

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Bere Ferrers **Ward:** Bere Ferrers

Application No: 0788/16/OPA

Agent/Applicant:

Edward Persse
49 Bannawell Street
Tavistock
Devon
PL19 0DP

Applicant:

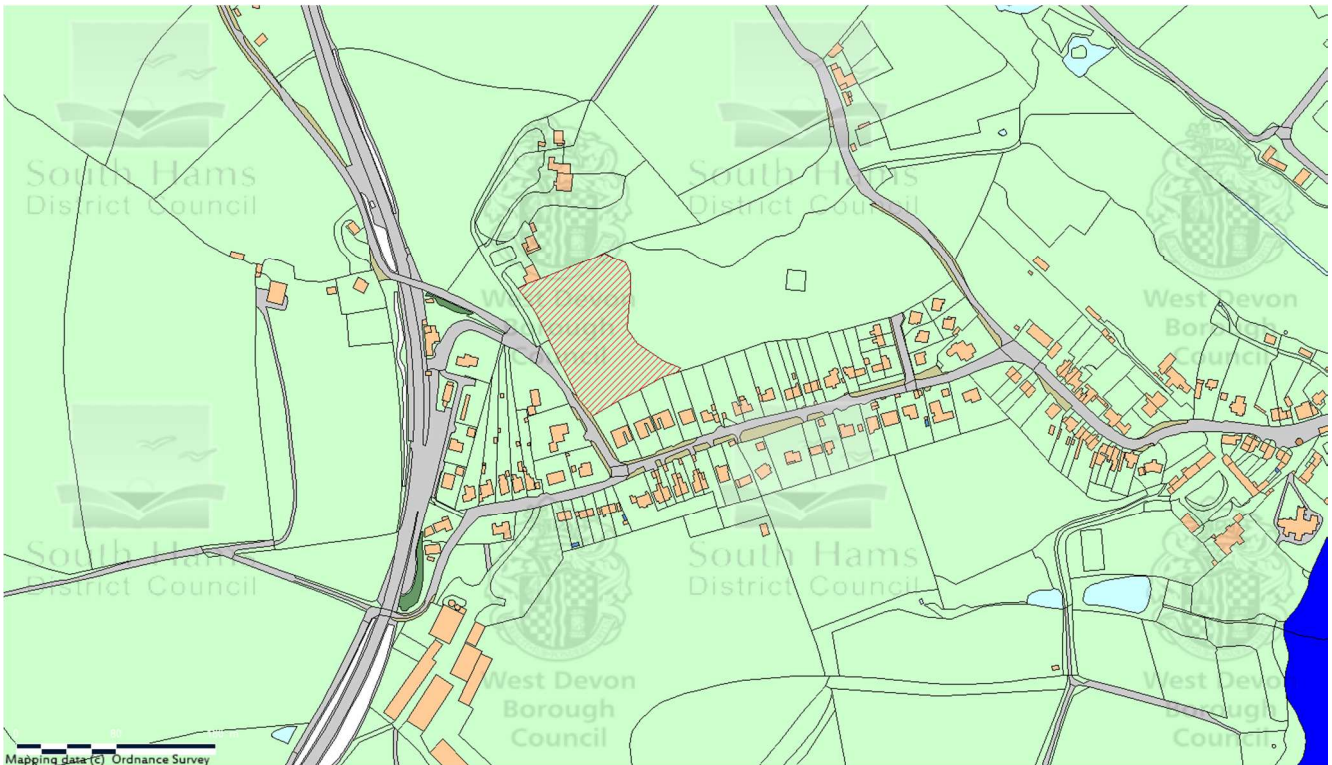
Mr & Mrs T Dawe
Highlands,
Lewdown,
EX20 4BS

Site Address: Land Adj. To Station Road, Bere Ferrers

Development: Outline application for erection of 7 dwellings

Reason item is being put before Committee:

The ward members have requested that the application be taken before Planning and Licensing Committee due to concerns regarding, drainage, the highways infrastructure in the area, conformance of the development to the character of the village and the visual impact of the development within the AONB designation.



