

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 20th March, 2018								
Time:	10.00 am *** PLEASE NOTE START TIME NOW DELAYED UNTIL 11.00 am ***								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Roberts</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Yelland</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Yelland
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Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
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 Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the 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

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Meeting of the Development Management and Licensing meeting held on 23 January 2018;

5. Planning Performance Indicators

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6. 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: <http://westdevon.gov.uk/searchlanding>

(a) 0032/18/OPA

9 - 34

Land at SX603952, South of Exeter Road, Okehampton
Outline application (with some matters reserved) for 50no. dwellings

(b) 2472/17/OPA

35 - 50

Development Site At Sx511893", Town Meadow Bridestowe
Outline application for up to 24 dwellings

(c) 3792/17/OPA

51 - 56

Land at SX 442 753, Western edge of Ottery, Tavistock
Outline planning application with all matters reserved for erection of a dwelling

7. Planning Appeals Update

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Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23rd** day of **JANUARY 2018** at **10.00am**

Present: Cllr P R Sanders – Chairman
Cllr A Roberts – Vice-Chairman

Cllr R E Baldwin	Cllr R Cheadle
Cllr T F Leech	Cllr C Mott
Cllr D E Moyse	Cllr C R Musgrave
Cllr G Parker	Cllr J Yelland

COP Lead Development Management (PW)
Planning Specialist (MJ)
Planning Specialist (CS)
Landscape Specialist (AW)
Solicitor (SN)
Specialist Democratic Services (KT)

***DM&L 43 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr W G Cann OBE for whom Cllr T F Leech substituted, from Cllr L J G Hockridge for whom Cllr C R Musgrave substituted, from Cllr T G Pearce for whom Cllr R Cheadle substituted.

***DM&L 44 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr TF Leech declared a personal interest in application **1551/17/FUL**: Proposed development of change of use of land to agriculture/agricultural contracting and the erection of two buildings – Coursebeer House, Whiddon Down, by virtue of being acquainted with the owner of the nearby listed building, and he remained in the meeting and took part in the debate and vote thereon;

Cllr J Yelland declared a personal interest in application **2793/17/FUL**: Application for proposed barn conversion to two dwellings – Barns adjacent to Lower Chichacott, Chichacott Road, Okehampton, by virtue of knowing one of the applicants, and she remained in the meeting and took part in the debate and vote thereon.

***DM&L 45 URGENT BUSINESS**

The Chairman advised that two applications originally shown on the agenda had been withdrawn since the agenda had been published and would therefore not be discussed today. They were:

2236/17/OPA: Outline application (all matters reserved apart from means of access) for the demolition of existing structures and site redevelopment to provide up to 125 dwellings (including the refurbishment of Hazeldon House), associated access, parking, circulation, open space, landscaping and supporting infrastructure

(including retaining structures) – Former Hazeldon Preparatory School, Mount Kelly College, Parkwood Road, Tavistock; and

1987/17/FUL: Erection of a 2 storey 3 bedroomed house, a separate single garage and parking for 2 vehicles – Hayfield House, Hayfield Road, Exbourne

***DM&L 46 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 12 December 2017 were confirmed and signed by the Chairman as a correct record.

***DM&L 47 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Management Specialists and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

(a) Application No: 1551/17/FUL Ward: South Tawton

Site Address: Coursebeer House, Whiddon Down, EX20 2QZ

Proposed development of change of use of land to agriculture/agricultural contracting (B8) and the erection two buildings

Case Officer Update: Following the site inspection, additional consultation with the drainage engineer was carried out. The drainage engineer maintained their stance of no objection, but also recommended that the standard percolation testing / drainage strategy condition was added due to the need to control surface water runoff from the hardstanding.

Speakers included: Supporter – Mr Doug Wynne; Parish Council Representative – Cllr Andrew Sampson

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

During discussion, Members sought clarity on the conditions required for the proposal, and to prevent the buildings being used at a later date for other uses. It was agreed that existing Condition 5 would be amended and an additional standard condition would be added to cover drainage issues.

(b) Application No: 2793/17/FUL Ward: Okehampton North

Site Address: Barns adjacent to Lower Chichacott, Chichacott Road, Okehampton

Application for proposed barn conversion to two dwellings

Case Officer Update: Agent sent in letter to in response to Ward Member's reasons for calling application to Committee, reiterated view that from heritage aspect development of the barns would be in best long term interest, ecology issues have been addressed within submission and affordable homes issue should have no bearing on this case. Planning permission has already been granted for 375 dwellings (including some affordable) on land to the north of Crediton Road.

Speakers included: Objector – Mr Smith; Supporter – Mr Brian Brooks

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

***DM&L 48 APPLICATION FOR WORKS TO A TREE WITHIN A CONSERVATION AREA**

Application No: 4335/17/TCA Ward: Buckland Monachorum

Site Address: Cruets, The Village, Buckland Monachorum

Case Officer Update: None

RECOMMENDATION: The Council does not serve a Tree Preservation Order on the tree and the works are allowed.

COMMITTEE DECISION: The Council does not serve a Tree Preservation order on the tree and the works are allowed.

***DM&L 49 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

DM&L 50 REVIEW OF DEVELOPMENT MANAGEMENT FEES AND CHARGES FOR 2018/19

Members were presented with a report that sought approval of the proposed fees and charges set out in presented Appendix A, for recommendation to Council.

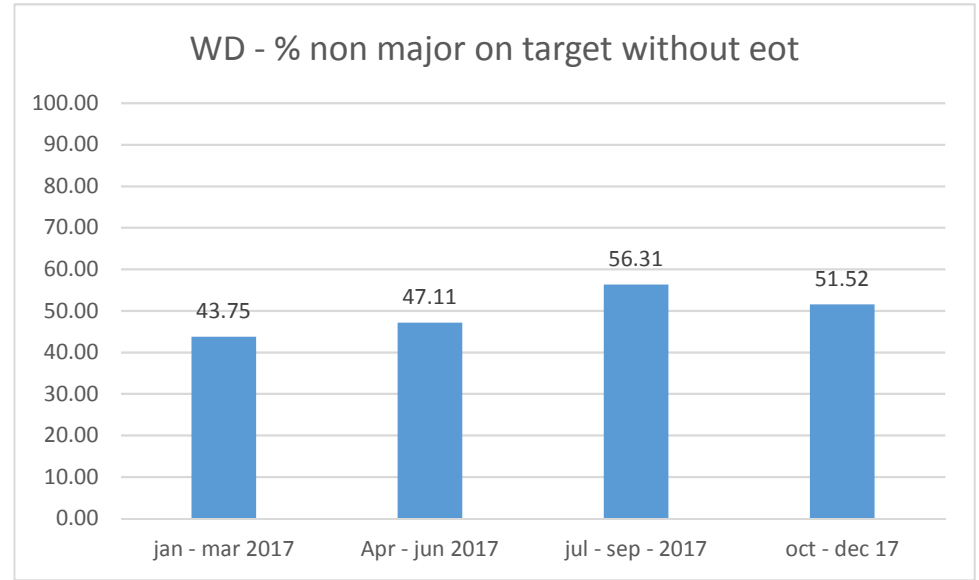
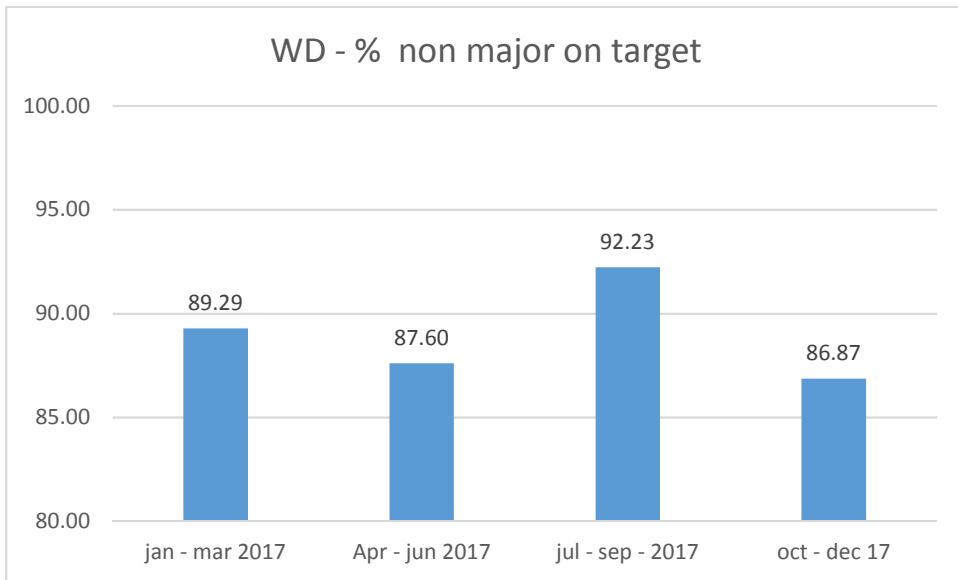
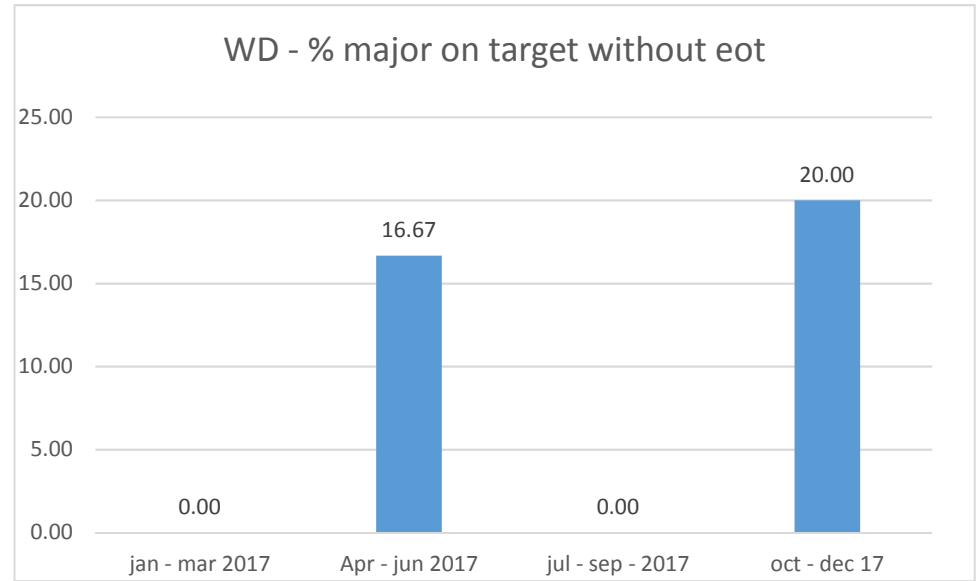
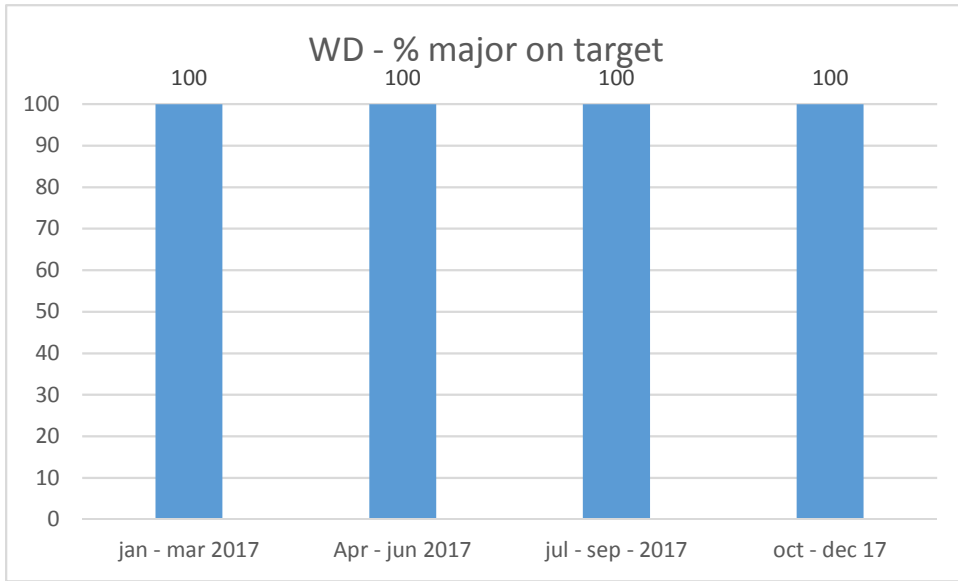
During discussion, a number of Members stated that the fees were reasonable and agreed to principle of the fees being charges.

