

## PLANNING APPLICATION REPORT

**Case Officer:** Matt Jones

**Parish:** Lamerton **Ward:** Milton Ford

**Application No:** 3244/16/OPA

**Agent/Applicant:**

Rowan & Edwards Ltd  
21a Plymouth Road  
Tavistock  
Devon  
PL19 8AU

**Applicant:**

Mr & Mrs M Glover  
Ashton Court  
Lamerton  
PL19 8QD

**Site Address:** Land adjacent to Ashton Court, Lamerton, Devon, PL19 8QD

**Development:** Outline planning permission with some matters reserved for proposed erection of 5 dwellings and improvement to access

**Reason item is being put before Committee:** Cllr Baldwin has requested that the application be determined by Planning and Licensing Committee in order to:

- 1. Establish exactly what we are being asked to approve.*
- 2. To consider this application for 5 dwellings on a 0.27Ha. site against policy SP 8 [Inclusive Communities] Not SP 9 Meeting Housing Needs.'*



**Recommendation:** That delegated authority be given to the Community of Practice Lead Officer, in consultation with the Committee Chairman to grant conditional planning permission subject to the signing of a Section 106 Agreement to secure the following:

### **Planning Obligations**

£17,065 towards Primary School provision and £2,489 towards Secondary School transport

### **Conditions**

Time – reserved matters  
Detail for reserved matters  
Accord with Plans  
Surface water management details prior to commencement  
Arboricultural protection measures  
LEMP prior to commencement  
Completion of road infrastructure prior to commencement  
Removal of Permitted Development Rights  
Unsuspected contamination

### **Key issues for consideration:**

The main issues are the principle of development, access and parking, layout, drainage, ecology and any impact upon the amenity of neighbouring properties.

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### **Site Description:**

The application site is an area of greenfield land located within the settlement of Lamerton. The site currently provides vehicular access to the barn conversion at Ashton Court and also to the detached dwelling Camperhaye Lodge.

The residential curtilage of neighbouring dwellings is to the north, east and west, with access from the main road which is to the south of the site. The site is outside of any Development Boundary but is otherwise free of specific planning constraints.

### **The Proposal:**

Outline planning permission is sought for the proposed erection of 5 dwellings and improvement to the existing access. Access and scale were originally the two matters for consideration at this outline stage, but scale has been formally removed and will now be considered during any subsequent and necessary reserved matters application. Indicative elevations and floorplans are provided.

The scheme modifies the existing access and provides an indicative block plan showing the dwellings in a typical suburban layout, with the five dwellings sat within their own curtilage accessed from a central road.

### **Consultations:**

- County Highways Authority

No objection subject to condition

- Devon County Council Education

Request £17,065 towards Primary School provision and £2,489 towards Secondary School transport

- Lamerton Parish Council

Support – *‘There should be a mix of 2 or 3 bedroom houses only, together with car parking spaces equivalent to at least the same to at least the same number of bedrooms outside of the property. Council query the arrangements for access to the site particularly for pedestrians e.g. children going to school’*

### **Representations:**

None received

### **Relevant Planning History**

A pre-application enquiry was undertaken with the Council in 2016 which resulted in officer support being forthcoming on a without prejudice basis

### **Analysis**

#### **Principle of Development**

The site is outside of the Lamerton Development Boundary but spatially reads as a simple infill to the built environment. Spatially the site is considered to relate well to Lamerton Village. The principle of development is therefore accepted subject to all material planning considerations.

#### **Social and economic benefits**

The approval of five dwellings within the site will provide a limited economic benefit during the construction phase and a long term social and economic benefit through housing provision serving the community and increasing footfall to local services.

#### **Visual impact**

The residential development of the site, to the scale suggested, will read as an infill plot and the character of the streetscene and surrounding countryside will be conserved. High quality dwellings within this location can provide a positive contribution to the area and to Lamerton.

#### **Neighbour impact**

The layout indicates that a scheme for five dwellings can be accommodated within the site without leading to materially harmful overlooking, dominance or loss of light to Lamerton Villas and Camperhaye Lodge.

The access arrangement will inevitably lead to some headlights shining towards Camperhaye Lodge, but this will be fleeting as one enters and exits the site within hours of darkness. It will also be at a reasonable distance, and partially screened by existing boundary vegetation.

