

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Lamerton **Ward:** Milton Ford

Application No: 2424/17/OPA

Agent/Applicant:

Edward Persse
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

R Holland
Holland Farm
Tavistock
PL19 0QT

Site Address: Development site at SX 447 766, East of Summer Green, Lamerton

Development: Outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and access road

Reason taken before Planning Committee:

Cllr Baldwin has requested that this scheme be determined by Planning Committee as *'The pattern and size of this application is a significant development for a 'sustainable' village with limited facilities and amenities, that has already had a number of applications for new dwellings approved in the past 2-3 years; should be fully considered by the DM Committee.'*



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
Surface water adoption and maintenance strategy prior to commencement
Construction phase drainage strategy prior to commencement
Details of connection to and condition of receiving watercourse prior to commencement
Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
TEMS Mitigation Strategy
Landscape Plan prior to commencement
CEMP prior to commencement
Accord with details of Arboricultural Work and Tree Protection Plan
Highways work prior to commencement
Highways construction infrastructure prior to commencement
Unsuspected contamination

Planning Obligations

- 4 on-site Affordable Housing units (with the mix and schedule to be determined with the Affordable Housing Officer) and a commuted sum of £7,250. Contingency to be built into S106 in the event RP cannot be found)
- A sum of £35,650 towards improvement and maintenance of play, sport and open space facilities at the Lamerton Sports and Community Centre (including associated play area and playing field)
- A formula based Biodiversity contribution to mitigate recreational impacts upon the Tamar Valley SAC (delivered by condition)
- £52,597 in Education contributions (£44,369.00 towards Primary School infrastructure, £4,978.00 towards secondary school transport and £3,250.00 towards early years provision)

Key issues for consideration:

The main issues are the principle of development, access and parking, 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 and national policy.

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

It is estimated that this development has the potential to attract New Homes Bonus of £17,032 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site is agricultural land adjacent to the Lamerton Settlement Boundary. Access is via a new track which passes between two semidetached properties recently constructed to the west (the Summer Green development approved under ref 01278/2014).

To the north and north east is a tree lined boundary separating the site from the community playing fields and village hall beyond. This boundary also forms the edge of the Lamerton Settlement Boundary, which abuts the site. To the east and south east is the remaining land forming the larger agricultural field. To the south is the residential curtilage of a neighbouring properties 'Treacle Pot' and 'The Haven'. The site is an approximately 200m walk up the main road to the crossroads which provides safer pedestrian access into the village. The crossroads is also the location of the Public House 'The Blacksmith's Arms'. It is approximately 370m to the village hall and associated playing field.

The site falls within the area of the emerging Lamerton Neighbourhood Plan, which is at Regulation 14 Stage. The Plan is within the process of allocating sites to deliver growth over the plan period. The application site is not a preferred site within this document

Aside from being within designated countryside and adjacent to the Settlement Boundary, the site is free of specific planning constraints. However it is within an area of undeveloped space that some members of the community call the 'Green Triangle', owing to its verdant and undeveloped character the physical separation and relief it provides between the built settlements of Rushford and Lamerton. The emerging Neighbourhood Plan also identifies this area.

Rushford is a linear hamlet which follows the road to the south, with Lamerton a larger, more dispersed settlement to the north and north east. .

The Proposal:

This is an outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and the access road. All matters except access are reserved at this time.

However, the scheme is submitted with an indicative plan which identifies a potential layout and housing mix, to aid the Council in its assessment. The scheme is also supported by:

- Ecological assessment
- Surface water drainage assessment identifying attention system and discharge to River Lumburn
- Land contamination report
- Landscape Visual Impact Assessment
- Design and Access Statement

The drainage strategy was submitted during the life of the application, following concerns raised by Devon County Council as the Lead Local Flood Authority regarding the very basis SuDs scheme indicated within the layout plan. In addition, small changes have been made to the Design and Access Statement and the Site Location Plan, reducing its size. These changes have been accepted by the Local Planning Authority without prejudicing the rights of any interested third party

Consultations:

- County Highways Authority

No objection subject to conditions

'The access to the highway has already been provided to a sufficient geometry, visibility and construction standard (up to base course level) to serve as a suitable access to the proposed development. There are no objections from a highway safety point of view.'