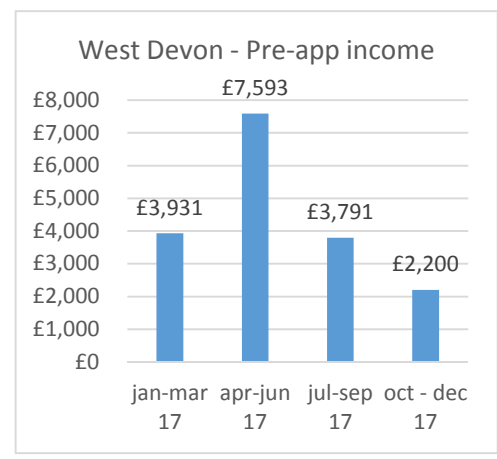
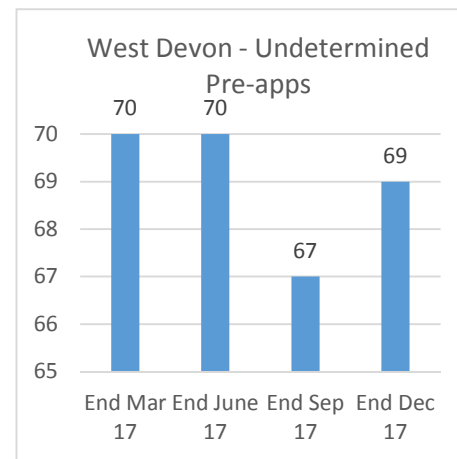
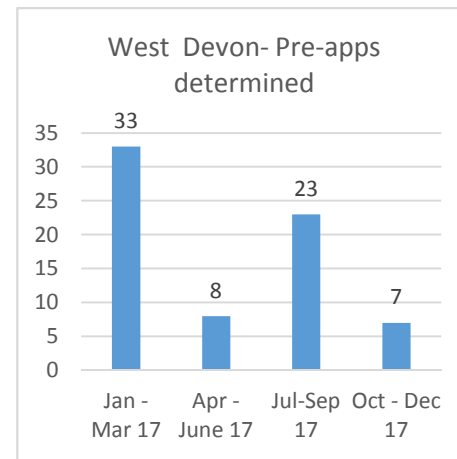
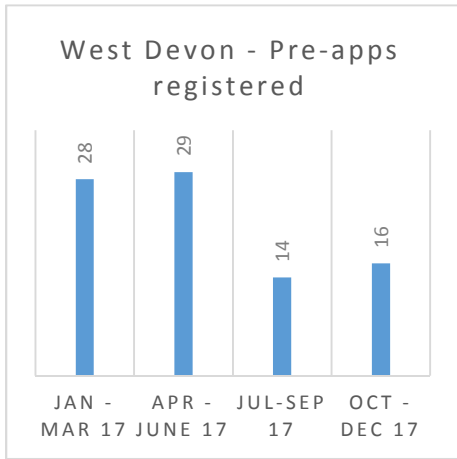
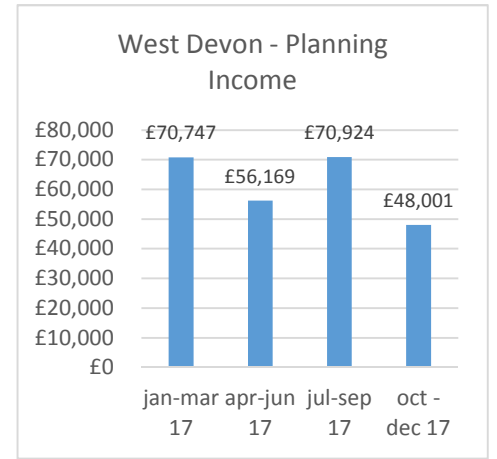
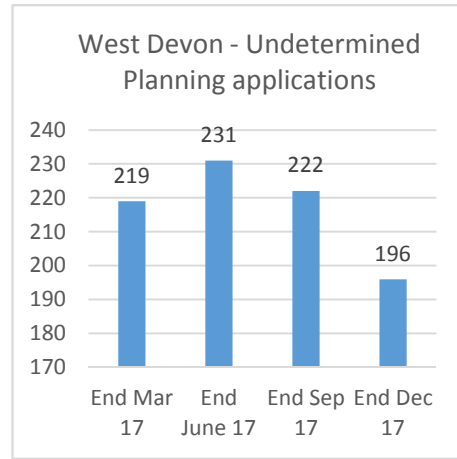
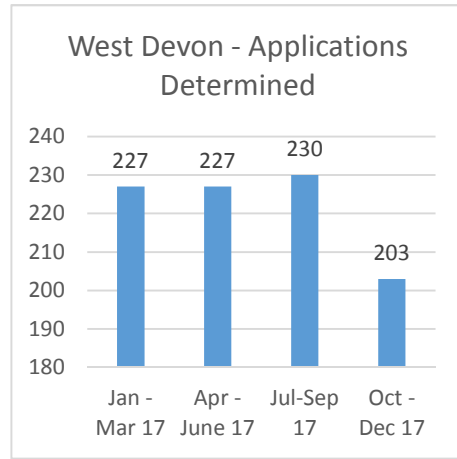
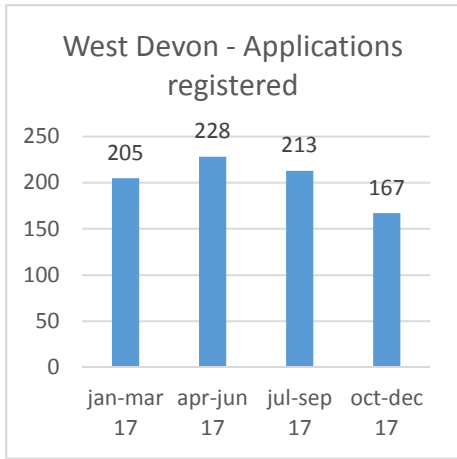
It was then:

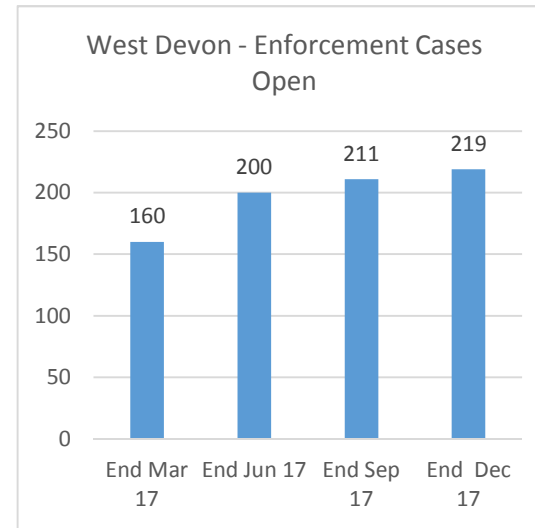
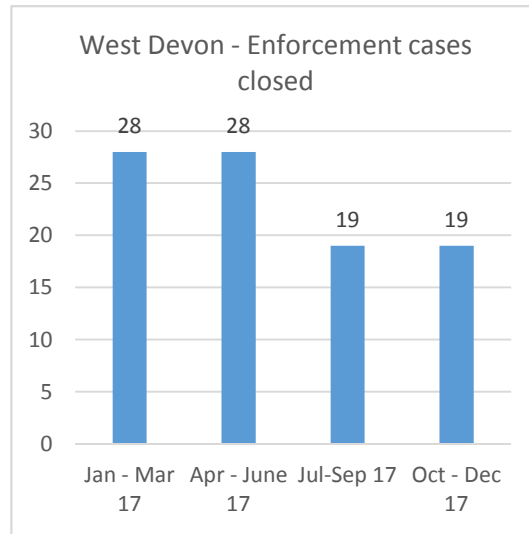
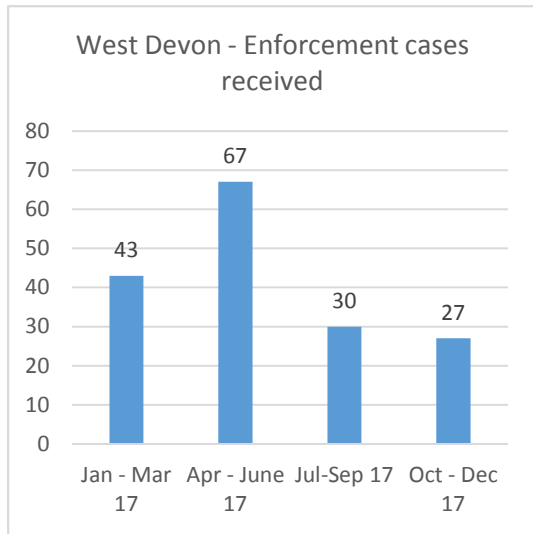
RESOLVED:

That Council be RECOMMENDED to approve the fees and charges as set out in presented Appendix A.

(The Meeting terminated at 12.05pm)







West Devon	Number of decisions from 1 April 2016 – 31 March 2018	No of decisions that have been allowed at appeal	Percentage of decisions that have been allowed at appeal
Major Applications	23	2	8.70
Non-Major Applications	768	3	0.39

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Okehampton South

Parish: Okehampton Hamlets **Ward:**

Application No: 0032/18/OPA

Agent/Applicant:

Mr Andrew McNaughton
St Judes Lodge
Old London Road
Mickleham
RH5 6BY

Applicant:

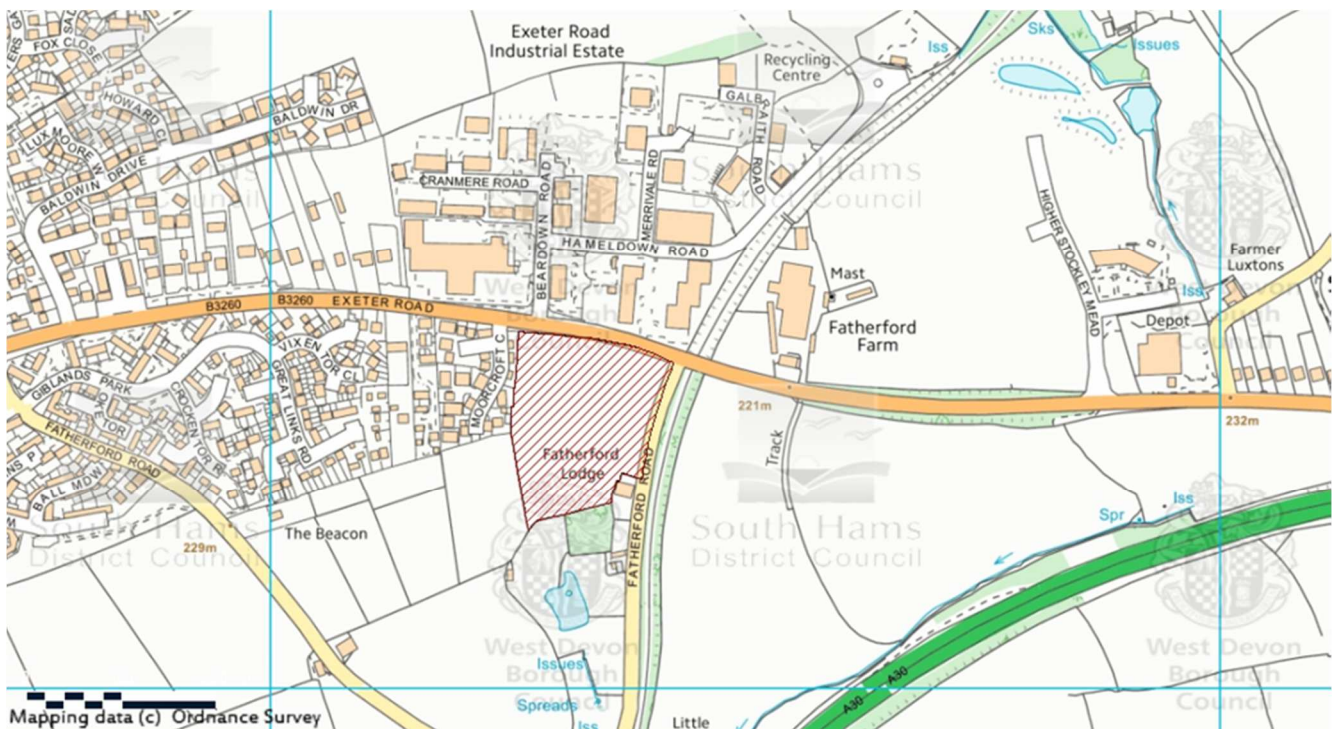
Mr Paul Hunt
Pippbrook Mill
Dorking
RH4 1JE

Site Address: Land at SX603952, South of Exeter Road, Okehampton

Development: Outline application (with some matters reserved) for 50no. dwellings, including 40% affordable (resubmission of 2573/16/OPA)

Reason item is being put before Committee: At the request of Cllr Yelland for the following reasons:

- Site is outside the development boundary
- Site is unallocated
- Strong objections from the public raising material planning considerations



Recommendation: Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The terms of the Section 106 Obligation are set in 'The Proposal' below.

