlife Site and Ancient Woodland in accordance with Joint Local Plan policies DEV26 and DEV28.

8. The development hereby approved shall be carried out strictly in accordance with the Ecological Method Statement Project Ref: 330202118 Rev: A Date: February 2024.

Reason: In the interests of protection of regionally importance species within a County Wildlife Site and other protected species (including bats), in accordance with JLP Policy DEV26.

9. PRE-COMMENCEMENT: Notwithstanding the submitted details prior to the commencement of development a revised Landscape Strategy Plan shall be submitted to and agreed in writing with the Local Planning Authority. This shall include revised waxcap turf translocation and grassland management.

Reason: In the interests of the protection of a regionally importance habitat and in accordance with JLP Policy DEV26. A pre-commencement condition is considered necessary to ensure protection of the regionally important waxcap habitat which could otherwise be adversely affected by the development.

10. PRE-COMMENCEMENT: Prior to the commencement of the development hereby approved and notwithstanding the details of the submitted Landscape and Ecological Management Plan Project Ref: 330202118 Rev: 1 Date: February 2024, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The revised LEMP shall include details of the waxcap grassland monitoring and reporting. The development shall thereafter be carried out in accordance with the approved LEMP.

Reason: In order to protect and enhance biodiversity, including protected species and to ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with DEV23, DEV26 and DEV28 of the Joint Local Plan. A pre-commencement condition is considered necessary to ensure that appropriate protection of the waxcap grassland.

11. The development hereby approved shall be carried out strictly in accordance with the submitted Invasive Non-Native Species – Construction Control Measures report dated 29/02/2024.

Reason: To ensure impacts of the development on the River Tamar are appropriately managed in accordance with JLP Policy DEV26.

12. Notwithstanding the submitted details, within six months of the commencement of the development hereby approved, a revised Biodiversity Net Gain report and metric shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved BNG report.

Reason: To ensure appropriate Biodiversity Net Gain in accordance with JLP Policy DEV26.

13. Within six months of the commencement of the development hereby approved, a scheme for the provision and management of compensatory watercourse habitat shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall include details of all in-channel and riparian compensation proposals, including for the main channel and tributary within the application boundary, and be supported by an updated Biodiversity Net Gain Assessment. The watercourse habitat compensation scheme shall be implemented within 18 months, once approved.

Reason: To ensure loss of priority habitat is adequately compensated for in accordance with paragraph 186 on the National Planning Policy Framework; and JLP Policy DEV26.

14. PRE-COMMENCEMENT: Notwithstanding the submitted details, prior to the commencement of development, an updated waste audit statement shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- a) The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- b) Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- c) The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.
- d) Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

15. PRE-COMMENCEMENT: Prior to the commencement of development an Employment and Skills Plan ('ESP') shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the construction

phase. The approved ESP shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in the area's employment base, where it is recognised to require investment both in job growth and skills, with both Science, Technology, Engineering and Maths (STEM) and construction jobs/skills being of primary importance. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.

This page is intentionally left blank

West Devon Borough Council **Agenda Item 6**

Planning and Licensing Committee 14 May 2024

Appeals update for 25 Mar 2024 to 25 Apr 2024

Ward:	Bridestowe
--------------	-------------------

2861/23/FUL		PINS Ref: APP/Q1153/W/23/3334616
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mr James Bicknell - Leander Developments Ltd	Appeal Start Date: 3 Apr 2024
Site Address:	Development Site At Sx511893, Town Meadow, Bridestowe	Appeal Decision:
Proposal:	Application for 28 dwellings including access, appearance, landscaping, layout & scale & associated infrastructure	Appeal Decision Date:

Ward:	Exbourne
--------------	-----------------

1532/23/FUL		PINS Ref: APP/Q1153/W/23/3329048
Original Decision:	Refusal	Appeal Status: Appeal Approved
Appellant Name:	Mr Mark Llwyn	Appeal Start Date: 15 Feb 2024
Site Address:	Land At Ss 674 037, Bondleigh	Appeal Decision: Upheld
Proposal:	Construction of steel framed barn for storage of machinery equipment etc	Appeal Decision Date: 22 Apr 2024

2569/23/FUL		PINS Ref: APP/Q1153/W/23/3335843
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mr And Mrs Chris and Jane Hunt	Appeal Start Date: 12 Apr 2024
Site Address:	Land adjacent to Troubadour Barn, Higher Lowton, Bondleigh, North Tawton, EX20 2AL	Appeal Decision:
Proposal:	Change the use of land to garden to include installation of 18 PVpanels & erection of shed/plant room, greenhouse & shepherds hut	Appeal Decision Date:

2772/23/HHO		PINS Ref: APP/Q1153/D/24/3341811
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mr Paul Gibbins	Appeal Start Date: 23 Apr 2024
Site Address:	Willow Tree Farm, Sampford Courtenay, EX20 2SW	Appeal Decision:
Proposal:	Householder application for renovation & extensions of bungalow into atwo storey chalet bungalow, connect garage to dwelling, with amaterial change to the dwelling to better situate it's landscape & context	Appeal Decision Date:

Ward:	Hatherleigh
--------------	--------------------

0998/23/OPA		PINS Ref: APP/Q1153/W/23/3336207
Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mrs Urand	Appeal Start Date: 2 Apr 2024
Site Address:	Hawley House, Church Road, Highampton, EX21 5LS	Appeal Decision:
Proposal:	Outline Application with all matters reserved for residential development for up to 19 dwellings to include public openspace (resubmission of 1266/23/APP)	Appeal Decision Date:

Ward:	Okehampton North
--------------	-------------------------

1771/23/FUL	PINS Ref: APP/Q1153/W/24/3337782
--------------------	---

Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Mr Stephen Brown	Appeal Start Date: 27 Mar 2024
Site Address:	Land At Sx 603 965, Chichacott	Appeal Decision:
Proposal:	Change of use of barn to dwelling, including external alterations and drainage provision	Appeal Decision Date:

Ward:	Tavistock North
--------------	------------------------

0312/23/TPO	PINS Ref: APP/TPO/Q1153/9588
--------------------	-------------------------------------

Original Decision:	Refusal	Appeal Status: Start Letter Received
Appellant Name:	Dr Craig Barker	Appeal Start Date: 9 Apr 2024
Site Address:	The Coach House, Manor Close, Tavistock, PL19 0PN	Appeal Decision:
Proposal:	T1: English Oak - selective pruning of 5 limbs overhanging the officeto north east (as per the annotated images in the tree report)	Appeal Decision Date:



West Devon
Borough
Council

Agenda Item 7

West Devon Borough Council

Undetermined Major Applications as at 25 Apr 2024

2915/19/FUL			
Officer:	Steven Stroud	Valid Date: 18 Dec 2019	Expiry Date: 18 Mar 2020
Location:	Wool Grading Centre, Fore Street, North Tawton		Extension Date: 30 Jun 2024
Proposal:	READVERTISEMENT (Revised plans received) Conversion of existing Grade II listed mill buildings (Building A) into 6 open market townhouses & redevelopment for Class E office use. Conversion/re-erection of Building B into 3 open market dwellings.		
Officer Comments:	A substantially revised scheme has been received. The applicant has been advised that this will be subject to one final round of consultation and then a decision needs to be made. Whilst consultee views of the latest scheme are not yet known, the applicant has been advised that withdrawal in favour of collaborative pre-application engagement is preferable.		
2441/21/FUL			
Officer:	Steven Stroud	Valid Date: 13 Sep 2022	Expiry Date: 13 Dec 2022
Location:	The Old Woollen Mill, Fore Street, North Tawton		Extension Date: 30 Jun 2024
Proposal:	READVERTISEMENT (revised plans) Hybrid application for full planning for 20 dwellings, office unit (class E), and 14 dwellings as outline permission (Self Build Plots).		
Officer Comments:	A substantially revised scheme has been received. The applicant has been advised that this will be subject to one final round of consultation and then a decision needs to be made. Whilst consultee views of the latest scheme are not yet known, the applicant has been advised that withdrawal in favour of collaborative pre-application engagement is preferable.		
4004/21/FUL			
Officer:	Steven Stroud	Valid Date: 26 Apr 2022	Expiry Date: 26 Jul 2022
Location:	Former Hazeldon Preparatory School, Parkwood Road, Tavistock, PL19 0JS		Extension Date: 11 Nov 2022
Proposal:	READVERTISEMENT (revised plans & documents) Refurbishment of Hazeldon House to form a single dwelling (including demolition of non listed structures), demolition of all other structures (including former classroom blocks) on site, the erection of 10 open market dwellings, reinstatement of original site access, restoration of parkland, associated infrastructure (including drainage and retaining structures), landscaping, open space, play space, removal of some trees, parking and boundary treatments		
Officer Comments:	The applicants have requested that the application be deferred so that the heritage comments can be addressed, prior to it being placed before the Planning Committee.		
4113/21/OPA			
Officer:	Steven Stroud	Valid Date: 16 Nov 2021	Expiry Date: 15 Feb 2022
Location:	Rondor And Gunns Yard, North Street, Okehampton		Extension Date: 31 Mar 2024
Proposal:	Outline application with some matters reserved for the development of 19 No. dwellings with new private access road, parking and external works		
Officer Comments:	Delegated approval granted. Awaiting completion of S106. Awaiting signature by applicant.		
0107/22/OPA			
Officer:	Steven Stroud	Valid Date: 13 Jan 2022	Expiry Date: 14 Apr 2022