- Tamar Valley AONB

No comments

- WDBC Affordable Housing

No objection – 'I have asked that the agent/applicant tries to see if there is an RP that would take on 4 units but I suspect that if we applied the % of rent to the % of intermediate home ownership, that this would be too few for an RP to take on.'

Therefore within the s106 can we include the possibility of an RP and also if these are all for Discount Market Sale that we include some standard provisions. These would include:

- *the discount applied will be at least 20%*
- *Initial sale of properties advertised through Help to Buy SW at a cost to the applicant.*
- *Applicants verified for eligibility through Help to Buy South West at a cost to the applicant*
- *Subsequent sales as per the above with current owner paying*
- *Subsequent sales, need to provide 3 estate agents valuations and the average will be used.*
- *Permission will need to be approved through Help to Buy SW.*
- *Land registry charge needs to be applied to the properties to ensure that sales do not happen without approval of the council or Help to Buy SW.*

We do have standard clauses/provisions but I can provide these to the lawyer if the application is granted consent.'

- Devon and Cornwall Police Architectural Liaison

No objection – 'Thank you for requesting consultation on the above outline planning application. I would like to advise that the Police raise no objection to the planned proposal and from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective it is considered that the current layout is positive.'

- DCC Education

No objection, request planning obligations

'The primary school within a 1.5 mile radius of this development is Lamerton Primary School. There is no forecasted surplus capacity at Lamerton Primary School to mitigate the impact of this development, so we are requesting a contribution towards primary school infrastructure. A development of 13 family dwellings is expected to generate 3.25 primary aged pupil and we are therefore requesting £ 44,369.00 (being £ 13,652.00 (the primary extension rate x 3.25). The designated secondary school is Tavistock College which has capacity to mitigate the impact of this development, so no request is made for secondary education infrastructure

No primary education transport is required.

However, because of the distance from the development to the designated secondary school, Tavistock College, a request for a contribution towards secondary school transport is made. A development of 13 dwellings is expected to generate 2 secondary aged pupils (13 x 0.15). The current cost of transporting pupils from Lamerton to Tavistock College is £ 2.62 per student per day. So, we are requesting £ 4,978.00 (being £ 2.62 x 190 days in the academic year x 5 years at secondary school x 2 pupils).

Devon Education Authority is also requesting £3,250.00 towards early years provision as there is no funded provision in the area. Early years provision is sought at a rate of £250.00 per dwelling based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve.'

- WDBC Biodiversity

No objection subject to conditions and planning obligation

'Onsite biodiversity

The application is supported by a Preliminary Ecological Appraisal (PEA) by JL Ecology, dated May 2017. The PEA advises that the site comprises an improved grassland field, bounded in part by species-rich and species-poor hedgebank. The hedgebanks are proposed to be retained, and abutted by residential gardens, and as such detailed surveys for bats and dormice were not undertaken due to a lack of perceived impact on any potential usage by these protected species – such an approach is reasonable and proportionate. New planting is proposed (on the 'Strategic Landscaping Scheme' drawing) to strengthen the existing species-poor hedgerow, and to create a new south eastern hedgerow.

The ecology report also references potential for inclusion of features for bats and birds within the buildings. The hedgerows and wildlife provisions should be reflected within an EMES/Landscape Scheme at Reserved Matters, as referenced in the condition below.

Recommendation – no objection subject to condition

Condition

An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme and demonstrating a net gain in biodiversity.

Offsite biodiversity

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Tamar European Marine Site (EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results, MBA, March 2017).

The Study clarified and confirmed a 12.3km ZOI around the Tamar EMS. The proposed development site within this ZOI for the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Tamar EMS (put another way, without mitigation the new residents in combination with other development could have a likely significant effect on the Tamar EMS).