Conditions

1. Std outline time condition
2. Std condition for submission of reserved matters
3. Accords with plans
4. Proposed estate roads, footways, verges, junction etc to be agreed and provided before occupation
5. Phasing programme to be agreed
6. Access road, kerbs, footway and construction compound to be agreed and provided
7. Highway infrastructure to be provided for each phase before occupation
8. Tree/hedgerow protection, Arboricultural Methodology Statement and Mitigation measures to be agreed and implemented.
9. Drainage – percolation testing to be undertaken
10. Full details of surface water drainage to be agreed
11. Full details of construction phase surface water drainage to be agreed
12. Drainage - details of adoption and maintenance to be agreed
13. Universal condition for contamination
14. Contamination – verification report
15. Unsuspected contamination
16. CEMP
17. Provision of vehicle electrical charging points
18. Details of onsite green space and children's play facilities to be provided at Reserved Matters.
19. Prior to the commencement of development, a Japanese Knotweed method statement shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
20. Submission of a Landscape Scheme at Reserved Matters incorporating biodiversity mitigation, compensation and enhancement measures, and reflecting the requirement for sensitive lighting for protected species.
21. Prior to commencement, submission of a Landscape and Ecological Management Plan detailing ongoing management and maintenance measures for the retained and new habitats on site.
22. Exterior Lighting strategy to be agreed prior to installation
23. Removal of PD –roof extensions and means of enclosure
24. Garages and parking to be provided and retained
25. No housing to be built within the area hatched green on attached plan

Key issues for consideration: The site lies outside of the settlement boundary within the countryside and is not an allocated site for development. The principal of development on such a location is contrary to the development plan; the key issue relates to whether or not there are material considerations that would justify allowing this development contrary to the provisions of the development plan. In the absence of a 5 year housing land supply a material consideration will be the NPPF and the presumption in favour of sustainable development.

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

It is estimated that this development has the potential to attract New Homes Bonus of £61,200 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site is a parcel of agricultural land covering 2.54 ha (6.35 acres) of which is it proposed to develop 1.73 ha (4.4 acres) for housing with the remaining 0.81 ha (2 acres) proposed as open space. The site is outside of but immediately adjacent to the development boundary of Okehampton.

Dartmoor National Park lies approx. 400m south of the site.

The site is located on the south side of the B3260, the main road into Okehampton when arriving from the east/A30. To the north of the site is the Exeter Road Industrial Estate, housing adjoins the western boundary; Fatherford Road, a rural lane immediately adjacent to the railway line runs along the eastern boundary and the southern boundary adjoins agricultural land. All existing boundaries include hedgerows and include trees to the south. The northern part of the western boundary with the adjacent housing includes timber fencing.

The land slopes gently from north to south.

There is a bus stop within 200m of the site and a local convenience store within 500m. The town centre is approx. 1.5km accessible by footways.

The site is within a Critical Drainage Area.

The Proposal:

The application seeks outline planning permission for 50 dwellings with means of access to be agreed, all other matters are reserved for future consideration. The scheme proposes to make the following provisions and contributions as follows:

- Provision of 40% on-site affordable housing (20 units)
- £21,000 toward primary school land
- £120,142 towards primary school infrastructure

- £98,644 towards secondary school infrastructure
- £7,500 towards early years provision
- £5000 towards investigating the need for and if relevant implementation of a revised 30 mph speed limit terminal point eastwards towards Fatherford Road.
- Access to public open space in perpetuity
- Management and ongoing maintenance of a LEMP
- £68,912 towards new and improved sports facilities at Simmons Park and/or Beacon Down Hill, Okehampton

These provisions should be secured through a Section 106 Obligation

A single vehicular access point is shown entering the site at the mid-point on the northern site boundary. This is staggered from the access to the Industrial Estate opposite. An illustrative site layout has been submitted to indicate how 50 houses could be accommodated within the site. The illustrative plan shows a mix of terraced, semi-detached and detached dwellings in a conventional modern layout, mostly set close to the back of the highway arranged around four cul-de-sacs and the main access road. The majority of the roof slopes are east west facing.

The proposed housing is shown to be sited in line with the southern building line of the adjacent housing at Moorcroft Close. The land south of this building line is shown as open space.

The illustrative layout shows a new footpath heading west from the site access to link into the existing network and to the east of the new access a green walkway to Fatherford Road is proposed.

Consultations:

- County Highways Authority: No objection subject to conditions and Section 106 contributions of £5000 towards investigating the need for and if relevant implementation of a revised 30 mph speed limit terminal point eastwards towards Fatherford Road
- Environmental Health Section: No objection subject to conditions
- DCC Flood Risk: No objection subject to conditions.
- Police AOL: Detailed comments provided, no objection
- South West Water: No objection
- WDBC Ecology: No objection subject to conditions
- WDBC Open space sport and recreation: No objection subject to contribution of £68,912 towards new and improved sports facilities at Simmons Park and/or Beacon Down Hill, Okehampton
- DCC Archaeology:
- Affordable Housing:
- WDBC Strategic Planning:

The proposed development is contrary to development plan. In this respect, however, it is noted that that key policies are out of date and that in the recent Abbey Meadows Appeal Decision (Crapstone, WD reference 0147/17/OPA, PINS reference APP/Q1153/W/17/3177360) the Inspector considers that policies NE10 and H31 should have little weight in a planning decision. The main reason for this is that the housing need for West Devon has been updated, rendering the Core Strategy housing requirement to be out of date. As such, the Council cannot demonstrate a 5 Year housing land supply.

The consultation responses have been considered and note that there are no significant objections from key consultees. As a site adjacent to the settlement boundary for Okehampton and with good pedestrian, cycle and public transport links to Okehampton centre, it is my view that the proposal constitutes sustainable development.

It is noted that the last version of the SHLAA indicates that the site may be suitable for development if the form of development would not result in significant adverse impact on the landscape. Again, having considered the consultation responses it would appear that landscape impacts are acceptable. Given the generous provision for open space and the good connectivity to services in Okehampton it is my view that the proposed development should be supported.

When responding to the original planning application the advice of Strategic Planning, having taken external advice from legal counsel, was that West Devon Borough Council could rely on the JLP evidence base and JLP Policy to give weight to the 5YHLS that would be established on adoption of the JLP; and as such housing policies for the supply of housing could be considered as up to date and the tilted balance in favour of sustainable development did not apply. Following the Appeal Decision for Abbey Meadows, however, it is clear that this advice is incorrect and that no weight can be given in this respect to the emerging JLP at this time.

Similarly, the process of analysing housing delivery trajectories for the JLP has revealed that it is likely that the housing market in Okehampton could accommodate the higher level of development that would result from the existing sites with planning permission being developed at the same time as this proposed development. This viewpoint takes on greater weight following the statement by Secretary of State for Transport Chris Grayling, in a letter to South West MPs, that he has instructed GWR to prepare plans to introduce regular trains services to Okehampton 'as soon as reasonably practicable'.

- Dartmoor National Park: No objection to application ref 2573/16/OPA provided built development is limited to the area shown on the illustrative plan and recommends site area (red line) is amended accordingly. No comment on current application
- Natural England: No objection
- Highways England: No objection to application 2573/16/OPA – no comments made regarding current application
- Belstone Parish Council: No comments to make
- Okehampton Town Council: Object for the following reasons:
 - That the land is outside of the JLP Boundary Development

- That it does not fit into the Core Strategy document
 - The land is not a designated Neighbourhood Plan development site
 - Any development on this site could have a detrimental effect on planning housing development within the Okehampton area.
- Okehampton Hamlets Parish Council: Objection based on the following points:
 1. The proposed development is not in accordance with adopted Core Strategy for the area.
 2. Councillors support the detailed points in connection with planning policies raised by Mr S Oldham dated 6th February, in his representation to you and see no requirement to repeat them again here.
 3. In a Planning Inspectors report in 2005, the Inspector removed this land from the Local Plan being developed at that time.
 4. WDBC has identified a sufficient 5 year land supply and there is no requirement for development outside the identified areas.
 5. The previously adjoining developed sites, Monkey Puzzle Drive and Moorcroft Close, were originally brown field sites with existing development. It would be detrimental to develop a green field site diminishing the green belt between Okehampton and the A30.
 6. We do not agree with the Grade 3b land designation in the reports, the land is of a much better quality and we can provide local agricultural expertise to support our comment. It is apparent the land was not visited for the assessment – purely a map viewed which we can see how the present assessment has been made. Development should not be made on good agricultural land.
 7. Highways – we do not agree with Highways assessments of the area. This is due to the current developments at Meldon Fields increasing the current exiting onto Exeter Road from Beardown Road and the fact the developments are not complete. Traffic volumes have increased and will continue to increase significantly and this proposed development will only add to the existing problems. We would wish to see a new Highways traffic volume study undertaken.
 8. Waste water and sewerage – both Monkey Puzzle and Moorcroft have had problems with disposal of waste water, this new development would require pumping for the waste to be able to enter the existing sewerage system, assurances from SWWA are needed that any proposed system would work and there is capacity in the existing system.
 9. We understand there is an ancient well in the middle of the proposed development which provides water to a local property – no consideration appears to have been given to this.
 10. The development would be detrimental to the amenity value of the area as it is visible from Dartmoor National Park.

Representations:

Approximately 30 letters of objection to this application have been submitted raising issues that include the following:

- Outside of a settlement boundary in the open countryside
- Does not meet an essential small scale local need
- Contrary to policies NE10 and H31 of Development Plan and TTV31 of emerging JLP
- Will delay delivery of allocated housing in Okehampton
- Adverse social impact on town of additional unplanned development
- Loss of greenfield site –adverse environmental impact
- Unsustainable development contrary to policies NE10 and the LDF, policies SPT1, SPT2 and DEV24 of the JLP and the NPPF paras 7,14,17, and 109
- Does not accord with the development plan. Brown field land should be developed before greenfield
- Not been through a master planning process
- Previous Local Plan Inspector considered development within this area would be detrimental to DNP.
- DNP have stated they would resist development on this site
- Neighbourhood plan consultations show the desire locally to keep this as a greenfield site
- Could impact on the delivery of a new railway service
- Land is higher quality than the Grade 3b quoted – this needs to be re-assessed.
- Will result in need to pump sewage
- Overflow sewage pipe from Moorcroft Estate runs onto the site
- Drainage percolation tests were undertaken at the end of a long dry period
- Noise will be a problem – from A38 and railway
- Highways England have stated they would not sanction new development without road improvements
- Pollution already a problem– more traffic will increase this
- No evidence a Section 38 Agreement (highways) and Section 104(drains) Agreement have been signed – if not resolved could fall to new residents
- Will result in unsustainable pressure on local infrastructure
- Transport data is out of date
- Adequate land for housing already identified.
- Increase in traffic on already busy road
- Adverse visual impact on approach to town
- No evidence to support argument of no 5 Year housing land supply
- Radon is present and is a health hazard
- Building on the edge of town increases use of the car
- Increased traffic will undermine highway safety
- Adverse impact on setting of DNP contrary to para 155 of NPPF
- Failure to demonstrate community engagement
- Failure to consider emerging Neighbourhood Plan
- Application is premature in context of emerging JLP
-

Relevant Planning History

2573/16/OPA:: Outline application with some matters reserved for 50no. dwellings with mixture of dwelling size and tenure (affordable housing provided will be 40% of total) including details of access: Refused November 2017

ANALYSIS

Principle of Development/Sustainability:

The principle of the development needs to be reviewed in the context of national and local planning policy.

The Development Plan

Paragraph 38 of the Planning and Compulsory Purchase Act 2004 establishes that a determination must be made in accordance with the plan unless material considerations indicate otherwise. The adopted Development Plan is the Core Strategy 2011 and the Local Plan Review 2006.