Overall, officers are satisfied that five dwellings can be achieved within the site whilst providing an acceptable standard of amenity for surrounding residential properties.

#### **Drainage, Trees and Ecology**

The site is not within flood zones 2 or 3 nor a Critical Drainage Area and, following consideration of the proposed layout and the drainage details within the supporting documentation, officers are satisfied that surface water drainage can be satisfactory attenuated in principle, and officers are therefore able to require the final drainage specification details by way of planning condition.

There are trees within the site which can be protected and this can be achieved through the indicative layout and through condition. The site is considered by officers to have negligible ecological potential and ecological enhancements can be secured through the provision of a LEMP condition.

### **Access and Parking**

The existing access serves the barn conversion at Ashton Court and an additional third party dwelling. Its substandard specification was highlighted at the pre-application stage and the applicants have suggested improvements which are supported by the highways officer.

The site requires a short journey on foot on the main road, which is without a pavement, but this is a situation experienced by other properties along the road and in fact by the majority of properties within the village.

Following completion of this small route along then main road, the walk is on slower roads more centrally within the envelope of the village and officers would envisage walking to be an achievable alternative to the motorcar in order to access the services within Lamerton and the bus stops within the village.

The highways officer has no objection to the access specification nor the limited additional numbers of pedestrians travelling along the main road, and the scheme is considered to be acceptable with regard to highways safety. Parking provision is a reserved matter.

### **Other matters**

Officers acknowledge the comments made by the Parish Council regarding the housing mix and parking provision. However, the application is in outline and has now reserved matters relating to the scale of the proposed dwellings. Officers can only now therefore consider the principle of five units within the land, not their size, layout, parking provision or number of bedrooms. The Parish Council will have the opportunity to register its concerns again at the relevant, reserved matters stage.

The scheme will make a contribution to education, as requested by DCC Education Authority and outlined within the consultation section above. Affordable housing provision is not sought by officers as the LPA has agreed to adopt the Government's preferred approach for a higher threshold of more than five residential units.

### **Conclusion**

The approval of five dwellings within the site will provide a limited economic benefit during the construction phase and a long term social and economic benefit through housing provision. The site relates well to Lamerton and is considered by officers to be sustainable with regard to access to services.

Access arrangements are improved and have the endorsement of the highways officer and the additional pedestrian footfall on roads already well frequented by pedestrians is not considered to constitute a severe impact on highways safety.

For the reasons outlined above this application is considered to be sustainable development and is therefore recommended for approval subject to appropriate conditions. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

### **Planning Policy**

#### **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development

SP5 – Spatial Strategy

SP6 –Density of Housing Development  
SP8 – Inclusive Communities  
SP9 – Meeting Housing Needs  
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  
H28 – Settlements with Defined Limits  
H31 – Residential Development in the Countryside  
H37 – Meeting Local Housing Needs in Rural Areas  
T1 – Walking and Cycling  
T8 – Car Parking  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems  
PS3 – Sewage Disposal  
PS4 – Private Water Supply

### **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.

### **Planning Conditions:**

1. Application for approval of the reserved matters shall 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).

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

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;
- viii) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- ix) Provision of ducting for high speed broadband

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 approved shall in all respects accord with (the drawings associated with this application).

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, including details of the exceedance pathways and overland flow routes across the site for the proposed 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. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems.

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

5. Any reserved matters application seeking the approval of the detailed site layout shall include an Arboricultural Impact Assessment based on that scheme which shall include a detailed tree and hedgerow protection plan and Arboricultural Method Statement. Development shall take place in accordance with the approved details.

Reason: In order to identify and protect trees and hedgerows of public amenity value and in the interests of wildlife conservation.

6. 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 provide for the management and maintenance of public open space and green infrastructure for biodiversity, landscape and informal recreation purposes. 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 boundary and internal hedgerows, to be informed by bat survey results);
- (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

7. No part of the development hereby approved shall be occupied until the improved access, parking facilities, improved visibility splays, turning area, parking spaces and garages / hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

8. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H and Part 2 of the Order, including the erection of means of enclosure, extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

9. 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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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.