This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that:

'In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will

then set out the charge that will be applied to all new dwellings and tourist developments within a 'Zone of Charging' as set out in Policy SPT13 'European Protected Sites – mitigation of recreational impacts from development'.

The Strategic Access Management and Monitoring Strategy (SAMMS) list is currently being finalised, with a view to being agreed through Duty to Cooperate and Natural England (and will ultimately inform the JLP SPD) – this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering.

Until the time that the SAMMS list has been formalised, the existing per dwelling figures are being used from the Plymouth Travel To Work Area, as have previously been used by Cornwall Council, Plymouth City Council and SHDC and as are reflected in the proposed condition.

Recommendation – no objection subject to condition

Condition:

- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Informative: This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the following table once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution.

<i>Dwelling size</i>	<i>Contribution per dwelling</i>
<i>1 bedroom</i>	<i>£17.16</i>
<i>1 bedroom flat</i>	<i>£23.99</i>
<i>2 bedroom house</i>	<i>£31.60</i>
<i>3 bedrooms</i>	<i>£33.93</i>
<i>4 bedroom house</i>	<i>£36.76</i>
<i>5 bedroom house</i>	<i>£40.38</i>

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of WDBC adopted policy SP19 and policies SPT11, SPT13 and DEV28 of the proposed JLP.'

- WDBC OSSR

No objection, suggest explore options for pedestrian link to playing field, request planning obligation

- Historic England

No objection

- South West Water

No objection

- DCC Lead Local Flood Authority

Initial objection, resolved to no objection following receipt of detailed surface water management strategy and details of drainage ditch. Request four conditions (detailed spec, adoption and maintenance details, condition of ditch and receiving water course and construction drainage scheme)

- Environmental Health Section

No objection, request unsuspected contamination condition

- NHS

No comments to make

- Landscape and Trees

No objection, subject to conditions

	<i>Comments</i>	<i>No objection</i>	<i>Objection</i>	<i>Conditions</i>
<i>Landscape Character</i>		✓		✓
<i>Visual Impact</i>		✓		✓
<i>Arboricultural Impact</i>		✓		✓

Landscape Character and Visual Impact

The submitted Visual Impact Assessment (EJFP; 2017.09) is noted. The document principally deals with visual amenity but references landscape character.

Officers have visited the site and considered the impacts from a number of local viewpoints, with an understanding of the local landscape character.

The site is within the most northerly part of Devon Character Area (DCA) – River Tavy middle valley and close to the adjacent DCA – Tamar Upland Fringe where similar characteristics are noted as the land rises to the ridge beyond, above Lamerton to the north. Both these character areas are noted for their high scenic value and limited settlement; with villages nucleated. Pressure from continued village expansion has the potential to adversely impact on the rural and historic character, and setting to the Tamar AONB (approx. 1.3 km to the west). Locally it is within Landscape Character Type 3G River valley slopes and combs.

The proposed development is located on the village fringes within an area valued locally as the ‘green triangle’. It brings the settlement pattern away from the current linear form along the road frontage. It is pastoral with wetland plant indicators, highlighting the presence of numerous springs and streams locally. Traditional hedgebanks exist along the northern boundary with the playing fields, and contain a number hedgerow trees. These landscape features are retained and provide screening to the north. Whilst this will see some encroachment into the triangle, beyond the roadside development pattern, it will have a limited visual impact more widely and is associated with the more recent Summer Green development.

As noted, visually the proposal is relatively constrained by existing development and boundary vegetation reducing open views from local sensitive receptors.

Mitigation will be required along the eastern boundary, and opportunities sought to plant orchard trees. Building materials should reflect the local vernacular and with an awareness to the Conservation area – of granite and slate, partially embraced at Summer Green.

Arboricultural Impact

The submitted AIA (Doug Pratt; 2017.05.26) I noted and establishes the constraints for the outline application. Careful consideration will need to be given to the boundary trees and their longer term maintenance as these contribute to screening, noting their historic management. Further mitigation would be sought to address longer term retention of these important features.