The 2006 Review of the Local Plan establishes, at paragraph 2.39, that the countryside of West Devon is an important resource, both for wildlife and for the qualities that convey the image of the Borough. The Plan asserts that development that erodes these qualities damages the potential of the countryside to support a range of species and habitats and threatens the economic value of tranquil rural areas as a tourist resource. At para 2.41 the plan states that the gradual expansion of development into the open countryside needs to be a controlled process so that impact is minimised. The towns and larger villages have settlement limits, which define the theoretical limits of the built up area. Within the settlement limits development is usually permitted, provided there are no other problems like access, drainage or effect on neighbours. Land outside the settlement limits is treated as open countryside where development is only permitted in special circumstances, such as necessary agricultural workers' dwellings.

Accordingly, Policy NE10 requires that development within the countryside outside settlement limits or not otherwise in accordance with policies or allocations in the Plan will not be permitted unless, amongst other matters, it provides an overriding economic or community benefit and cannot be reasonably located within an existing settlement. Policies H28 and H31 seek similarly to limit development within settlements. Policy H31 states that outside of defined limits of settlements and where Policy H29 does not apply, development will not be permitted unless required for the essential needs of agriculture and forestry.

Strategic objective SO5 of the West Devon Core Strategy, 2011 seeks to deliver an appropriate level of new housing which carefully balances the need for development with the need to protect the special qualities and characteristic of West Devon. Strategic Policy 5 of the Core Strategy states that development in the countryside will be strictly controlled.

To counterbalance this approach the Local Plan and 2011 Core Strategy identifies land for development at Okehampton to meet need through a planned and controlled expansion of Okehampton. Allocations in the Core Strategy identify sites for approx. 940 dwellings (Strategic Policy 22).

Also relevant is the emerging Plymouth and South West Devon Joint Local Plan (sJLP) which is currently subject to examination. Relevant to the determination of this application are policies including SPT1 (Delivering Sustainable Development) SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) and TTV31 (Development in the Countryside.)

The sJLP sets out, in Policy SPT3, a revised Objectively Assessed Need for housing in the Borough in the context of the Plymouth Housing Market Area and identifies land allocations

to meet and exceed that need. Policy TTV31, Development in the Countryside, effectively updates Policies NE10 and H31 of the adopted development plan, stating, inter alia, that:

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

The proposed development lies outside the draft settlement boundary for Okehampton and as such must meet the requirements of Policy TTV31 of the sJLP. In particular criterion 1, which requires that housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

The principle of the proposed development is contrary to the provisions of the development plan and the sJLP.

National Planning Policy Framework (NPPF) and 5 Year Housing Land Supply

It is relevant to consider the application in the context of the National Planning Policy Framework

Paragraph 14 of the NPPF states inter alia, that

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**,

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 49 of the NPPF states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Officers note that, with regard to the adopted development plan, West Devon Borough Council cannot demonstrate a 5 year housing land supply (5YHLS). A 5YHLS has been identified as part of the sJLP however elements of this are subject to challenge within the on-going examination. As such this 5YHLS cannot yet be relied upon.

The issue of 5YHLS was recently considered by an Inspector at appeal ref APP/Q1153/W/17/3177360, land at Abbey Meadows, Crapstone. The Inspector concluded that having regard to the NPPF and the fact that the Local Plan is time expired, only limited weight could be given to policies NE10 and H31 of the adopted Local Plan. He concluded that:

In summary, the policies relied upon by the Council all date from before the introduction of the Framework and rely upon a now outdated housing need and outdated settlement boundaries. In respect of settlement boundaries I also note that a large majority of the proposed allocations for West Devon contained within the emerging Plymouth and South West Devon Joint Local Plan (JLP) are outside of current boundaries. Furthermore the Framework puts significant emphasis on boosting the supply in housing and upon the sustainability of proposals. I therefore give very limited weight to the conflict that I have identified with the above policies that relate to the location of the proposed development.

Having regard to the lack of demonstrable 5YHLS the tilted balance in favour of sustainable development applies to the consideration of this planning application whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

In making this assessment it is also relevant to note further comments from the Inspector in the Crapstone Appeal Decision:

The development would provide much needed housing as well as 40% affordable housing for which a need has been demonstrated. I give substantial weight to this, notwithstanding whether the Council's five year supply is 4.3 years or 2.5 years.

The Inspector acknowledges that such provision will eventually be made through the emerging joint local plan but concludes that the lack of a five year supply of housing will continue for some time yet.

Planning History

An identical planning application was refused planning permission by this Council in November 2017 for the following reasons:

1. The application site lies outside of the Settlement Boundary within open countryside, the proposal does not meet an essential small scale local need and is not justified by any other material planning consideration. The proposal is therefore contrary to policies NE10 and H31 of the adopted West Devon Borough Local Plan 2005 as amended in 2011 and policy TTV31 of the emerging Plymouth and South West Devon Joint Local Plan.
2. The proposed development has the potential to delay the delivery of housing on allocated housing sites in Okehampton and will significantly add to the cumulative impact of new development on the town. This would have an adverse social impact

on the town and will, through the development of a greenfield site, have an adverse impact on the environment. As such the development is not sustainable and is contrary to policies SP1 and SP17 of the West Devon Core Strategy, policy NE10 of the West Devon Local Plan, policies SPT1, SPT2 and DEV24 of the emerging Plymouth and South West Devon Joint Local Plan and paragraphs 7, 14, 17 and 109 of the National Planning Policy Framework

3. The proposal would generate a requirement for a signed Section 106 agreement to deliver identified planning obligations. The absence of such a signed agreement is contrary to policies SP1 and SP9 of the adopted Core Strategy 2011, policies DEV9, DEV28, DEV29, DEV32 of the emerging Plymouth and South West Devon Joint Local Plan and paragraph 203 of the National Planning Policy Framework.

When this decision was made officers understood, having taken external advice from legal counsel, that West Devon Borough Council could rely on the JLP evidence base and JLP Policy to give weight to the 5YHLS that would be established on adoption of the JLP; and as such housing policies for the supply of housing could be considered as up to date and the tilted balance in favour of sustainable development did not apply

It is now apparent, and evidenced in the Crapstone appeal decision, that the Council does not have a 5YHLS that can be relied upon. As such policies for the supply of housing are out of date and the tilted balance in favour of sustainable development applies. This is a significant material change in circumstances that has effected the planning balance.

Consideration of the three elements of sustainability

Environmental Impacts

Design/Landscape:

The application is in outline with matters such as layout, scale and appearance to be agreed as reserved matters.

The site is within the setting of Dartmoor National Park. Paragraph 115 of the NPPF states that great weight shall be given to conserving landscape and scenic beauty of National Parks.

The illustrative layout has demonstrated that 50 dwellings can be accommodated within the site without extending south of the existing building line south of the Exeter Road. It is considered that the landscape impact on the setting of Dartmoor National Park would be significantly harmed if development were to extend further south. Dartmoor National Park Authority have commented on this application, they do not object provided that built development is restricted to the area as indicated on the illustrative plans and subject to a more permanent southern and south western boundary being created, rather than the open boundary shown on the layout drawing. This can be further considered at reserved matters stage.

The application site is visible as an open field from the Exeter Road and currently provides a rural buffer between the edge of the town and the railway line. It also provides a more rural setting in contrast to the industrial estate opposite.

The site itself has no special designation but is within the setting of the National Park, views are afforded across the site towards the National Park. The development of the land and consequent loss of an open field will have an adverse impact on the local landscape and will impact on the character of this edge of the town. This adverse impact is not severe but nevertheless weighs against the development.

Comments have been made with regard to the Inspector's comments on this site during the 2004 West Devon Borough Local Plan Review. A site of 6.2 ha was put forward in the draft plan as a proposed housing site (H10) that included the application site, however the site was significantly larger extending into 4 additional fields to the south and west. In considering the landscape impact of this proposed development site the Inspector commented that it would extend over the ridge that encloses the eastern part of the town when seen from Dartmoor; as it is on a south facing slope the whole of the site would be conspicuous with limited potential for screening. The site was deleted from the plan.

The current application limits development to land north of the ridge and does not propose development on the south facing sloping land, the landscape impacts are significantly different compared to the scheme considered by the Local Plan Inspector.

The larger 6.2 ha site was also considered through the Strategic Housing Land Availability Assessment in the preparation of the emerging Plymouth and South West Devon Joint Local Plan under reference WD_15/23_03_13/16

The landscape specific assessment stated:

Beyond the ridgeline, the site is very visible in views from the Dartmoor National Park. However, development between Fatherford Road and Moorcroft Close could form a logical extension and end to the existing building line along the southern side of Exeter Road and could blend in with existing development.

Development beyond the building line would be more prominent in views and is likely to have a significant impact on landscape character in views from the Park.

The conclusion of this assessment was as follows:

The whole of the site is not suitable for development due to issues relating to impact of development in views from the National Park. However, there are limited constraints to development on part of the site and it is therefore considered there could be potential for approximately 50 dwellings between Fatherford Road and Moorcroft Close but development should not extend beyond the existing building line.

Neighbour Amenity:

The illustrative layout indicates that it is possible to accommodate 50 dwellings on the site in a way which would not have a significant adverse impact on neighbour amenity. Detailed matters such as overlooking /loss of light would be assessed at reserved matters stage.

Ecology:

The application was supported by a preliminary Ecological report which identified the needs for further survey works which has now been undertaken. The results have been assessed by the Council's ecologist who has commented as follows:

The site is described as comprising *'fields of poor semi-improved grassland and arable farmland, bordered by Cornish and species rich hedgerows'* with *'areas of dense scrub and tall ruderal vegetation, particularly at the northern side of the site, along with a number of scattered trees present within the hedgerows.'*

The Ecological Appraisal concludes that the site has 'modest wildlife interest,' whilst not floristically diverse it has some value for invertebrates, small mammals, foraging and nesting birds. No badgers or reptiles were recorded.

The Dormouse survey (ongoing) recorded a dormouse nest in the eastern hedgerow, with connecting habitat corridors to the east of the site.

Bat surveys indicate that the site is being used by low numbers of common and widespread bat species as part of a larger foraging habitat, with the hedgerows being used by low numbers of commuting bats. The species recorded are relatively tolerant of human disturbance associated with development sites (namely vehicle/street lighting).

General impact avoidance and mitigation measures recommended by the Ecological Appraisal include retention of existing hedgerows and ensuring these hedgerows are buffered by gardens and kept as dark corridors. Existing hedgerows could be managed for the benefit of wildlife (dense, and fruiting) and this will need to be subsequently specified within a Landscape and Ecological Management Plan. The indicative layout includes an area of Public Open Space to the south of the site, and if well designed this is of sufficient scale to increase the wildlife value of the site.

The proposed development would require creation of visibility splays along the northern boundary and it is likely this will require removal of section of hedgerow, or moving existing hedgerow. It is not yet clear whether this will require a EPS Licence for dormice, and this will need further consideration at Reserved Matters when the layout is fully detailed and the approach (EPS Licence/non-licence) can be decided upon, given that this northern hedgerow is contiguous with the eastern boundary hedgerow (in which the dormouse nest was recorded). Otherwise the indication is that hedgerows will be retained.

The Ecological Appraisal notes the presence of stands of Japanese Knotweed within the development site and these will require management and eradication prior to development.

No objection is raised on grounds of bio-diversity subject to planning conditions and a Section 106 clause to secure on-going management and maintenance of a Landscape and Environmental Management Plan

Heritage

The application is supported by a Heritage Assessment but this relates to proposed development at Okehampton East Business Park not the application site.

DCC Archaeology have considered earlier application ref 2573/16/OPA and raised no objection subject to conditions. No comments have been submitted in respect of this re-submission but there is no reason to believe these comments would change.

There are no listed buildings within the vicinity of the site and the site is not in a designated area.

It is considered that there would be no material adverse impacts on heritage assets as a consequence of the proposed development.

Highways/Access:

Concern has been expressed with regarding to existing traffic congestion in the area and lack of capacity for additional traffic in the area. The Transport Statement has been criticised as being based on out of date data.

The Highway Authority have considered the application and state that there are no overriding objections in principle to the development from a highway safety point of view, although the highway authority would require an appropriate contribution toward the investigation of the relocation of the 30mph speed limit terminus point eastwards towards Fatherford Road, subject to its compliance with County Policy.

The highway impacts of the proposed development are considered to be acceptable.

Drainage:

The application details have been assessed by the Lead Local Flood Authority who raise no objection to the application subject to conditions; they have commented as follows:

Following the submission of additional information from the applicant's consulting engineer, it has been demonstrated that infiltration is a viable means for the disposal of surface water from the development site as such we remove our objection on this basis subject to the detail design conditions presented above. It is noted that the site layout is not fixed within the above application but establishing the principles of development.