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

- £14,470 towards primary school transport and £2,489 towards secondary school transport
- Off-site affordable housing contribution determined by adopted formula

Conditions

1. Time (reserved matters)
2. Submission of reserved matters
3. Accords with plans
4. Details of highway, footpaths, verges, junctions etc. to be agreed and implemented
5. No other development to commence until access road has been laid out and constructed to base course level, iron work set out, footway constructed to base course level and site compound and car park constructed to satisfaction of LPA.
6. No dwelling to be occupied until highway, footway and associated infrastructure has been provided to the satisfaction of the LPA.
7. Highway, footway and associated infrastructure to be maintained in accordance with condition above.
8. Pre commencement – detailed design of surface water management system to be agreed with LPA
9. Pre commencement – Details of adoption and management of drainage scheme to be agreed with LPA
10. Pre commencement – construction phase surface water management scheme to be agreed with LPA
11. Removal of PD rights: Extensions, outbuildings, hard surfaces, means of enclosure
12. Unsuspected contamination
13. Landscape and Ecology Management Plan to be agreed
14. Details of boundary treatments
15. Arboricultural Impact Assessment (based on the final layout) with a Tree Protection Plan and Arboricultural Method Statement
16. Tree protection and retention of trees and hedgerows
17. Construction Management Plan to be agreed and implemented

Key issues for consideration:

The main issues are the conformity with the development plan, weight to be given to the Development Plan policies, sustainability including landscape impact within the AONB, landscape and settlement character, highway safety, accessibility, ecology, drainage and flooding and conformity to the emerging Neighbourhood Plan

Site Description:

The application site is a parcel of greenfield land located within Bere Ferrers Parish. It is the western end of a large field which extends from Station Road sloping downwards to the main road into Bere Ferrers.

The site is immediately adjacent to the settlement of Bere Ferrers itself, and is adjacent on two sides to the Development Boundary which is to the south and west of the site. Residential development is to the south with agricultural land to the east and north. Access is from an existing field gate from the highway which is to the west.

There is a tree benefitting from a TPO immediately to the east and TPO woodlands to the north and north east. The site is not within flood zones 2 or 3 nor a Critical Drainage Area, although, there is a watercourse at the north eastern corner of the field, outside of the application site.

The site is within a large field which was considered for strategic allocation in 2014. It was given a 'green' designation, meaning 'Site is considered to be developable' and the brief assessment stated that: 'Development of the site would form a logical extension to the settlement. Power lines, trees, water tank and access are likely to limit yield. At least 24 dwellings would have to be provided for the site to be viable*'. Ultimately the site was not put forward within Our Plan and is not currently allocated in the emerging Joint Local Plan.

The site is within the Tamar Valley Area of Outstanding Natural Beauty.

The Proposal:

Outline planning permission is sought for the erection of 7 houses. All matters are reserved except access. The scheme shows an improved and widened vehicular access in place of the existing field access at the west of the site. Revised plans relating to the proposed access have been received during the life of the planning application, due to the original comments made by the highways officer.

Although matters regarding layout, scale and appearance are reserved, indicative plans and a layout have been submitted.

Consultations:

- County Highways Authority

Holding objection resolved to no objection subject to conditions

Original Observations dated 3 June 2016:

Although the application form seeks outline planning application with the means of access to be considered in detail, there are no fully detailed plans for consideration and there are some issues with the internal layout of the estate road that would certainly require amendment and additional information before the plans were totally acceptable to the highway authority and these are as follows:-

- 1. There are no visibility splays shown at the junction with Station Road 2.4 metres by 43 metres are required in both directions. There may also be some forward visibility issues with the proposed alignment.*
- 2. There are no turning facilities shown on site for refuse vehicles or fire engines.*
- 3. There are no details of the gradient of the internal estate road.*

If the applicant were to remove the requirement for 'access' as a detailed consideration with this application then the highway authority would be prepared to recommend the imposition of appropriate conditions on any planning permission that you may wish to grant.

Alternatively, the applicant should be provide sufficient additional information as required above in order for the highway authority to assess the access 'in detail' at the outline stage.

Further observations following receipt of additional plans, particularly Highways Drawing 01-Rev B

The plans are now acceptable, following the revisions recommended in the earlier observations. Suitable conditions are now recommended.

Additional comment 16/02/2017

'As you will be aware, and so will members of the Planning and Licensing Committee, I am guided in my responses to planning applications by the content of the National Planning Policy Framework, particularly paragraph 34 in this instance.

There is no question that the access to the site is 'safe and suitable' as it complies completely with current design criteria with respect to geometry and visibility. The anticipated number of traffic movements from the number of units proposed (6 - 8 movements per day, 0.6 -0.8 movements per unit in the a.m. peak worst case scenario) would result in no more than an additional vehicle movement on the highway infrastructure every 10 minutes in the morning peak. This would not constitute a 'severe impact' on the highway infrastructure and therefore no objection to the development could be sustained on highway grounds.'