Recommendation

No objection subject to RM conditions

1. Landscape – design, planting schedule and maintenance
2. Tree Protection Plan and planned management of trees

- Lamerton Parish Council

Objection – ‘Please be advised that the Lamerton Parish Council has unanimously refused the above application. Our detailed objections are listed below and we would expect the support of West Devon Borough Council in upholding the Lamerton Parish Councils decision on this matter.

The Joint Local Plan (JLP) clearly states in its Introduction that the West Devon ‘Our Plan’ (WDOP) would be pursued as a Corporate Document (section 1.8). Section 1.10 of the JLP states that all of the work undertaken under the WDOP has been taken forward into the JLP process. Section 1.21 clearly states that “For South Hams and West Devon the JLP will sit alongside their ‘Our Plan’ corporate policy documents”. With regard to this site, known as Ref: WD_44_03_08/13 St.John’s Lamerton within the WDOP the following should be noted:-

Under the heading Landscape & Ecology the WDOP states – “The site encroaches into the “Green Triangle” which is an important feature of the village. Any development should be kept close to the existing building line to limit impact on this landscape character”.

This site application clearly encroaches into the Green Triangle and is therefore contrary to the JLP/WDOP. Furthermore, this entire site sits outside of the current Settlement Boundary.

The site identified within the WDOP was assessed as having a site potential for 10 dwellings. It was also noted that there was a live application for 4 units.

These 4 units have now been built leaving a balance of 6 potential properties. It should also be noted that access through the Village Hall playing field was refused and as such pedestrian access to the very few village amenities is via a main road without footpaths and with an officially proven traffic speeding problem. This application is for 13 dwellings in addition to the 4 already built. This would take the total number of dwellings to 17, almost double the amount considered suitable by West Devon. This level scale of development is contrary to the JLP/WDOP.

Within the WDOP, the map highlighting the outline plan for this potential development clearly indicated that there was no development behind any of the existing properties.

This application clearly indicates that development will be extended to behind existing properties. This application also clearly leaves room for further future development via the proposed field access gate. It should be noted that the landowner has alternative access into these fields and as such the need for such a provision is not necessary.

Figure 5.8 of the JLP indicates that Lamerton is a village which is “able to accommodate around 20 dwellings”. Allowing a 10% tolerance either way for the use of the word “around” this would put the number of dwellings within Lamerton at between 18 and 22 to be built by 2034. So far 6 dwellings have already been built and 6 have been approved. In addition, 4 conversions have been completed/proposed and there are two other applications outstanding, one for 1 dwelling, the other for 5. This takes the current increase in housing to 14 built/approved and 8 awaiting a decision from WDBC. (An additional Planning Application for two homes on the site of the Old Village Hall is also imminent, thereby increasing the list of home construction even further.)

The Lamerton Neighbourhood Plan, which is currently with WDBC, supports the development of a brownfield site known locally as The Old Dairy. This site has the potential for 12 dwellings which will enable Lamerton to exceed its development requirement for 2034 by 2018. It should also be noted that Lamerton Parish Council are also in dialogue, along with West Devon, regarding a potential development of 18 Affordable Homes on land adjacent to Green Hill.

In summary, not only has Lamerton fulfilled its requirement for new housing but it has the potential to exceed the requirement of 20 by over 150% (52 new dwellings) and with sixteen years of the JLP to run. Based on the requirements of the JLP/WDOP there is no justifiable need for this development.

□ Section 3.10 of the JLP states “most development in these locations will come forward through the strategic allocations both within the JLP and through neighbourhood plans”.

This application is neither part of any strategic allocation nor a part of the Lamerton Neighbourhood Plan. In the case of the latter, Lamerton parishioners have made it clear in their responses to the Lamerton Parish Questionnaire sent out in July 2016, that this site, due to its encroachment into the Green Triangle, is not supported. This was a 91% call in favour of retaining the rural nature of the Parish and, in particular, the Green Triangle.