Within the detail design it should be noted that the proposed soakaway for the highway will require further infiltration testing to be carried out over the proposed depth range of the soakaway (with at least three test pits required to cover the full length of the trench (more if subsoil conditions are not uniform)). The highway authority would agree the number and location of the additional tests once the overall length of the soakaway trench is known. The outer edge of the soakaway must also be at least 5m from the road if the road is proposed to be adopted and it must be proven that the seasonal high groundwater level does not rise to within 1m of the underside of the proposed infiltration features.

We are supportive of the proposals to include permeable pavements in the private driveways. Where runoff from adjacent properties is being directed into these permeable pavement areas for dispersal into the ground consideration of the proximity of the features to the adoptable highway need to be considered.

It is noted that within the Geotechnical report that a well is present on the site. At the detailed design stage proposals for how this feature will be remediated should be submitted to the Local Planning Authority and Highway Authority if the road is proposed to be adopted.

Concerns have been raised with regard to the proposed means of dealing with sewage, however South West Water raise no objection.

Environmental impact conclusion: The loss of a greenfield site at a prominent edge of town location will have an adverse landscape impact, this impact is not severe but nevertheless weighs against the development. No other significant adverse environmental issues arise.

Economic impacts:

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The provision of 20 Affordable Housing units would support the local provision of labour and is considered to have a significant benefit for the economy.

Paragraph 7 of the NPPF however does qualify this benefit; stating that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Windfall sites such as this can only be required to contribute to local infrastructure insofar as the improvements are needed to mitigate the effects of a specific proposal. By contrast, residential development that is plan led can be brought forward together with necessary supporting infrastructure. The allocated sites in Okehampton will bring forward a new primary school to the benefit of the town as a whole. When initially considering this application it was the view of Officers that if planning permission were granted for the proposal this may slow down delivery of the allocated sites. This was on the basis that there is a limit to the number of new dwellings the market can sustain at any one time.

In the longer term, it would follow in such a hypothesis, there may be a marginal economic benefit from this development as in the short/medium term it would be likely to just displace development from the allocated sites, in such a scenario the economic benefit of the scheme does not weigh strongly in favour of the development.

The process of analysing housing delivery trajectories for the JLP has, however, revealed that it is equally likely that the housing market in Okehampton could accommodate this higher level of development. This viewpoint takes on greater weight following the statement by Secretary of State for Transport Chris Grayling, in a letter to South West MPs, that he has instructed GWR to prepare plans to introduce regular trains services to Okehampton 'as soon as reasonably practicable'.

Social Impacts

The delivery of an additional 20 affordable homes is a significant social benefit.

There is some concern that unplanned growth on the edge of the town could cumulatively, with planned growth elsewhere in the town, adversely impact on the social cohesion of Okehampton by providing too much new development at one time.

Other matters

Open Space Sport and Recreation

The outline proposal is for 50 dwellings. Whilst only indicative at this stage the application references provision of a Public Open Space in the southern part of the site of some 0.81ha of the total 2.54ha site. As yet the content of the POS are undetailed, however a pond has been shown indicatively in this area, and it is likely that this POS will need to perform a number of functions (drainage, landscape/screening, informal recreation, play, wildlife). Accordingly the amount of this POS available for formal/informal recreation is likely to be much reduced from the 0.81ha stated.

The nearest play area to the site is over 500m straight line distance (c.800m walking). Fields in Trust guidance advise that there should be a Local Area for Play (LAP) within 60m straight line distance and a Local Equipped Area for Play (LEAP) within 240m straight line distance, with a Neighbourhood (NEAP) area within 600m. Whilst not supportive of multiple LAP sites (due to limited interest and scope), the size of the development warrants a LEAP, and this could be incorporated comfortably into the area of Public Open Space. Thinking outside of the box with respect to design incorporating landscaped and natural play features to add diversity to the types of play areas more widely available in Okehampton, and reflecting the sites location.

Clearly the site does not include provision of playing pitches, and is unlikely to include a space sufficient for meaningful 'kick-about.' Given the additional pressures that the new residents will bring on existing facilities, and the added pressure for new facilities, a commuted contribution to meeting the severe shortfall of quantity and quality pitches in Okehampton should be sought reflecting priorities identified in the West Devon Playing Pitch Strategy (Jan 2015, and updated annually since), in particular improvements to existing facilities at the Simmons Park (improved drainage to existing pitches, and/or new 3G pitch for football and hockey) and/or new rugby facilities at the Beacon Down Hill site.

WDBC Core Strategy Policy SP4 sets out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within retained policy H26 of the Local Plan, and within the West Devon Open Space, Sport and Recreation Study (2007). A commuted contribution should be sought where it is necessary to mitigate for the pressure on existing facilities (or need for new facilities) by a proposed development, and to make the development acceptable in planning terms, sustainable and in line with the tests in the CIL Regs. The WD Playing Pitch Strategy is a robust and up to date evidence base (NPPF and Sport England compliant), which has been consulted upon with local clubs and National Governing Bodies and identifies priority projects necessary to meet existing and new resident's needs.

Planning Balance

The proposed development would conflict with various policies in the Development Plan in respect of location, but the weight to be given to this conflict is very limited due to a number of factors including the age of the development plan and the Council's lack of a five year housing land supply.

The development would provide 50 new dwellings including 40% affordable housing which has a significant social benefit and boosts the supply of housing in accordance with the aims of national government.

There will be economic benefits arising from this development although these are limited.

There will be limited adverse environmental impacts through the loss of a greenfield site on the edge of the town, the visual impact of this and the loss of agricultural land.

Overall, and considering the tilted balance in favour of sustainable development, it is considered that the adverse impacts identified do not significantly and demonstrably outweigh the benefits of this development. It follows that this development can be considered to be sustainable. This is a significant material consideration that outweighs any conflict with the local plan.

The change in circumstance with regard to the position on 5YHLS is significant and alters the planning balance such that the previous reasons for refusal put forward in November 2017 pursuant to application ref 2573/16/OPA carry significantly less weight.

As such it is recommended that planning permission be approved.

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

Planning Policy

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.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
- SP3 – Renewable Energy
- SP4 – Infrastructure Provision
- SP5 – Spatial Strategy
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

H26 – Open Space Provision in New Residential Developments

H31 – Residential Development in the Countryside

TLS7 – Existing Sports Facilities

T1 – Walking and Cycling

T2 – Pedestrian and Cyclist Safety

T3 – Protection of Existing Footways, Cycleways and Bridleways

T4 - Footpath Links to Okehampton Town Centre

T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 – sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT11 Strategic approach to the natural environment

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

TTV3 Strategic infrastructure measures for the Main Towns

TTV16 Spatial priorities for development in Okehampton.

TTV17 Land at Exeter Road, Okehampton

TTV18 East of Okehampton

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Okehampton Neighbourhood Plan – Area for plan designated, no draft plan available

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.

Proposed conditions in full:

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

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

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The details hereby approved shall in all respects accord strictly with drawings numbers 'Site Location Plan' and 4660/SK100.

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.

4. The proposed estate road, 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.

5. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

6. No 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 30 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) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) 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

7. 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 spine road and 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 spine road and 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 spine road and 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 spine road and 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.

8. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

9. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 5905A, Rev. Second Issue, dated 18/07/2017) and Drawing No 5905/100C (Rev. C, dated 21/09/2017).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

12. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

13. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The phase I assessment has identified the need for further assessments to be undertaken.

14. 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment.

15. 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.

16. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) provision of wheel wash facilities;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site;
- (o) details of noise impacts and controls;
- (p) a dust impact assessment and proposed control in accordance with the institute of Air Quality Management guidance for dust assessment from construction sites

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

17. Prior to commencement of development the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management

Reason: In the interests of air quality, the environment and the amenity of the area.

18. Full details of the on-site green space and children's play facilities shall be submitted as part of the reserved matter application regarding landscaping and/or site layout.

Reason: To ensure the provision of open space and children's play is appropriately planned into the development to ensure a satisfactory form of development

19. Prior to the commencement of development, a Japanese Knotweed method statement shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In the interest of biodiversity

20. The landscaping scheme to be submitted at Reserved Matters shall incorporate details of biodiversity mitigation, compensation and enhancement measure and shall reflect the requirement for sensitive lighting for protected species.

Reason: In the interests of biodiversity and wildlife conservation.

21. PRE-COMMENCEMENT - Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of biodiversity and wildlife conservation.

22. Prior to occupation of the first dwelling, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

23. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class C (roof addition or alteration);
- (b) Part 2, Class A (means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

25. No dwelling shall be occupied until the garage and/or parking area relating to that dwelling has been provided in accordance with the approved details and is available for use. The garages/parking areas shall be retained for the parking of vehicles in perpetuity.

Reason: In the interest of amenity and the safety

26. Development of land for housing shall only take place within the area shown hatched in yellow on drawing number (to be inserted) and the area hatched in green on that drawing shall be retained as green space.

Reason: Built development within the land hatched green would have an adverse impact landscape impact and an adverse impact on the setting of Dartmoor National park

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Bridestowe **Ward:** Bridestowe

Application No: 2472/17/OPA

Agent/Applicant:

Mr Alister King-Smith
21 Southernhay West
Exeter
Devon
EX1 1PR

Applicant:

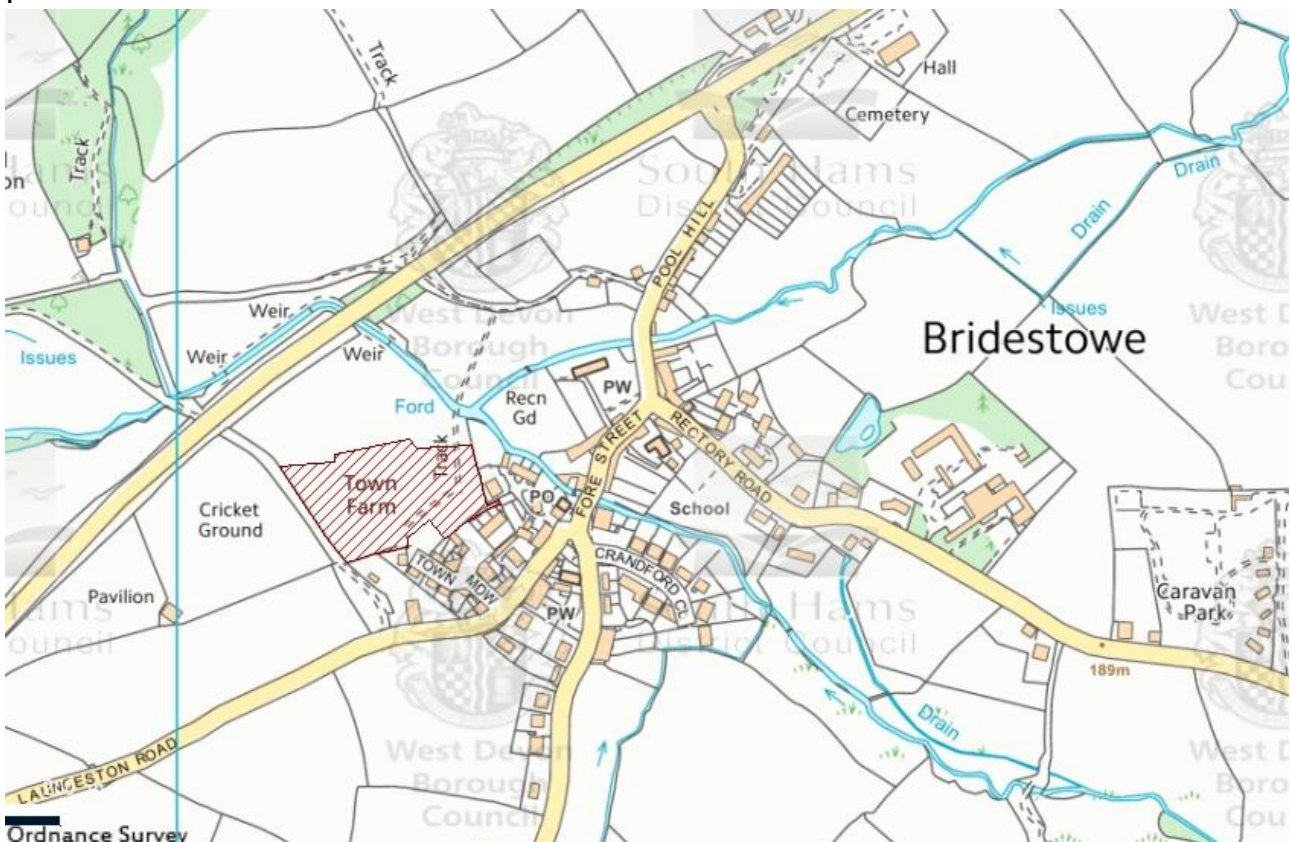
Mr & Mrs Northcott
Town Farm
EX20 4EQ

Site Address: Development Site At Sx511893, Town Meadow, Bridestowe, Devon

Development: Outline application with some matters reserved for residential development of up to 24 dwellings and associated works