- Environmental Health Section

No objection, suggest unsuspected contamination condition

- Tamar Valley AONB

Objection – It is noted that this is an outline application for seven dwellings, five of which would be open market units, with matters relating to appearance, layout, landscaping and scale reserved for future consideration.

It is also noted that this development is located outside of the defined settlement limit being within the open countryside and that this site forms part of a larger site that has been assessed by the LPA as part of its Land Availability Appraisal (LAA) published in December 2014. The larger site (ref. WD_48_09_08/13) was assessed as possibly suitable for development for approximately 15 dwellings although the general comments for development within Bere Ferrers were as follows;

"In Bere Ferrers there is no proposed planned requirement for development due to a lack of services and facilities in the settlement. However, where there is an evidenced and overriding need for a particular type of development to take place, e.g. affordable or specialist housing to meet an identified local housing need, this may be permitted. In such circumstances, the information collected through this Land Availability Assessment and shown in the Site Table should be considered."

It should be noted that the LAA concluded that the settlement lacks services and facilities and that development should only be allowed where there is an evidenced and overriding need for affordable or specialist housing to meet an identified local need.

Given the above it is unclear as to how this application is supported by current planning policy both under the Development Plan and under the terms set out within the National Planning Policy Framework.

The Planning Statement submitted with this application states that Local Plan policy H31 is out of date by reason of the appeal decisions cited in other locations within the Borough.

If the LPA accepts that the policy is not in compliance with the NPPF then it still must assess the application in line with all relevant Development Plan Policies inclusive of those within the Core Strategy as well as the guidance within the NPPF.

As set out within both the Core Strategy and the NPPF only sustainable developments should benefit from the presumption in favour development. The NPPF at paragraph 8 confirms that the three elements of sustainable development (environmental, social and economic) are mutually dependent and therefore;

“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

Paragraph 9 of the NPPF confirms that;

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;*
- moving from a net loss of bio-diversity to achieving net gains for nature;*
- replacing poor design with better design;*
- improving the conditions in which people live, work, travel and take leisure; and*
- widening the choice of high quality homes.”*

The current proposal is for open market housing with a proportion being affordable. It is unclear as to how this development will contribute to the sustainability of the settlement given that it only produces one output that can be considered to be in line with the above (non-exhaustive) list.

The presumption in favour of sustainable development should only apply as set out under the terms of paragraph 14 of the NPPF. The TVAONB is of the view that whilst the visual impacts of the scheme may be somewhat limited the alteration to the character of the settlement’s edge where the transition to rural landscape is very abrupt and clearly defined, would be harmed by the urbanising nature of the proposed development.

The indicative layout plan shows large units in a radial form with generous plots served by a large spine road. The form of the development is much more linear with dwellings being generally arranged along both Fore Street and Station Road making the new development out of keeping with the general grain of development in this location. It is accepted that Birlanda Vineyard that lies adjacent to the site is also more radial in form, however this development is also somewhat anomalous and should not be regarded as a marker for further development layout.

The proposed development will harm the character of this section of the AONB through further encroachment of the urban form into the open countryside, without any justification having been provided that confirms that there is an overriding need, benefit or mitigation that would override such harm.

The TVAONB would therefore point out that the provisions of footnote 9 to paragraph 14 are engaged in that the development does not meet the terms of sustainable development nor enhance or conserve the AONB. In such instances development should be restricted.

The above comments in reference to the nature of what constitutes sustainable development and the engagement of footnote 9 were confirmed in the recent appeal decision (APP/X1118/W/15/3012049) as set out in the comments of the Inspector at paragraphs 43-45 of the appeal decision notice. In addition to the above The Planning Practice Guidance confirms at paragraph 004 that “Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.”

It should therefore be noted that the adopted TVAONB Management Plan (2014-2019) defines at Section 9.8 what would constitute sustainable development within the context of the AONB. This definition confirms that; “In order to be considered sustainable, a development proposal should meet one or more of the following criteria:

1. 1. Demonstrate that it conserves or provides enhancements to natural beauty with specific reference to the special qualities of the AONB (as set out in Section 1.5 and Annex 1) and;

2. 2. Meet the economic and social needs of local communities whilst conserving the AONB landscape;
or
3. 3. Meet the demand for recreational opportunities within the AONB whilst accounting for the natural beauty of the AONB and the needs of agriculture, forestry and other uses.”

The TVAONB is of the opinion that the proposed development does not meet the terms of a sustainable development as set out in either the NPPF or the adopted TVAONB Management Plan and that the development would not enhance or conserve the AONB.