Furthermore, if approved, this application would clearly contravene Section 3.10 of the JLP as “most” development will not have come from strategic allocations or through the neighbourhood plan process.

□ JLP Policy SPT1 clearly states “Efficient use of land is made for development, reducing the need for greenfield development” and that “The best and most versatile agricultural land is protected for agricultural use”.

The Lamerton Neighbourhood Plan has already identified a brownfield site (a site which also features within the WDOP) which will make for efficient land use and which will also allow the village, along with other identified/built developments to fully meet its new development obligation. Furthermore, the land for this proposed development is used for agricultural purposes and ought therefore to be protected in accordance with JLP Policy SPT1 3.1 and 3.4, particularly as more suitable sites within the village exist.

□ Section 5.2 of the JLP states – “The need to deliver a significant number of new, high quality homes and jobs is shared across the JLP area. By increasing the supply of homes in sustainable locations, and by providing a housing mix that responds positively to identified housing needs, greater housing equality can be achieved by rural communities which for a number of years have suffered from a rapidly increasing affordability gap.

The social implications of house price rises that far outstrip wage increases have seen a disproportionate amount of young people and working age families leave South Hams and West Devon for more affordable areas within cities such as Plymouth, Torquay and Exeter, or further afield. This has a negative impact on community cohesion and resilience in our rural settlements, which have previously been characterised by strong family networks and a continuity of local population. A demographic imbalance towards older age groups has been a feature of South Hams and West Devon over the last two census periods, and is projected to continue throughout the plan period.

If this issue is to be addressed then consideration and preference must be given to proposals which will provide a greater number of affordable homes (such as the potential Green Hill development which is under consideration and discussion within WDBC) and not high value private housing. The location of this proposed development, aimed at younger families, would also negate the need for accessing village facilities by car given the far safer walking environment.

JLP Strategic Objective SO6 clearly states that “To achieve and deliver a prosperous and sustainable South West Devon” it will:

Support bottom up planning processes in local communities by supporting the delivery of neighbourhood plans;

Preserve and enhance the natural beauty of south west Devon's countryside, protecting the countryside from inappropriate development, and maximising our environmental assets.

Neither of these objectives will be achieved if this application is approved. The Lamerton Neighbourhood Plan and the wishes of its parishioners will have been ignored. The countryside will not have been protected from inappropriate development given that a brownfield site is available.

JLP Section 5.10 “encourages communities to identify sites to meet these needs through neighbourhood plans”. The JLP also states that it will know when it has been successful when “Neighbourhood plans have driven the delivery of sustainable and thriving rural communities”.

The Lamerton Neighbourhood Plan draft, which is currently with WDBC cannot and should not simply be ignored. The plan is progressing, is at an advanced stage and well known to WDBC. Furthermore, this site is not a feature of the Lamerton

Neighbourhood Plan. If WDBC is seriously committed to the JLP and to supporting neighbourhood plans (JLP Policy TTV30) then this application cannot be approved.

JLP Section 5.156 states “It will be for neighbourhood plans themselves to determine which sites to bring forward for development, provided that they are consistent with the provisions of the JLP, whilst Section 5.157 states that “The LPAs support the preparation of neighbourhood plans as the means of identifying local development needs in the sustainable villages”.

The Lamerton Neighbourhood Plan must be allowed to run its course!

The site is known to have much below – surface water movement and is wholly unsuitable for domestic housing. The recently built homes – (numbers 1 to 4 Summer Green) are suffering from constant high free water levels on the site despite provision having been made for sustainable drainage/soak-away. It is known that the owners and tenants of numbers 1 to 4 Summer Green have been denied the right to object to this proposed development by the developer.

EJFP Planning in their Planning Statement dated June 2017 claim in section 2.4 “that the site has been recognised as appropriate for development in the West Devon Local Plan and the draft Joint Local Plan for Plymouth, South Hams and West Devon.”