Reason taken to Development Management Committee and Licensing Committee:

Cllr Mott has requested that the application come before Development Management and Licensing Committee due to concerns over access, over-development and flooding issues



Recommendation: Conditional Approval approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

Conditions

Reserved Matters time
Reserved Matters details
Accord with plans
Surface water drainage strategy prior to commencement
Details of condition of receiving watercourse prior to commencement
Construction site drainage strategy prior to commencement
CEMP prior to commencement incorporating recommendations of section 5 of the PEA
LEMP - Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
Arboricultural work prior to commencement
Highways work prior to commencement
Highways construction infrastructure prior to commencement
All pedestrian and highway infrastructure prior to occupation
Unsuspected contamination
Removal of Permitted Development Rights (Class E and Part 2 curtilages within Flood Zone 3)

Section 106 Obligations (based on indicative layout)

- 9 onsite Affordable Housing units (to meet local need with the mix and schedule to be determined with the Affordable Housing Officer)
- A financial contribution of £144,401 disaggregated as:
 - £41,134 in OSSR contributions (towards Cricket Club, Sporting Green and towards village hall recreation area)
 - £103,267 in Education contributions (towards Primary School infrastructure and secondary school infrastructure)

Key issues for consideration:

The main issues are the principle of development, access, and highways safety, visual impact, land contamination, drainage, and any impact upon the amenity of neighbouring properties. Officers must consider the proposal against the Development Plan, the emerging Joint Local Plan, and the emerging Neighbourhood Plan.

Site Description:

The application site is an open area of grassland located on the western periphery of the sustainable settlement of Bridestowe. The village benefits from a shop, village hall, cricket club, pub, church and school.

The village's Settlement Boundary is adjacent to the site, sharing the site's southern boundary. The main vehicular access to the site is also from the modern residential development at Town Meadow to the south. The site is part of a wider field that partly falls within flood zones 2 and 3, although, the application site is almost wholly within flood zone 1, with just a very small section to the far east of the site in flood zone 3. A length of trees protected by TPO partly forms the south west boundary. The Bridestowe Conservation Area containing its numerous listed buildings, notably the II* Church of St Bridget, is to the east, separated from the site by a line of mature trees and the River Lew.

Beyond the field to the north is the old A30, now the West Devon Drive. Agricultural land and woodland is to the west, with the Lew separating the site from the public playing fields and play equipment to the east. Also alongside the south eastern boundary is a small ribbon of existing residential development.

The Proposal:

Outline consent with some matters reserved is sought for residential development of up to 24 dwellings and associated works. All matters aside from access are reserved. Detailed plans of the proposed access are included. The layout plans and sections indicate the type and massing of dwellings which could be accommodated within the site.

The scheme is accompanied by a draft Heads of Terms and the applicant has indicated a willingness to achieve the policy compliant 40% Affordable Housing offer, which equates to 9 on site units, in addition to the other planning obligations required under planning policy.

The application is supported by an ecological appraisal, transport assessment, land contamination report, Flood Risk Assessment and proposed plans of the access and indicative plans and sketches.

Consultations:

- County Highways Authority

No objection subject to conditions – *‘The highway authority’s officer has visited the site at both the morning and afternoon peak period and is familiar with the traffic situation in Bridestowe village generally, throughout most times of day during the week. The planning application is supported by a Transport Statement prepared by consultants PCL. Although the scoping had not been previously agreed with the highway authority, its context and scope is acceptable, and the highway authority broadly accept its content and conclusions.*

The access roads to the site from Town Meadow are constrained and the parking provisions are limited, commensurate with the design practices that were in place at the time the development was originally permitted. It would also comply with current design practices in the nationally accepted document for guidance for new residential layout design, Manual for Streets. There is no record of any personal injury collisions on Town Meadow, nor indeed throughout the whole of the village of Bridestowe, as detailed Transport Statement.

Notwithstanding the constraints identified above, the additional traffic movements from the development will be able to be accommodated safely on the surrounding network and there can therefore be no overriding highway safety reason grounds for objecting to the application. Suitable conditions, including one requiring the provision of an appropriate Construction Management Plan, which is particularly required in this instance.’

- Environment Agency

No objection – *‘We have no objections to this proposal as submitted. You may wish to remove permitted development rights from the curtilages shown to be within Flood Zone 3, to ensure that no structures, land raising or fencing can occur within the floodplain without permission so that flood risk is not increased.*

Advice – Flood Risk

A small part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application will therefore be subject to the flood risk Sequential Test as set out in the NPPF. However, the extent of the flood plain shown on the Proposed Drainage Strategy in appendix C of the submitted Flood Risk Assessment (FRA) indicates that the dwellings will all be located in the lowest flood risk area of the site. The parts which are just within the flood zone will be gardens which will be flooded to shallow depths in the worst case scenario. We are satisfied that a sequential approach has been taken to the layout of this site.’

- DCC Education

No objection subject to planning obligation – *‘The primary school within a 1.5 mile radius of this development is Bridestowe Primary School. There is no forecasted surplus capacity at Bridestowe Primary School to mitigate the impact of this development, so we are requesting a contribution towards primary school infrastructure. A development of 24 family dwellings is expected to generate 6 primary aged pupils and we are therefore requesting £81,912.00 (being 6 x £13,652.00).*

The designated secondary school is Okehampton College which has no forecasted surplus capacity. A development of 24 family dwellings is expected to generate 3.6 secondary aged pupils and so we are requesting £78,915.00 (being the extension rate of £21,921.00 x 3.6).

Because of the distance from the development to the designated secondary school, Okehampton College, a request for a contribution towards secondary school transport is made. The current cost of transporting pupils from Bridestowe to Okehampton College is £2.97 per student per day. So, we are requesting £11,286.00 being £2.97 x 190 days in the academic year x 5 years at secondary school.

In line with our revised policy, a contribution is requested towards early years provision as there is a lack of all year round provision in this area. We are requesting £6,000 (being £250.00 per family dwelling).

- WDBC Affordable Housing

No objection – *‘In terms of the Town Farm site, I understand that the applicant is now offering 40% AH which is policy compliant. Therefore I would have no objections to this.*

As this is in outline, within the S106, this would need to make reference to the affordable scheme, which will need to be submitted to the council for approval. We would need to make reference to the 40% AH but that size and tenure will be determined at the RM stage of the proposal.’

- WDBC OSSR

No objection - *‘The proposed development site lies immediately to the north of the existing Town Farm site. The Town Farm site contains a fenced Local Area for Play with basic play equipment for toddlers, and an adjacent small fenced amenity green space. It is likely that any new residents with very young children will make some use of this existing LAP.*

To the east of the proposed development site on the eastern side of the River Lew lies the ‘Sporting Green.’ The Green contains a kick-about area with goalposts, and a Local Equipped Area for Play and serves as the main recreational space for Bridestowe. The Play Audit which comprises Appendix 3 of the West Devon OSSR Study, 2017 (part of the Joint Local Plan evidence base), scored the site as a 3 out of 5, being ‘average and needing improvement.’ The Bridestowe and Sourton Neighbourhood Plan (at Reg 14) makes several references to the importance of the Sporting Green for local recreation and play, but notes the need for further equipment particularly for older children (11 plus).

There would be clear benefits for new residents if a direct link from the proposed development to the Sporting Green site could be secured, however without such a link the proposed development site is around 320m walking distance to the Sporting Green which is well within accessibility standards and good practice (defined by Fields in Trust, and more recently within the proposed Joint Local Plan).

Accordingly, and in line with Parish Council feedback given to the developer (and as referenced within the Planning Statement), there is little sense in seeking to provide OSSR onsite and potentially duplicate facilities to the south or east) - instead commuted sums should be secured within the s106 towards improving and maintaining the existing play, recreation and open space facilities at the Sporting Green, given that it will be used by new residents, and can be improved to meet new residents needs.

The proposed development site lies to the east of the Bridestowe Cricket Club ground (separated by a green lane). The Cricket Club is a well-used and active club which has two teams in the Devon Cricket League, and a team in the West Devon 20/20 League. The improvement of club facilities to make the club more sustainable meeting existing and new members needs is identified in the West Devon Playing Pitch Strategy (last updated May 2017) as an aspiration for a non-turf pitch, sight screens and covers. Given the vicinity, and likelihood of new residents using the club facilities and becoming members of the Cricket Club, it is considered necessary for investment in these facilities to mitigate the pressure of the new residents on the club.

Such provision is in accordance with retained policy H26 of Local Plan, and SP4 of the Core Strategy (2011), and is based on OSSR establishment and maintenance costs detailed in the Atkins, West Devon OSSR Study (2007).

The following s106 should be secured within the s106 if you are minded to approve:

A sum of £65,816 towards improvement and maintenance of play, recreation and open space facilities at the Sporting Green, Bridestowe, and towards improvement of facilities at the Bridestowe Cricket Club ground.'

- WDBC Biodiversity

No objection - The Preliminary Ecological Appraisal (PEA) accompanying the application describes the proposed development site as an improved grassland field of limited interest, bordered to the east and west by species-poor hedgerows and in part Devon hedgebank. The site is some 25m to the south of the River Lew and its northern boundary.

The PEA advises that there are no likely significant effects on protected habitats or species, subject to protection of hedgerows during construction, and through sensitive lighting avoiding illumination of boundary features which are assumed to be used by light-sensitive bats. Given that detailed bat surveys were not undertaken it will be incumbent upon the applicant at Reserved Matters to demonstrate (through a lighting plan with isocline/lux contours) to show that the boundary hedgerow features will not be illuminated as reflected in the condition.

There is significant scope to enhance the wildlife value of the site, not least by creating a new Devon hedgebank along the northern boundary of the site. Measures to create a net gain for biodiversity (as per local and national policy) should be included at Reserved Matters within an Ecological Mitigation and Enhancement Strategy (which could include the lighting plan), the EMES should be linked with the Landscape Strategy.

The following conditions should be applied if you are minded to approve:

- *Pre-commencement CEMP incorporating recommendations of section 5 of the PEA*
- *Provision at Reserved Matters of an Ecological Mitigation and Enhancement Strategy incorporating recommendations of section 7 of the PEA*
- *Provision at Reserved Matters of a lighting plan showing avoidance of illumination of W, E and SW boundaries*

- DCC Lead Local Flood Authority

06/09/2017 – Holding response due to lack of information demonstrating potential for infiltrations system, and lack of clear adherence to drainage hierarchy

07/02/2018 – Holding objection resolved to no objection, subject to conditions – *'Following my previous consultation response (FRM/WD/2472/2017, dated 06/09/17), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-*

mail dated 29/01/18, for which I am grateful. Evidence has been given that infiltration will not be suitable for this site, therefore the proposed attenuation based design will be acceptable.'

- Highways England

No objection

- Dartmoor National Park

No objection

- Bridestowe Parish Council

Objection – 'Whilst this proposal provides some smaller and affordable dwellings, there is an excess of larger homes, which will only perpetuate the imbalance that is present within the existing housing stock in Bridestowe.

This imbalance is confirmed by the recent (2016) Housing Needs Assessment for Bridestowe and Sourton conducted as part of the consultation process for the Neighbourhood Development Plan. This is published on the Bridestowe and Sourton web site, as part of the draft Neighbourhood Development Plan, (now at the pre-Regulation 14 stage), to which the applicants make reference.

This showed a relative excess of larger (4 or more bedroom) homes in the parish, with a significant lack of smaller homes, and a need for a significant increase in the number of both open market and affordable homes of 1-3 bedrooms.

This proposal for 24 houses does not accord with the draft Neighbourhood Development Plan that aims to ensure that future development is both appropriate in scale and character to the setting, whilst addressing the present and future housing needs of the parishioners.