- WDBC Affordable Housing

No objection – Request off site contribution as per formula

- *‘We do not have a policy to deal with starter homes and we are currently unclear what starter homes would actually look like in the housing and planning bill.*
- *WDBC has taken the approach that we will have regard to the PPG in terms of the thresholds, however we cannot change policy as this has been through the core strategy but thus will be looked at as part of the JLP. However, we have currently implemented the lower threshold in the rural areas and areas within the AONB. Therefore in our rural areas this means that we can only seek off-site contributions for developments at the 6th unit. Once a development reaches 11 units our 40% target would be sought.*

“in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty”

- *In terms of this proposal, as it is in outline, the commuted sum due would be included in the s106 as a formula.*
- *There is an aside issue to this, and I did speak to DCH, as to whether an RP would take on just 2 units. The answer was that they could not. So we could be left in a situation where we have worked outside of our current AH stance, only to find out that we could not get an RP on board for these units.*
- *Of course, affordable housing is a much needed resource and the contributions which could be received from this development (subject to a planning approval), would be utilised throughout the borough of West Devon to provide affordable housing.*

- DCC Children’s Services

No objection – request £14,470 towards primary school transport and £2,489 towards secondary school transport

- WDBC Landscape

No objection subject to conditions

Landscape Character and Visual Impact

Landscape Character

Planning application 0788/16/OPA seeks outline planning consent for 7 dwellings – matters to appearance, layout, landscape works and scale reserved. As part of the submissions is a Landscape and Visual Impact Assessment (Eden Design; dated May 2015). The assessment appears sound and its overall baseline and findings well considered and balanced.

The officer appraisal has been undertaken in the context of the NPPF, Strategic Policy 17 and with due consideration given to the Tamar AONB Management Plan. The SHLAA (June 2009) noted that development of the site would ‘...form logical extension to the settlement. Power lines, trees, the water tank and access are likely to limit yield.’ The trees are now subject to a Tree Preservation Order and the proposal does not adversely impact on these.

This has been assessed in conjunction with a site visit. It is noted that the assessment was considered in the context of approximately 20 dwellings. The submitted scheme is substantially smaller at this stage and is a schematic outline layout.

The site is within the Devon Character Area – Middle Tamar Valley, and West Devon LCT 4D: Lowland Plains. These are characterised by the estuaries of the Tavy and Tamar. The site is immediately adjacent to Bere Ferrers, forming a rural edge. Under pasture and still grazed, there is a small woodland to the north which filters into the field edge, with a small copse of willow around an historic sub-terrain reservoir/water tank (this is less characteristic of this LCT and LDU) and a few individual mature oaks. The site reflects a number of the key characteristics in terms of scale – large to medium field pattern and use (pastoral). It is strongly influenced by the adjacent village edge which extends along its boundaries to varying degrees on three sides, the most prominent being the southern boundary. It is shaped by the local road network and railway, which has also established the current pattern of development.

Proposed developments should seek to reinforce the traditional character and avoid uncharacteristic visual impacts over a wider area. This is a highly valued landscape in terms of its designated status, which is given great weight.

Key Characteristics include:

- Level to gently rolling plains...
- Local dominance of stone as building material
- Pastoral farmland with other land uses, including orchards

In considering the overall impacts on landscape character, officers are satisfied that whilst there is some impact locally, it is limited in nature and the key characteristics are maintained. There is an opportunity to secure enhancements to the landscape character e.g. through orchard planting and boundary treatments. The current scheme is conceptual, with final layouts, scale and massing considered at reserved matters stage.

Visual Impacts

The overall visual impacts are limited as a result of topography and intervening vegetation. This is illustrated through the LVIA – Zone of Visual Influence study and associated field study. Wider views see the proposed development within the context of the existing village. Careful use of materials and appropriate vernacular design should further mitigate the limited impacts anticipated.

Protected Landscape

The comments of the Tamar Valley AONB are noted and focus on issues relating to the sustainability of the site. Discussion about potential effects on the landscape is limited and whilst these have been

considered, officers are of the opinion that the impacts of the proposal will be partial, both visually (which is acknowledged in the TVAONB comments) and more widely in landscape character.

The proposed development impacts directly on a small portion of the field, with the remaining field left under pasture. Whilst there is some local harm, in particular on views from the adjacent highway, the overriding character of a rural edge to the village and the special qualities of the AONB are conserved; the key landscape elements within the site are retained and there are opportunities for enhancement e.g. orchard planting, hedgerow establishment.