Location:	Land north of, Green Hill, Lamerton	Extension Date: 31 Mar 2024
Proposal:	READVERTISEMENT (additional information & amended description) Outline application for proposed development of 19 dwellings with access & external works with all matters reserved other than the access	
Officer Comments:	Referred to Committee at request of Cllr Jory	
3198/22/ARM		
Officer:	Adrian Noon	Valid Date: 27 Jan 2023 Expiry Date: 28 Apr 2023
Location:	Land Adjacent To Lifton Strawberry Field, Lifton	Extension Date: 31 May 2024
Proposal:	Application for approval of reserved matters following outline approval 1408/20/OPA for access & adoptable road layout	
Officer Comments:	Further details submitted by agent, awaiting further drainage information.	
4440/22/OPA		
Officer:	Peter Whitehead	Valid Date: 23 Jan 2023 Expiry Date: 24 Apr 2023
Location:	Land Adjacent To Baldwin Drive, Radford Way, Okehampton	
Proposal:	Outline planning permission with some matters reserved (access) for a mix of around 60 1 to 4 bedroom residential dwellings & associated infrastructure	
Officer Comments:	Appeal lodged against non-determination. Now under consideration by PINS.	
2435/23/FUL		
Officer:	Lucy Hall	Valid Date: 16 Aug 2023 Expiry Date: 15 Nov 2023
Location:	Land At Sx 453 669, Bere Alston	Extension Date: 20 Mar 2024
Proposal:	READVERTISEMENT (revised plans & documents) 31no new dwellings, associated access road, pedestrian link, landscaping, public open space & drainage	
Officer Comments:	April committee	
3374/23/ARM		
Officer:	Adrian Noon	Valid Date: 20 Oct 2023 Expiry Date: 19 Jan 2024
Location:	Land to the North and West of Lifton Strawberry Fields, Lifton, PL16 0DE	
Proposal:	Application for approval of reserved matters following outline approval reference 1408/20/OPA for the erection of an industrial building & associated works	
Officer Comments:	Same site as other Strawberry Fields application – need to be considered alongside each other. Awaiting additional information from applicant. Application also seeks to discharge a number of conditions ofn the outline. Consultee comments sought on DOC matters which overlap with the RM. Further details awaited	
3647/23/ARM		
Officer:	Clare Stewart	Valid Date: 14 Nov 2023 Expiry Date: 13 Feb 2024
Location:	Land At Sx 455 868 (Cross Roads Farm), Cross Roads, Lewdown	
Proposal:	Application for approval of reserved matters following outline approval 2808/21/VAR for access, layout, appearance, landscape & scale	
Officer Comments:	Awaiting additional drainage information from the applicant	
3983/23/OPA		
Officer:	Clare Stewart	Valid Date: 01 Feb 2024 Expiry Date: 02 May 2024
Location:	Land at SX 461 918 Bratton Clovelly	
Proposal:	Outline application with some matters reserved for residential development for up to 23 dwellings	

Officer Comments:	within consultation period		
4165/23/FUL			
Officer:	Clare Stewart	Valid Date: 18 Dec 2023	Expiry Date: 18 Mar 2024
Location:	Tavistock Woodlands, Gulworthy		
Proposal:	Installation of platforms, masts and suspended track to accommodate a safety rail attraction; heritage visitor interpretation provision; open space, landscaping and additional parking.		
Officer Comments:	Awaiting additional information from the applicant. Significant number of objections.		
4164/23/OPA			
Officer:	Adrian Noon	Valid Date: 07 Mar 2024	Expiry Date: 06 Jun 2024
Location:	Land at SX 458 868 Lewdown		
Proposal:	Proposed development of 13 No light industrial units with new access road, parking and external works		
Officer Comments:	Under consideration. Significant number of objections. No supportable as submitted. Agent advised to withdraw and put through pre-app. Fundamental changes likely to be needed		
0034/24/FUL			
Officer:	Clare Stewart	Valid Date: 03 Jan 2024	Expiry Date: 03 Apr 2024
Location:	Land at SX 373 834, Lifton		
Proposal:	READVERTISEMENT (additional/revised information received) Construction & operation of water abstraction & pumping facility with associated access arrangements, landscape planting & other ancillary works		
Officer Comments:	Re-consultation period expires 04/04/24. Awaiting revised comments from DCC Ecology and EA.		
0440/24/OPA			
Officer:	Clare Stewart	Valid Date: 24 Jan 2024	Expiry Date: 24 Apr 2024
Location:	Development Site at SX 502 991 Crowden Northlew		
Proposal:	Outline residential application with all matters reserved except access for up to 20 dwellings including 30% affordable dwellings (resubmission of 4083/21/OPA)		
Officer Comments:	Under consideration.		
0255/24/ARM			
Officer:	Lucy Hall	Valid Date: 29 Jan 2024	Expiry Date: 29 Apr 2024
Location:	Jethros Coach House Lewdown EX20 4DS		
Proposal:	Application for reserved matters submission in respect of appearance, landscaping, layout & scale following outline consent 1666/20/OPA for the erection of 30 dwellings		
Officer Comments:	Under consideration NB pre-for further residential now submitted on front part of site.		
0379/24/VAR			
Officer:	Clare Stewart	Valid Date: 31 Jan 2024	Expiry Date: 01 May 2024

Location:	Hatherleigh Market, Hatherleigh EX20 3HT	
Proposal:	Application for variation of condition 1 (approved drawings) of planning consent 4416/21/VAR.	
Officer Comments:	Under consideration.	