This is incorrect. It is true to say that the site was one of several ‘worthy of some consideration’ as outlined in point 1 above. However, as previously stated the potential for development was for a maximum of 10 dwellings, (of which 4 have already been built) and not the total of 17 now proposed. The originally proposed development did not extend behind existing established properties.

EJFP Planning highlight a number of points within their Planning Statement dated June 2017 which they consider worthy of consideration in justifying this application

In section 2.7 they claim “the additional housing will benefit the local community”

The local community has clearly stated that development within the Green Triangle is highly undesirable. The local community has also made it abundantly clear it requires more affordable housing and yet the majority of houses will be sold on the open market with (based on the previous 4 houses built) a starting price in excess of £300k, far from affordable for young people within the parish.

□ In section 3.3 it is stated that “services are within easy walking distance, that there is a bus stop, that there are two existing employers not including the pub and that access to the proposed development will be via the gate situated between the pair of semis which comprise Summer Green.”

They fail to highlight that the ‘easy walking’ is along the main road which has no footpath at all and is an officially recognised area for speeding traffic.

They fail to mention that the country bus, the only public transport available, only operates once a day on three days of the week (and not within peak travel times), and not at all at the weekends, which is hardly a realistic alternative to the car as mentioned in section 4.4 and certainly not compliant with the intention of Policy SPT1 2.2.

They fail to mention that the two “small” employers have no employment vacancies and that they are both located along the main road with no footpath and from a safety perspective can only be realistically accessed by car.

They also failed to mention that the original plan for the Summer Green development made provision for farm field access, not for the provision of future development. Furthermore, planning approval for the Summer Green development was in part granted on the basis that it “supported the containment of the settlement without necessary sprawl into the countryside”.

□ In section 3.20 comparisons are drawn to the planning application that was granted under reference 3244/16/OPA, Ashton Court. A number of things should be recognised:-

Firstly, the size of the development and the amount of traffic entering onto the main road.

Secondly, that the visibility levels at Ashton Court are far better, making the roadside walking safer both for the pedestrian and the driver. The Ashton Court site is also closer to village facilities.

Thirdly, that the site was classified as infill, (as was the case for Summer Green), and not a significant expansion into greenfield as is now the case in this instance. In fact, the Officers Report dated 08/05/17 stated “The residential development of the site, to the scale suggested, will read as an infill plot and the character of the street scene and the surrounding countryside will be conserved”.

Fourthly, neither the Lamerton Neighbourhood Plan nor the Joint Local Plan were at an advanced stage at the time of 3244/16/OPA and thus policies, housing needs and other considerations do not bear comparison.

□ Section 9.7 is however, well worthy of consideration. The section highlights the need for affordable housing and in section 9.8 indicates that this application will support a 30% provision for affordable housing.

By contrast the potential Green Hill site will provide a far better mix of 18 dwellings ALL of which will come under the banner of Affordable Homes which will be of far greater benefit to the families and residents of the local community!

□ Section 10.15 makes the claim that the “local bus stop and good quality footways offer a choice of transport means.”

The main road has NO footpath and as previously indicated in 10.2 above the bus only operates once a day (and not within peak travel times), three days a week and not at all at weekends.

Included within the supporting documentation of this application is a non-independent Visual Impact Assessment dated 30/10/17.

The photographs and claims of this document are questionable. To claim that a Devon Bank to the east of the development will reduce the impact on the householders is simply absurd. The development directly faces 6 of the affected households and cannot be hidden from view.

As for the broader visibility of the site the two photos below clearly indicate just how visible the development would be from just two local vantage points. In both photos, taken with a 50mm lens equivalent to the naked eye and from a basic standing position (it is unknown how the photos of this report were taken) the existing properties at Summer Green are clearly visible. We would also calculate the development area as closer to 3% rather than the 1.8% quoted in section 2.3.'