RECOMMENDATION:

No objection subject to conditions

CONDITIONS:

- *Tree and hedge Protection*
 - *Landscape Scheme in full consideration of the LVIA*
 - *Landscape management*
-
- *Bere Ferrers Parish Council*

Objection –

1. Bere Ferrers is an ancient small West Devon Village, being on the banks of the river Tamar and within the Tamar AONB Which is a nationally designated landscape. A large part of the village is a conservation area with a listed 12th Century Church and adjoining the Barton.

2. The development is not in accordance with the Core Strategy of the Borough Council for developments within smaller villages and the countryside.

3. It is outside the settlement boundary of Bere Ferrers village and your policies do not allow such development in the open countryside, unless the applicant can demonstrate real benefits to the community. We have seen no evidence to support this view from the applicant.

4. The field at present is used for agricultural purposes and adjoins on its northern side recorded wildlife site OSWI. It's within the Tamar Valley AONB where their policies do not allow development because of the detrimental effects and impact on the landscape character unless evidence is put forward on how such effects can be moderated. We have not seen any such evidence from the applicant. The NPFF, section 11 stresses the conserving and enhancing the natural environment and is most relevant to this site. This protected woodland contains bats, badgers and a variety of birdlife.

5. The planning application is somewhat lacking in detail regarding the houses but in particular does not show that the owner or the site also owns the remainder of the five acre field in which the site is located.

6. The proposed estate is not in accordance with the vernacular style of present village development with a size and quality above the standard of Parish needs.

7. The WDBC Housing Land Availability Assessment states that rural communities should not be developed unless there is exceptional and proven need. The local infrastructure is poor as there is a lack of services and facilities within the community. In particular there are no shops except for a community shop for two hours on a Saturday morning, (only food sold is confined to vegetables, cheese and craft foods).

8. Residents travel to Bere Alston village for primary school, doctor's surgery, newspapers and bread etc. Broadband speed is abysmal. (on 6 June within 100 yards of this Site a download of 2 MBPS and upload o 1MBPS was measured),

9. There are no social or educational facilities for young people with access to Tavistock by two daily buses at 9am and 1pm, they travel to Bere Alston by train but there are no evening bus services from this village. The train service to Plymouth is two hourly but the last train out of Plymouth departs at 9pm.

The emerging Bere Peninsula Neighbourhood Plan states that it has considered the need and potential for development at Bere Ferrers and has concluded that, because this village lacks the required facilities and services, as well as being constrained by the AONB designation, this is a far less sustainable option than focusing in Bere Alston. 'It has therefore concluded that any development at Bere Ferrers should only be in response to specifically identified local needs for a particular type of development, and that this is best met through the 'windfalls' process.'

10. The emerging BPNP will also support proposals for windfall development, defined as five or fewer dwellings on infill or redevelopment sites within the parish, subject to, 'this being response to defined local needs. Any such proposals will need to be supported by an objective statement of need evidence concerning the consideration of alternatives, as well as supporting evidence as to how any detrimental impacts on the AONB environment, landscape and recreational opportunities could be moderated'. NPPF section 216 support this policy. Note NPPF has stated that Authorities should give weight to emerging plans.

11. The Site is in a flood stream from adjacent higher land with a thick clay base and functions as a SUD (Sustainable urban drainage). Septic tanks and soakaways from adjacent houses naturally drain onto the field which has a large water tank lower down with a pond that emerges in the bottom corner during periods of heavy rainfall. Twice this year surface flood water was too great a volume for the drainage pipes under the Bere Ferrers — Tavistock Road at the "Corkscrew section" and has flooded on to the road

However, if the Planning authority is minded to grant permission then the Parish Council would ask that, in accordance with the BPNP Road Strategy Policy, that consideration should be given to improvement works on the Bere Ferrers — Tavistock Road, just outside the village where the road narrows, dips down into and out of old water crossing and follows an S shape at the same time, known locally as the "corkscrew" at GR SWX455638. It has been the scene of a number of accidents and we attach a recent photograph to illustrate the problem. It should be noted that the applicant owns the land on the western side of this road at this point.

The Planning Authority members may also consider that it may be appropriate to make a site visit.

Representations:

56 letters of objection have been received at the time of writing this report. Concerns raised within the letters are summarised as follows:

- There is no need for housing in the area
- The design of the development is not appropriate for the village
- Will lead to an unsafe road environment
- The village is not within a sustainable location
- There is a lack of services within the village
- The road network within the peninsula is substandard
- There should be planning obligations to improve the highway network
- Will harm the character and appearance of the AONB
- Will lead to light pollution
- Will cause flooding and drainage issues
- Will harm the amenity of adjacent dwellings
- The housing mix is inappropriate
- There is a capacity issue at relevant schools
- The sewer infrastructure cannot accommodate the development
- The scheme isn't viable

- Could lead to future applications
- There are utilities within the field
- There should be a CEMP
- The site is outside of the Development Boundary

Relevant Planning History

Outline application for residential development – Refused September 1976

The wider, strategic allocation of the field was also considered within the 2014 SHLAA and was given a green designation, although, it was not allocated.

