

# 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 the issues raised regarding flood risk, drainage, neighbour impact, highways, overdevelopment and the appropriateness of the site for residential development in the context of the emerging Joint Local Plan and Bridestowe Neighbourhood Plan.



**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..

### **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  
Ground water drainage strategy prior to commencement  
CEMP prior to commencement incorporating recommendations of section 5 of the PEA  
LEMP prior to commencement  
Arboricultural work prior to commencement  
Highways work prior to commencement  
Highways access and compound prior to commencement  
Highways layout prior to commencement  
Highways construction infrastructure prior to commencement  
Unsuspected contamination  
Removal of Permitted Development Rights (Class E and Part 2 curtilages within Flood Zone 3)

### **Section 106 Obligations**

- 9 onsite Affordable Housing units (with the mix and schedule to be determined with the Affordable Housing Officer)
- A financial contribution of £243,929 disaggregated as:
  - £ 65,816 in OSSR contributions (£60K towards Cricket Club and £5,816 towards village hall recreation area)
  - £178,113 in Education contributions (£81,912 towards Primary School infrastructure, £78,915 towards secondary school infrastructure and £6,000 towards early years provision)

### **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.

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### **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 11\* Church, 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 compliant 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.

**Please Note** This scheme was deferred previously from committee after members identified a localised ground water flooding issue. The applicants have now evidenced perched water within the site, not a high water table, and have presented a basic drainage strategy for its removal from the development for the Council's consideration.

### **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.’*

- WDBC Drainage (referring to ground water issue)

No objection subject to ground water management condition:

*‘The applicant has demonstrated that the surface water can be adequately managed for the site by means of an attenuated discharge to the river. This has been assessed and confirmed by DCC as the Lead Local Flood Authority.*

*At the committee meeting in March 2018 concerns were raised about the water logged ground and what impact that may have on the usability of the new dwellings gardens. Due to the close proximity of the river, it was possible that this was due to a high water table, and could be difficult to manage.*

*Following the meeting the applicant’s drainage consultant confirmed that the water was due to the surface water remaining in the upper layers of soil, as perched water, due to the ground conditions not allowing it to percolate to the lower layers. This would mean that it could be managed by suitable positive drainage, such as land drains. The amount of standing water will also be reduced by the attenuated system, which will remove a lot of surface water for the development areas.*

*To support this statement we requested testing which was carried out by Ruddlesden geotechnical in May 2018. This report showed that ground water was over 2m below the surface and the consultant engineer updated the drainage assessment to confirm the issues were due to perched surface water.*

*On this basis we are happy that the ground water issues can be suitably managed. The proposed herring bone system is drainage to a soakaway which is unlikely to work and is not ideal from a management / maintenance perspective so would like to see what other options are available before this system is approved. This can be dealt with by condition so if permission is granted then please include as suitable condition to agree the design of the drainage system to deal with the ground water.’*

- 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 as detailed above.

#### 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 Church and 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. As such, the field is not considered to contribute to 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 an existing 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.

If third parties park in a way so as to block the road or impede emergency vehicles this is a criminal matter, outside the remit of the Local Planning Authority. This is equally applicable to bin collection, and any obstruction of the road, which achieves specification, would be enforced by the police, not the Local Planning Authority. To aid this point, the highways officer has also added that *'The public at large have rights to pass and repass over a highway. There are no public rights to park a vehicle on the highway unless there is a bay marked out specifically for that purpose. Any vehicle parked on the highway that is not in a marked bay is technically causing an obstruction and the police may take appropriate action if they choose to do so, commensurate with their other duties. To park in an inappropriate location in a residential cul-de-sac would normally be the action of one of the residents, so it is therefore more readily resolved by mutual agreement following discussion rather than by the draconian imposition of waiting restrictions which, in this 'remote' location would be impossible to enforce.'*

### 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 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 and had 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 a survey of the condition of the River Lew at the point of discharge.

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.

However, at a previous visit, members identified a localised flooding issue, with the ground saturated, by ground water. This caused members concerns that a high water table would lead gardens largely unusable, which itself presented a design constraint they were unable to support. Following those concerns, the applicants have identified that the site suffers from 'perched water', with the water table some 2m below the ground. They have tested the ground conditions to allow officers to conclude that the trapped ground water can be removed through typical positive drainage means, the exact specification of which, officers are content to consider through planning condition. The WDBC drainage engineer has stated that:

*'The applicant has demonstrated that the surface water can be adequately managed for the site by means of an attenuated discharge to the river. This has been assessed and confirmed by DCC as the Lead Local Flood Authority.*

*At the committee meeting in March 2018 concerns were raised about the water logged ground and what impact that may have on the usability of the new dwellings gardens. Due to the close proximity of the river, it was possible that this was due to a high water table, and could be difficult to manage.*

*Following the meeting the applicant's drainage consultant confirmed that the water was due to the surface water remaining in the upper layers of soil, as perched water, due to the ground conditions not allowing it to percolate to the lower layers. This would mean that it could be managed by suitable positive drainage, such as land drains. The amount of standing water will also be reduced by the attenuated system, which will remove a lot of surface water for the development areas.*

*To support this statement we requested testing which was carried out by Ruddlesden geotechnical in May 2018. This report showed that ground water was over 2m below the surface and the consultant engineer updated the drainage assessment to confirm the issues were due to perched surface water.*

*On this basis we are happy that the ground water issues can be suitably managed. The proposed herring bone system is drainage to a soakaway which is unlikely to work and is not ideal from a management / maintenance perspective so would like to see what other options are available before this system is approved. This can be dealt with by condition so if permission is granted then please include as suitable condition to agree the design of the drainage system to deal with the ground water.'*

It should also be noted that the flood engineers as DCC have also committed to these comments in writing, and offer no objection to the evidenced ground water issue and its proposed migration strategy.

### 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.

### 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. The specific ground water issue identified by members has been researched and resolved to the satisfaction of both West Devon and DCC drainage officers.

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 (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  
DEV37 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

## **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) No part of the development hereby permitted shall be commenced until the detailed design of the proposed ground 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.

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.

8) Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites and taking full account of the recommendations of section 5 of the PEA

Reason: In the interests of biodiversity and in the interests of neighbour amenity

9) No development shall take place until there has been submitted to and approved by the Local Planning Authority a Landscape Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA. It shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of the location and finish of all new areas of hardstanding, details of new terracing and the form and finish of retaining walls and a lighting plan showing avoidance of illumination of W, E and SW boundaries

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

10) 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.

11) 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.

12) 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

13) 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

14) 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) has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

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

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) 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 falls 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