Representations:

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

- Will set a precedent
- Will diminish private views and affect house prices
- Not compatible with village character
- Encroaches harmfully into 'green triangle' area
- There is not adequate parking provision
- Will lead to traffic congestion and highways safety issues
- There is no footpath connecting the site to the village
- Will have an unacceptable impact upon neighbouring properties
- Does not accord with the Development Plan
- Does not accord with the emerging Joint Local Plan
- Does not accord with the emerging Neighbourhood Plan
- Is detached from the village and its services
- There are errors within the submission
- The ecological report fails to fully address ecology
- Will be harmful to the grade II* 'Trevenn'

Relevant Planning History

Other Sites

01278/2014 - Outline application for 4 dwellings including consideration of access, layout and scale – Conditional Approval (Implemented)

3244/16/OPA - Outline planning permission with some matters reserved for proposed erection of 5 dwellings and improvement to access – Conditional Approval

1462/17/OPA - Outline application with some matters reserved for erection of 2no. semi-detached houses and 3no. detached houses – Conditional Approval

2242/17/OPA - Outline planning permission with all matters reserved for Erection of a two bedroom bungalow – Conditional Approval

2568/17/OPA - Outline planning application with some matters reserved for erection of dwelling – Conditional Approval

Analysis

Principle of Development/Sustainability:

Despite concerns raised regarding the inadequacy of public transport serving the area, Lamerton is a village within which new residential development is accepted in principle in the current Development Plan. This designation of Lamerton as a sustainable location for additional growth is retained within the emerging Joint Local Plan, where an indicative figure for 20 dwellings within the Plan Period is given. The application site is adjacent to but outside of the Settlement Boundary, and therefore technically within designated countryside.

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. However, officers conclude that the Borough's Housing policies should be attributed only very limited weight in this case.

A recent appeal decision within the West Devon Village of Crapstone has also clarified the weight that should be currently attributed to the housing policies within the emerging Joint Local Plan. In that decision, the Inspector stated that *'Given that the plan is a joint one between three authorities, that much of the land is either within the National Park or AONB and that objections to various policies exist, I consider that date to be overly optimistic. It follows that the lack of a five year supply of housing will continue for some time yet.'*

Also of interest, within his decision the Inspector also stated that, with regard to the site's location outside of the Crapstone Settlement Boundary, that *'I also note that a large majority of the proposed allocations for West Devon contained within the emerging Plymouth and South West Devon Joint Local Plan (JLP) are outside of current boundaries.'*

In this case, the site is on the periphery of the settlement and is considered to be within walking distance to the services within the village. Although pedestrian access to the village will necessitate walking along a 200m stretch of the busy main road, there is a notable absence of pavements in Lamerton generally, and, in addition, the Council has consistently approved new residential development along the main road, in many cases where a longer walk is required. As such, the site is considered to be acceptable for residential development in principle, subject to all other material planning considerations.

Other site approvals

To elaborate, the Council has consistently approved new residential development in the area around the hamlet of Rushford, where walking would be within the confines of the roadway. In the cases of 2568/17/OPA, 2242/17/OPA and 1462/17/OPA, these sites are all significantly further away from the Settlement Boundary, and further away from Lamerton's services than the land east of Summer Green.

Also, although the majority of approvals have been for infill development which respects the linear form of Rushford and the area of Lamerton at the cross roads, last year the Council also approved residential development in and behind the linear form, at Kooshti Bok, where five dwellings are approved in a similar style, behind the main line of the settlement.

As such, the Council has approved numerous sites with shared characteristics or which are a further walking distance from the Settlement Boundary. These approvals are material planning considerations which weigh heavily in favour of this proposal.

The benefits of the proposal

The scheme will provide a social benefit through the housing provisions and an economic benefit during the construction phase and through increased footfall to community facilities and services. The social contribution, within the context of the absence of a five year land supply, is considered to be significant.