Analysis

Principle of Development/Sustainability

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

Paragraph 14 of the National Planning Policy Framework states that '*at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*'

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 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The Borough's current Local Development Framework identifies defined settlement boundaries and states at Policy H31 that residential development outside the defined limits of a settlement and where Policy H29 does not apply will not be permitted unless required for the essential needs of Agriculture or forestry.

Policy H31 was last reviewed in 2011 and pre-dates the NPPF. The enforcement of strict development boundaries is not considered to comply with the guidance within the NPPF as this does not follow the approach of the presumption in favour of sustainable development. As such it is considered that Policy H31 cannot be considered to be up to date and as such carries little weight.

The current position therefore is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless '*any adverse impacts of doing so would*

significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.'

However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply. Footnote 9 states that the presumption in favour of sustainable development should not apply if '*specific policies... ..indicate development should be restricted.*'. This includes paragraph 115 which states that '*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*'

The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits with strict regard to the AONB which is afforded the highest status of protection.

Sustainable Development

Bere Ferrers is identified in the LDF as a settlement with a defined limit, being a settlement which can accommodate growth subject to certain parameters. Its facilities include a pub, a social club, a church, a church hall, a hairdressers and the village is also served by a temporary shop run, officers understand, by the community. A bus service links Bere Ferrers to larger settlements. Most notably, the village benefits from being on a railway line with direct train journeys to Plymouth and Bere Alston. Bere Ferrers is therefore considered by officers to be a sustainable location for a limited and proportionate degree of housing development.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

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 which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of approximately 8000 m² of what is currently a meadow, with limited agricultural activity apparent.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from the spending of future residents. Although Bere Ferrers is relatively limited with regard to services, it does have some local facilities and the railways station remains open. Small scale levels of additional housing will provide an economic stimulus to these services through increased footfall.

In respect of this element of sustainable development the balance is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing

The proposal will add to Bere Ferrers' housing stock. Although large executive style houses are shown within the indicative plans, all matters relating to the scale and layout of the housing are actually

reserved. Third parties and the Parish Council have raised concern regarding the exclusive nature of the development and the lack of smaller units but this matter is still for debate and would be considered at the Reserved Matters stage. Indeed, West Devon does have a policy driver to potentially require a more inclusive housing mix, through Strategic Policy 8 – Inclusive Communities.

Although the application originally sought 2 on site affordable units, the NPPG makes it clear that Local Planning Authorities should, for development of less than ten units, require instead an offsite commuted sum towards affordable housing. This has been agreed as per the consultation response from the Affordable Housing unit.

Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance.

In respect of the social aspect of sustainability a number of objections have been raised including added congestion on highways that are already dangerous.

Impact on existing Infrastructure

Consideration has been given to these concerns. Devon County Council have confirmed that both the local primary school and the nearest secondary school have capacity for pupils that may arise from the development; financial contributions have been requested towards transport for these pupils to the nearest secondary school. DCC do not object to the proposal.

The issue of traffic congestion and danger to road users is considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels in the area. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The site is within 400m of bus services to Tavistock, in addition to the railway line connecting the village to Plymouth and Bere Alston.

Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However, it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings.

An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted, should this application be approved.

Social Dimension Balance

Significant weight must be given to the provision of additional market housing and the commuted contribution to affordable housing. The site is well connected to the settlement of Bere Ferrers with access into the village centre and its facilities to ensure social integration within what is clearly a thriving community. The social benefits of the proposed development outweigh any social dis-benefits and weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape character, ecology

and bio-diversity; and surface and foul water drainage. The site is within the AONB and that is a land designation afforded the highest status of protection.

However, although the western section of the field is verdant and pleasant, it is also discretely located within the landscape. The land specifically forming the application site appears to sit below the adjacent highway and appears nestled into the landscape. As such, visibility into the site is restricted to oblique views when immediately passing when travelling along Station Road. This significantly limits the impact of the development on the AONB designation:

Although the comments made by some parties regarding the 'linear' character and previous development of the village are noted, officers do not believe that it is essential to insist that all future development follows a similarly linear pattern. In fact, such a prescriptive approach could prevent any growth as linear development along the existing highway could well lead to significantly harmful encroachment into exposed areas of the AONB.