The proposed development, by adding to the existing dwellings in Town Meadow will lead to an estate approaching 50 houses that is over-bearing, out-of-scale, involves a loss of the open nature of the area and is out of character in terms of its appearance, compared with existing housing styles in Bridestowe Village. The existing estate of Town Meadow is large enough and any further development in this, the least popular of the five sites identified in the Housing Needs Survey and the Neighbourhood Development Plan, is an unacceptable over-development of the site.

The claim by the applicants that this development is designed to help meet the current housing need in the local area, is thus not compatible with the information contained in these published documents, that they cite in support of their application.

The visual impact of the proposals is such as to have a significant adverse effect on the residential amenity of neighbouring owners, by reason of overlooking, loss of privacy and the loss of existing views from neighbouring properties.

There are practical concerns about both highway safety (narrow roads and traffic congestion in the village) and drainage (the wet nature of the site), not least from many of the residents of the existing dwellings in Town Meadow. However, the parish council is aware that these issues have been subject to careful technical examination by DCC highway authority and WDBC drainage engineers, and so objections based on this local knowledge may be outside planning criteria.'

Representations:

17 letters or objection have been received at the time of writing this report. A representative of the Cricket Club has also commented on the potential recreational impact on the cricket club, suggesting a S106 obligation may be appropriate. Concerns raised are summarised as follows:

- Supporting documentation is misleading
- The approaching roads through Town Meadows are unable to accommodate the development
- Will lead to highways safety issues in Town Meadow, including during development
- The approaching roads are restricted by parked cars
- The site has flooding issues
- The scheme is too big for the sustainable growth of the settlement
- Will harm the character of the settlement
- Will inundate local facilities, particularly education facilities
- Will lead to congestion in the village
- There is insufficient parking in the existing development
- Access from the old A30 would be preferential
- Will lead to overlooking towards neighbouring properties
- The scheme is in conflict with the Neighbourhood Plan
- The scheme is premature to the making of the Neighbourhood Plan
- The attenuation feature is a hazard
- The land is used informally by dog walkers

Relevant Planning History

11568/2008/OKE - Erection of 25 dwellings - Town Farm Launceston Road Bridestowe Okehampton EX20 4EQ – Conditional Approval

Analysis

Principle of Development/Sustainability:

The Council cannot currently demonstrate a five year housing land supply and consequently paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged in respect of this planning application.

Paragraph 49 of the Framework indicates that in such cases relevant policies for the supply of housing should not be considered to be up to date and paragraph 14 makes clear that where the development plan is absent, silent or relevant policies are out of date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (the 'tilted' balance).

Whilst policies may be considered out of date that does not automatically mean that no weight should be attributed to them. Indeed the Framework says in paragraph 115 that due weight should be attached to development plan policies dependent upon their alignment with the Framework.

In this case, the site is on the periphery of the settlement and safe walking distance to the array of services in the village. The site is considered to be acceptable for residential development in principle, subject to all other material planning considerations.

Design/Landscape/Character:

The application site is set down within the valley by the riverside. It is bordered largely by lines of trees and the housing development to the south. Its residential development by 24 units, in the way suggested by the indicative layout, will not be readily visible from the majority of public receptors within the vicinity. The most prominent views will be from the roadways in Town Meadow, and glimpsed, passing views from the old A30 to the north. As such, officers are satisfied that the site can be developed, in the way indicated, without detriment to landscape character and visual amenity.

The indicative plans show a good housing mix with a range of bungalows and two storey dwellings of various bedroom numbers and sizes. Although the comments of the Parish with regard to housing mix

are noted, the scheme itself is considered to demonstrate a strong mix in addition to the Affordable Housing offer, and, in any case, the specific housing mix is a Reserved Matter and all stakeholders would be entitled to consider housing mix at the Reserved Matters stage.

Landscaping will be an important issue for the Reserved Matters stage and is conditioned accordingly. Third parties have correctly identified the safety issues associated with attenuation pond, and officers will expect an appropriate means of enclosure to safeguard against unsafe access.

Officers do sympathise with comments made regarding the scale of the development in relation to the village, especially within the context of Town Meadow which is only a few years old. However, there is no evidential basis presented to officers that the increase in population will lead to any degree of additional footfall or congestion which is tangible, or that there will be any specific impact upon village character which could amount to a reason for refusal which could be sustained or quantified at appeal.

Conversely, it is self-evident that additional people living within the village will make use of the existing facilities, adding to their vitality. With regard to education infrastructure, the education authority has not objected to the proposal, as they are satisfied that the additional pressure on facilities can be satisfactorily mitigated through the use of planning obligations.

Neighbour Amenity:

There will be an impact on the amenity of properties within Town Meadow by way of additional pedestrian and vehicular trips through the existing development. However, that increased footfall within public spaces is not considered to constitute a harmful impact which justifies refusal of this application.

The part of Town Meadow meeting the application site generally shows blank gable end walls to the proposed dwellings, and the public play park within Town Meadow provides a good buffer to potential overlooking issues, and the development would increase supervision of this area. The existing bungalow to the east of the site is within close proximity to one unit, but the indicative plans show a proposed bungalow in this location, allowing officers to conclude that an appropriate neighbour relationship is possible.

Overall, the existing constraints of and character of the surrounding land, coupled with the indicative layout and massing plans, demonstrates satisfactorily that a development can be sited here which maintains an acceptable impact upon the amenity of neighbouring dwellings.

Heritage

The fields to the north of the Church are within the Conservation Area as they form an important part of the rural setting of the 11th Church of St Bridget and the historic core of the village. However, the field containing the application site is visually separated from the setting of the Church and Conservation Area by the River Lew and the mature trees and other boundary vegetation, as well as the dwellings to the east of the site. There is also an absence of public views from where the application site is viewed together with the Conservation Area.

As such, the field is not considered to contribute the Conservation Area nor any heritage asset within it, and the residential development of the site in the way indicated is considered to maintain no harmful impact on any designated or non-designated heritage asset.

Highways/Access:

The existing Town Meadow development has a tarmacked roadway which terminates at the entrance to the site, providing a readymade vehicular access. Beyond the site access the roadway narrows and bends, and is constrained in comparison. However, vehicular access is still possible, and the proposal will simply add additional traffic to this existing highways infrastructure. The applicant has directed

officers to examples of other modern housing developments within the Borough which have a similar layout, highways width and standard, and serve equivalent or a greater number of dwellings.

The highways officer has carefully considered this issue and has responded with no objection with regard to highways safety, stating that *'The access roads to the site from Town Meadow are constrained and the parking provisions are limited, commensurate with the design practices that were in place at the time the development was originally permitted. It would also comply with current design practices in the nationally accepted document for guidance for new residential layout design, Manual for Streets. There is no record of any personal injury collisions on Town Meadow, nor indeed throughout the whole of the village of Bridestowe, as detailed Transport Statement.'*

Notwithstanding the constraints identified above, the additional traffic movements from the development will be able to be accommodated safely on the surrounding network and there can therefore be no overriding highway safety reason grounds for objecting to the application. Suitable conditions, including one requiring the provision of an appropriate Construction Management Plan, which is particularly required in this instance.'

Although officers acknowledge comments made with regard to parking provision within the proposed layout, West Devon does not set minimum parking standards through planning policy and officers are satisfied that adequate parking provision can be delivered within the application site as the indicative plans show at least two parking spaces to serve each individual dwellinghouse.

If third parties park in a way so as to block the road or impede access to civilian or emergency vehicles this is a criminal matter, outside the remit of the Local Planning Authority.

Emerging Neighbourhood Plan and Joint Local Plan

Although the evidence base of the Neighbourhood Plan shows a preference for smaller sites elsewhere in the village, this has not currently been translated into specific housing allocations within the Plan, and there is no specific policy prohibiting development of this site. Policies which seek to secure housing mix would be more applicable at the Reserved Matters stage, as these are currently reserved matters.

In any case, the Neighbourhood Plan has recently been submitted to the Council for publicity and consultation at the Regulation 14 stage, and has not therefore reached the end of the publicity period. However, it is at a reasonably advanced stage and officers therefore afford it some weight in this recommendation.

The recent appeal decision at Crapstone indicates that only limited weight should be attributed to the emerging Development Plan at this time. The main policy which manages development on the periphery of sustainable settlements is TTV31, which states:

'Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.'

Officers consider that the scheme is broadly compliant with this policy, as it provides a significant contribution to essential affordable housing, is adjacent to a sustainable settlement and provides a sustainable solution. However, officers do acknowledge that there is a degree of conflict with this emerging policy, as this is a major development and TTV31 only supports development which meets small scale local development needs.

Drainage and Flooding

The scheme has demonstrated that the site is not suitable for use of onsite soakaways, which tallies with observations made by officers at site visit. However, the scheme incorporates a large attenuation feature, which the application has demonstrated is technically suitable to achieve the required green

field runoff rate. Devon County Council as Lead Local Flood Authority have no objection to the use of water attenuation in principle nor the specification and location of the attenuation pond as submitted. This is subject to a number of conditions regarding the finer technical details, and the submission of a survey of the condition of the River Lew at the point of discharge prior to the commencement of development.

A very small part of the site is within the Flood Zone 3a but this is laid to curtilage within the indicative plans. All housing and operational development is within Flood Zone 1. The Environment Agency has no objection to the scheme as all of the habitable spaces are outside of Flood Zones 2 and 3, as the development will be safe for its lifetime, and as the Council can rely on the removal of Permitted Development Rights to prevent future operational development in these area sensitive to flood. Consistent with the comments made by the EA, officers are satisfied that sufficient information has been submitted to allow the Local Planning Authority to conclude that this proposal meets the requirements of the sequential test.

Ecology

The submitted ecological work demonstrates that the development will be carried out in a manner which does not prejudice any protected species. Ecological enhancements will be secured via the planning conditions as suggested by the Council's ecologist.

Planning Obligations

The planning obligations as summarised above reflect those sought, minus the 9 on site affordable housing units; as these units will house local people, it is West Devon policy to accept that there will be no additional burden on local infrastructure resulting from their development. In addition, the 6k sum requested by DCC towards early years provision does not provide details of a specific essential need to support a named project, and officers do not believe it would be compliant with CIL regulations to request this sum.

Members should also be aware that the identified obligations are formula based and, as the details of this development are liable to change at Reserved Matters stage, these obligations could change accordingly.

Other Matters:

The site is not public open space and any unauthorised recreational use that has occurred cannot be given weight within this assessment. Although it is theoretically possible that a policy compliant access on to the old A30 could be achieved, officers must assess this application on its own merits and the highways specialists have indicated that the highways impacts of this proposal as submitted are acceptable. Although officers acknowledge comments made with regard to existing parking provision within Town Meadow, officers are satisfied that adequate parking provision can be delivered within the application site.

Conclusions

The site is well linked to a range of services and sustainable transport options. The provision of 24 homes, including 9 on site affordable dwellings, represents a significant social benefit to the community. The increased footfall arising from the development will enhance the vitality of local services, such as the shop and pub, and provide an economic benefit to community facilities. Planning obligations will ensure that it will do so without undue pressure being placed on these facilities. The Council has identified no negative environmental or economic impacts. As such, the proposal is considered by officers to represent sustainable development and is recommended for approval subject to the above planning obligations and relevant planning conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

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.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP6 – Density of Housing Development
SP7 – Strategic Distribution of Housing
SP8 – Inclusive Communities
SP9 – Meeting Housing Needs
SP13 – Community Services and Facilities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP24 – Sustainable Rural Communities

West Devon Borough Council Local Plan Review 2005 (as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV31 Development in the Countryside
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the CIL

Bridestowe and Sourton Neighbourhood Plan

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) In the case of any matter reserved by this permission, application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. The development to which this permission relates shall be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing and proposed site levels together with proposed slab levels;
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for parking and turning of vehicles in accordance with the Devon County Council's parking standards;

- (h) all other works including walls fences means of enclosure and screening.
- (i) the location, extent and layout of open spaces
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and their connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area.

3) The development hereby permitted shall be carried out in accordance with the approved plans

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.

4) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 160358, First Issue, dated June 2017).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

5) No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving watercourse is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving watercourse which will be required to facilitate the development.

Reason: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

6) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

7) Notwithstanding details submitted with the application, prior to the commencement of works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The creation of the CMS shall incorporate the recommendations of section 5 of the PEA.

Details shall include: how building materials will be brought to the site and where they will be stored; details of vehicle movements associated with the development including heavy good vehicles and how traffic impact will be mitigated; a programme of works (including measures for traffic management); details of dust suppression measures; details of how possible damage to neighbouring properties will be mitigated; details of the hours of operation of works on the site.