Therefore, although there is a divergence from the generally linear grain of residential development within Bere Ferrers, officers do not believe it is reasonable or necessary to insist that future development carries on in the same form.

Landscape Impact

The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

'The officer appraisal has been undertaken in the context of the NPPF, Strategic Policy 17 and with due consideration given to the Tamar AONB Management Plan. The SHLAA (June 2009) noted that development of the site would '...form logical extension to the settlement. Power lines, trees, the water tank and access are likely to limit yield.' The trees are now subject to a Tree Preservation Order and the proposal does not adversely impact on these.

This has been assessed in conjunction with a site visit. It is noted that the assessment was considered in the context of approximately 20 dwellings. The submitted scheme is substantially smaller at this stage and is a schematic outline layout.

The site is within the Devon Character Area – Middle Tamar Valley, and West Devon LCT 4D: Lowland Plains. These are characterised by the estuaries of the Tavy and Tamar. The site is immediately adjacent to Bere Ferrers, forming a rural edge. Under pasture and still grazed, there is a small woodland to the north which filters into the field edge, with a small copse of willow around an historic sub-terrain reservoir/water tank (this is less characteristic of this LCT and LDU) and a few individual mature oaks. The site reflects a number of the key characteristics in terms of scale – large to medium field pattern and use (pastoral). It is strongly influenced by the adjacent village edge which extends along its boundaries to varying degrees on three sides, the most prominent being the southern boundary. It is shaped by the local road network and railway, which has also established the current pattern of development.

Proposed developments should seek to reinforce the traditional character and avoid uncharacteristic visual impacts over a wider area. This is a highly valued landscape in terms of its designated status, which is given great weight

Key Characteristics include:

- Level to gently rolling plains...
- Local dominance of stone as building material
- Pastoral farmland with other land uses, including orchards

In considering the overall impacts on landscape character, officers are satisfied that whilst there is some impact locally, it is limited in nature and the key characteristics are maintained. There is an opportunity to secure enhancements to the landscape character e.g. through orchard planting and boundary treatments. The current scheme is conceptual, with final layouts, scale and massing considered at reserved matters stage.

Visual Impacts

The overall visual impacts are limited as a result of topography and intervening vegetation. This is illustrated through the LVIA – Zone of Visual Influence study and associated field study. Wider views see the proposed development within the context of the existing village. Careful use of materials and appropriate vernacular design should further mitigate the limited impacts anticipated.

Protected Landscape

The comments of the Tamar Valley AONB are noted and focus on issues relating to the sustainability of the site. Discussion about potential effects on the landscape is limited and whilst these have been considered, officers are of the opinion that the impacts of the proposal will be partial, both visually (which is acknowledged in the TVAONB comments) and more widely in landscape character.

The proposed development impacts directly on a small portion of the field, with the remaining field left under pasture. Whilst there is some local harm, in particular on views from the adjacent highway, the overriding character of a rural edge to the village and the special qualities of the AONB are conserved; the key landscape elements within the site are retained and there are opportunities for enhancement e.g. orchard planting, hedgerow establishment.

Biodiversity

The scheme proposes new planting within the layout and at the eastern boundary. With sensitive lighting, it is reasonable to expect that the wildlife value of the site could be maintained taking into account enhancement of the remaining habitat. As such it is proposed that a Landscape and Ecology Management Plan be agreed through a planning condition.

Heritage

There are no listed buildings in close proximity to the site and the site sits outside of the Bere Ferrers Conservation Area and there is no tangible intervisibility between the site and any designated heritage asset. The proposed development will have no significant adverse impact on either the Conservation Area or the setting of any Listed Building.

Drainage/Flood Risk

Officers note the comments made by the Parish Council and third parties regarding potential drainage issues associated with the development. The site is not within flood zones 2 or 3 nor a Critical Drainage Area, although the site's proximity to Bere Ferrers suggests that it would provide a natural soakaway feature serving the village.

However, this development provides for 7 new dwellings and the indicative layout shows the properties in a low density layout with generous curtilage. As such, officers are satisfied that a SuDS can be achieved within the site, and the specification of the drainage strategy can be secured through an appropriate planning condition.

It has been demonstrated in principle that the site can be adequately and appropriately drained. The applicant has indicated that foul water will be disposed of within the public sewer and no objection has been received by South West Water.

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development.

Moreover, those benefits have to be set against the loss of an area of open countryside within the AONB designation, leading to a change in the local environment and landscape. That impact has been carefully considered.

Whilst the application site and the wider field is a pleasant piece of countryside, the site is also very discreetly located and nestled within the landscape with appreciation of its quality subsequently extremely limited. As such, and when affording the AONB designation the highest status of protection, officers consider that the field's loss to development would not represent significant material harm to the identified areas of potential concern.

Sustainable Development Conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are clear benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. Furthermore, given the NPPF's priority, the additional dwellings to be provided must carry significant weight in determination of the application.

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms, the location of the application site is sustainable and the adverse impacts identified including the change to landscape character are not so significant as to undermine the proposed development's sustainable credentials.

Overall, on balance, it is considered that the proposed development is sufficiently sustainable to pass the first part of the test as set out in the NPPF.

Traffic Conditions/Highway Issues

The Highways Authority have provided a comprehensive response to the application with regard to the access but were originally silent on the wider implications to the highways network.

However, the highways authority do consider these issues with all applications and officers would acknowledge the substandard quality of highways infrastructure within the Parish, but would suggest that this scale of development is unlikely to cause additional issues which could amount to a severe impact on highways safety. The highways officer has provided an additional response stating that '*As you will be aware, and so will members of the Planning and Licensing Committee, I am guided in my responses to planning applications by the content of the National Planning Policy Framework, particularly paragraph 34 in this instance.*

There is no question that the access to the site is 'safe and suitable' as it complies completely with current design criteria with respect to geometry and visibility. The anticipated number of traffic movements from the number of units proposed (6 - 8 movements per day, 0.6 - 0.8 movements per unit in the a.m. peak worst case scenario) would result in no more than an additional vehicle movement on the highway infrastructure every 10 minutes in the morning peak. This would not constitute a 'severe impact' on the highway infrastructure and therefore no objection to the development could be sustained on highway grounds.'

The highways authority has also not deemed it essential to request S106 contributions to enhance the local road network to mitigate the effects of this development.

Officers acknowledge that the road adjacent to the site is important in linking the village to the railway station and it is reasonable to impose a CEMP condition to ensure, so far as reasonable, that disruption is minimised during the construction phase.

The site is not allocated in the draft Local Plan nor the draft Neighbourhood Plan

The Planning Practice Guidance Note relating to the NPPF states that:

In the context of the NPPF and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

Having regard to this guidance there is no justification to refuse this application on grounds of prematurity or non-conformity with these emerging plans.

The Planning Balance and Conclusion

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 7 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how housing, landscaping, and open space could be accommodated upon the land, the details of the layout, housing mix, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policy and would result in residential development outside the Development Boundary. It is considered that policies within the Development Plan which strictly control the location of housing without regard to the presumption in favour of sustainable development have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme.

With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above or can be resolved through the submission of the Reserved Matter application and through planning conditions.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a section 106 agreement.

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
SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
SP6 –Density of Housing Development
SP7 – Strategic Distribution of Housing
SP9 – Meeting Housing Needs
SP15 – Traffic Management
SP16 – Safer Communities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP20 – Promoting High Quality Design

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

NE10 – Protection of the Countryside and Other Open Spaces
BE1 – Conservation Areas
BE3 – Listed Buildings
BE7 – Archaeology and Sites of Local Importance
BE13 – Landscaping and Boundary Treatment
H26 – Open Space Provision in New Residential Developments
H31 – Residential Development outside Defined Settlements
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T7 – Railways
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

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 location, extent and layout of open spaces and play spaces; and
- ix) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- x) Full detail of all play areas
- xi) 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. The proposed estate road, footways (including alterations to existing footways), footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance vehicle overhand 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 LPA in writing before their construction begins. For this purpose plans and sections indicating as appropriate, the design, layout, levels, gradients, materials and method construction shall be submitted to the LPA.

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

5. 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 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 resident

6. No dwelling to be occupied until highway, footway and associated infrastructure has been provided to the satisfaction of the LPA.

Highway, footway and associated infrastructure to be maintained in accordance with condition above

7. 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.

8. 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.

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

9. 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.

10. 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.

11. 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

12. Prior to their installation details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of the character and amenity of the area.

13. 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.

14. No development shall take place until the applicant has secured the implementation of a programmed of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the LPA.

The development shall be carried out at all times in strict accordance with the approved scheme or such other details as may be subsequently agree in writing by the LPA

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development

15. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) full details of any temporary site access for construction purposes;

- (g) hours of construction and of deliveries to and from the site;
- (h) location of any construction compound/site offices;
- (i) details and the location of any generators to be used on site;

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period.

Reason: In the interest of highway safety and the amenity