The work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider these details which were not submitted as part of this application and ensure that any detrimental impact on neighbouring properties will be

mitigated, and to protect the living conditions of adjoining neighbours as far as reasonably possible during the demolition and construction period

8) No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall incorporate the recommendations of section 5 of the PEA. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto W, E and SW boundaries
- (iii) Details of inbuilt provision for birds and bats;
- (iv) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (v) Arrangements for stripping, storage and re-use of topsoil;
- (vi) Materials, heights and details of fencing and other boundary treatments;
- (vii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (viii) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (ix) A timetable for the implementation of all hard and soft landscape treatment.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

9) No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall be in accordance British Standard 5837:2012 -Trees in relation to design, demolition and construction - Recommendations and shall include:

- a) arboricultural method statement;
- b) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6 of BS5837) of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan;
- c) the details of each retained tree (as outlined at section 4 of BS5837) in a separate schedule;
- d) a schedule of tree works for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, Recommendations for Tree Work; of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction;
- e) the details and positions (shown on the plan at paragraph (b) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. construction, hard landscaping). The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase;
- f) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground;
- g) the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing); k) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity;

Reason: In order to identify, and protect, trees of public amenity value.

10) Any proposed estate road, footpaths, verges, junction 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. Details submitted for approval shall include plans and sections indicating, as appropriate, the design, layout levels, gradients, materials and method of construction.

The occupation of any dwelling shall not take place until the on-site access and associated works are carried out in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority.

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

11) 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

12) 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 street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

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

13) 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

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no provision of buildings, structures or enclosures within residential curtilage that fails within Flood Zone 2 or 3, that fall within the terms of Schedule 2, Part 1, Class E and Part 2 of that Order.

Reason: In the interests of the prevention of flooding

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Lamerton **Ward:** Milton Ford

Application No: 3792/17/OPA

Agent/Applicant:
Edward Persse
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:
Mr S Matthews
The Linhay
Tavistock
PL198NS

Site Address: Land at SX 442 753, Western edge of Ottery, Tavistock

Development: Outline planning application with all matters reserved for erection of dwelling

Reason item is being put before Committee: At the request of the Ward Member: *'Whilst Ottery is not a sustainable village and hence does not have a settlement boundary, the proposed single dwelling relates well to existing properties in the hamlet. All 3 recent successful planning application in Lamerton, which is considered a sustainable village, have been outside the settlement boundary. This application, if granted, would be a much needed windfall to W Devon's housing stock.'*



Recommendation: Refusal

Reasons for refusal

1. By reason of the site's location and isolation from services, the development constitutes a new residential intervention into the countryside which fails to provide safe and suitable access for all, would foster the growth in the need to travel by private car, would erode the rural character of the countryside and fails to provide a sustainable solution. The proposal is therefore contrary to West Devon Development Plan policies SP1, SP5, SP14, SP17, SP20, SP24, NE10, H31

and T5, emerging Joint Local Plan policies SPT1, SPT2 and TTV31 and paragraphs 7, 8, 9, 14, 17, 32, 34 and 35 of the National Planning Policy Framework

Key issues for consideration:

The main issues are the conformity or otherwise of the development with the current and emerging Development Plans within the context of no five year land supply, and the environmental, social and economic impacts of the development weighed within the planning balance.

Site Description:

The application site is an area of greenfield land elevated above the roadside, bounded by mature hedging which separates it from the below highway to the west. The site is part of a wider agricultural field. It is within an area designated as open countryside. There is a small building on site.

The site is approximately 1.4km away from the very edge of Lamerton as the crow flies, and 2.1 km by road. The connecting roads are unlit, narrow and are devoid of footpaths.

The Proposal:

Outline planning consent is sought for the erection of a dwelling. All matters are reserved but the plans do suggest a new vehicular access at the south west corner of the site.

Consultations:

- County Highways Authority

Standing advice

- Lamerton Parish Council

Objection – due to conflict with the Development Plan

Representations:

3 letters of support and 1 letter of objection have been received at the time of writing this report. One of the letters of support appears to be from the same address as that given by the applicant. Comments made in support of the application are summarised as follows:

- Will enhance housing provision
- Will not harm neighbour amenity
- A bungalow has been built elsewhere in the area

Concerns raised are summarised as follows:

- The scheme is in conflict with the Development Plan and could set a precedent
- Both foul and surface water infrastructure in the area is inadequate

Relevant Planning History

None identified

Analysis

The application site is greenfield land in a countryside location devoid of services and where there is a clear 'in principle' objection to new residential development under the Council's current and emerging housing policies. The Council cannot currently demonstrate a five year land supply, and this limits the weight given to housing policies and requires the Council to apply the tilted balance inherent with the presumption in favour of sustainable development as set out within the Framework.

However, the site is well isolated from tangible services and occupants would have almost complete dependence on the motorcar for everyday things such as school, employment and shopping. There are no public transport options available.

The residential development of the currently undeveloped land through the provision of a dwelling, creation of a new domestic access, the associated domestic ancillary structures and through light pollution would also have a limited visual harm in the area around the application site.

Taken together, this equates to significant environmental harm. This environmental harm significantly and demonstrably outweighs the very limited social and economic benefits through the provision of a single dwelling house.

Helpfully, an appeal issued by the Planning Inspectorate for the creation of a single dwelling under similar circumstances, issued this month and within the context of the absence of a five year land supply, helps guide the Council in its assessment.

In that decision, the Inspector states that *'However, taking all matters into account there are no material considerations of such weight or substance to justify making a decision otherwise than in accordance with the development plan. The adverse impacts to the environment arising from the siting of a new-build dwelling remote from services and facilities and the consequent reliance upon non-sustainable transport modes would significantly and demonstrably outweigh the very modest combined benefits to housing supply and the construction industry, the vitality of the hamlet and the immediate setting of the site within the Tamar Valley Area of Outstanding Natural Beauty. I therefore find that the proposal is not sustainable development for which the Framework provides a presumption in favour.'*

Nearby facilities

Suggestions made within the submission that this site should be regarded as sustainable due to the nearby presence of a hotel bar and small industrial land use are not considered by officers to be robust, and are given very limited weight in this assessment. The Council cannot presume that all future occupants of the dwelling would find employment in the nearby small scale commercial site, and the proximity to a single hotel bar is not considered to provide any conclusion that the site is well located with good access to the plethora of services regularly used by the public. It is clear that the site is not in an accessible location, has no sustainable transport options to rely on, with ensuing near complete dependence on the motorcar.

Other matters

Although there is an absence of information pertaining to foul and surface water disposal within the submission, the officers note the degree of land within the applicant's control, and would have considered it possible to secure drainage details through condition, had it been considered appropriate to recommend approval of the application.

The bungalow referred to was approved in 2004 and officers understand that the approval was based on a demonstrable need for staffing facilities to support the adjacent hotel.

The Lamerton Neighbourhood Plan seeks to proactively allocate more appropriate and preferable sites elsewhere for the community's future growth. However, this is at a developing stage and the weight it can be attributed is currently limited.

Conclusions

The proposed development represents a significant conflict with the current and emerging Development Plans, and applying the presumption in favour of sustainable development, the identified environmental harm significantly and demonstrably outweighs the very limited social and economic benefits associated with the creation of a single dwelling in this inaccessible location remote from services or sustainable transport options.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

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.

The relevant development plan policies are set out below:

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Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

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- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV30 Trees, woodlands and hedgerows

Lamerton Neighbourhood Plan

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.

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West Devon Borough Council **Agenda Item 7**
PLANNING AND LICENSING COMMITTEE 20-Mar-18
Appeals Update from 5-Jan-18 to 6-Mar-18

Ward Bere Ferrers

APPLICATION NUMBER : **1452/17/VAR** APP/Q1153/W/17/3185443
APPELLANT NAME: Mr D Lloyd
PROPOSAL : Removal of condition number 6 following grant of planning permission
00151/2013 to allow the development to be used as a permanent dwelling
LOCATION : Hewton House Bere Alston PL20 7BW
APPEAL STATUS :
APPEAL START DATE: 31-October-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 01-February-2018

Ward Bridestowe

APPLICATION NUMBER : **0185/17/FUL** APP/Q1153/W/17/3181837
APPELLANT NAME: Mr & Mrs C Middler
PROPOSAL : Erection of 4no dwellings including 3no starter homes and 1no
self-build dwelling
LOCATION : Tor Brae Land North Of Bolts House Okehampton EX20 4BE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Buckland Monachorum

APPLICATION NUMBER : **0147/17/OPA** APP/Q1153/W/17/3177360
APPELLANT NAME: Mr M Scoot
PROPOSAL : Outline application with some matters reserved for development of up to 22no. dwellings
(including 40% affordable housing), access, parking, landscaping / open space and
associated infrastructure
LOCATION : Development site at SX 501 676 Abbey Meadows Crapstone PL20 7FG
APPEAL STATUS :
APPEAL START DATE: 12-July-2017
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 06-February-2018

Ward Drewsteignton

APPLICATION NUMBER : **2092/17/PDM** APP/Q1153/W/17/3190868
APPELLANT NAME: Mr F Hawkins
PROPOSAL : Prior Approval for a proposed change of use of Agricultural Building
to a Dwellinghouse (Class C3) and for associated operational
development.
LOCATION : The Barn Downhayes Farm Spreyton Devon EX17 5AR
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Okehampton South

APPLICATION NUMBER : **2573/16/OPA** APP/Q1153/W/17/3189983
APPELLANT NAME: Paul Hunt Developments (Devon) Ltd
PROPOSAL : Outline application with some matters reserved for 50no. dwellings with mixture of
dwelling size and tenure (affordable housing provided will be 40% of total) including details
of access
LOCATION : Land at SX 603 952 South of Exeter Road Okehampton Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-January-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Tavistock North

APPLICATION NUMBER : **0170/16/FUL** APP/Q1153/W/17/3186973
APPELLANT NAME: Mr K Willmott
PROPOSAL : Erection of 3 bedroom detached dwelling.
LOCATION : Land adjacent 2 2 Roland Bailey Gardens Tavistock Devon PL19 0RB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-February-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **1214/17/CLE** APP/Q1153/X/18/3194759
APPELLANT NAME: Mr D Brittan
PROPOSAL : Certificate of lawful development for existing use of land for storage and distribution of motor vehicles and agricultural purposes
LOCATION : Land At Higher Wilminstone Road Past Wilminstone Farm Wilminstone PL19 0JT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-February-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **2686/16/FUL** APP/Q1153/W/17/3180266
APPELLANT NAME: Mr G Caldwell
PROPOSAL : READVERTISEMENT (Amended address and additional plans) Residential development for 4No. detached dwellings with integral garages, external parking and new access off Crease Lane
LOCATION : Land adjacent to Fernside Crease Lane Tavistock PL19 8EW
APPEAL STATUS : Appeal decided
APPEAL START DATE: 23-August-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 19-January-2018

APPLICATION NUMBER : **4085/16/LBC** APP/Q1153/Y/17/3183504
APPELLANT NAME: Mrs Louise Clements
PROPOSAL : Retrospective listed building consent for internal alterations with associated works
LOCATION : 48 Parkwood Road Tavistock Devon PL19 0HH
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-November-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-January-2018

West Devon Borough Council
PLANNING AND LICENSING COMMITTEE 20-Mar-18
Appeal Hearings/Public Inquiry from 5-Jan-18

Ward Buckland Monachorum

APPLICATION NUMBER : **4005/16/FUL** APP/Q1153/W/17/3180733
APPELLANT NAME: Sol Komfort, Lubricants SW, Valves Online
PROPOSAL : Three business units, 960sqm (1x384sqm 2x288sqm (576sqm) Use Class B1 (c) light industrial / Use Class B2 (general industrial) / Use ClassB8 Storage & Distribution), together with associated access, parking and landscaping.
LOCATION : Land Adjacent To Yelverton Business Park Yelverton Business Park Crapstone PL207LS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 25-April-2018
LOCATION OF HEARING/INQ: Council Chamber, Kilworthy Park, Tavistock

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **4006/16/FUL** APP/Q1153/W/17/3180732
APPELLANT NAME: The Trustees of the Compton meeting Hall
PROPOSAL : Meeting hall (152sqm – for Plymouth Brethren Christian Church) and associated access parking and landscaping.
LOCATION : Land Adjacent To Yelverton Business Park Yelverton Business Park Crapstone PL207LS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 31-October-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 25-April-2018
LOCATION OF HEARING/INQ: Council Chamber, Kilworthy Park, Tavistock

APPEAL DECISION:

APPEAL DECISION DATE:

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