Design/Landscape:

The scheme is located behind the four dwellings at the Summer Green development, and shares its access. There will therefore be limited visual intrusion when viewed from the main highway serving the site. Views will be oblique and glimpsed between existing buildings. There will be no new vehicular access, which can in itself often cause visual harm. The site will be viewed from the playing fields and the area around the village hall, but these views will be filtered by the tree lined boundary and by the fall of the land.

The site does impinge upon what many in the community, and the Neighbourhood Planning Group have identified to be the 'Green Triangle': the rough triangle of open farmland which provides physical separation between Rushford and Lamerton. Although this area has no formal designation within the Development Plan, it is identified in the emerging Neighbourhood Plan and is a green space which undoubtedly provides a buffer between the two distinct settlements, and provides a positive contribution to the character of the area.

The proposal will intrude into this space, and will therefore diminish the importance of this area to an extent. However, the size of the development is very small in relation to the retained open land between the two settlements, and the vast majority of its open farmland will be retained.

In addition, although the Green Triangle provides a contribution to the area as undeveloped, open space, the application site itself is not considered by officers to be prominent or to provide a fundamental contribution to the space. Furthermore, the land is viewed when travelling along the elevated, southern approach to Lamerton, but otherwise public views of this extensive green space are surprisingly limited, and in many cases are restricted to glimpsed views between houses. As identified within third party letters, many views of the Green Triangle occur from private houses, the protection of which is not a material planning consideration.

As such, although the residential development of the site will have an impact upon existing landscape character, due to its size in proportion to rest of the Green Triangle, its close relationship with existing adjacent residential development, the distance of the site from many of the public views, and coupled with the significant retained open land around the development site and the remaining swathes of undeveloped land within the Green Triangle, this harm is identified by officers to be very limited.

In the specialist consultation response, the Council's landscape officer is not objecting, stating that *'These landscape features are retained and provide screening to the north. Whilst this will see some encroachment into the triangle, beyond the roadside development pattern, it will have a limited visual impact more widely and is associated with the more recent Summer Green development. As noted, visually the proposal is relatively constrained by existing development and boundary vegetation reducing open views from local sensitive receptors.'*

Overall, officers acknowledge the contribution of the Green Triangle, and understand the comments raised by the Parish Council and interested third parties. However, officers are of the opinion that the impact upon landscape character will be limited, and will not significantly and demonstrably outweigh the social benefits of the application, within the context of the current under delivery of housing within the Borough.

Neighbour Amenity:

The scheme is located to the rear of the properties along the main road. It is directly behind the properties at Summer Green, in addition to Treacle Pot and The Haven.

Although the two storey properties shown are 13m to the shared boundary with Treacle Pot and The Haven, these properties enjoy long gardens, and the actual indicated distance from property to property extends to approximately 45m. Ground floor overlooking can be prevented by suitable boundary treatments.

The proposed dwellings at the entrance to the application site are closer to the new Summer Green housing, but show their flank wall to the neighbouring dwellings and, in the case of unit 1, a bungalow is shown. Neighbour relationships between the proposed dwellings is also acceptable.

The proposed dwellings are generally located to the north or north east of existing properties, and therefore there will be no or extremely limited loss of direct sunlight towards neighbouring dwellings. The dwellings will not present any unacceptable dominance towards neighbours.

Overall, the indicative plans allow officers to conclude that this quantum of development can be achieved without an unacceptable impact upon neighbouring properties.

Ecology and Drainage

The Council's ecologist has identified that no harm to protected species will arise, and has recommended that ecological benefits are provided through a LEMP and at the Reserved Matters stage.

The applicants have evidenced that on site surface water soakaway is not a viable option, and have proceeded down the drainage hierarchy to arrive at an on-site attenuation system, with water slowed down and to the greenfield runoff rate and eventually discharged into an existing ditch on the site through the adjacent field and finally into the River Lumburn. Although Devon County Council originally objected to the scheme due to a lack of information and the poorly illustrated SuDs scheme originally suggested, following the submission of additional information they are now content to support the attenuation drainage strategy subject to appropriate conditions regarding the detailed specification and the existing state of the drainage ditch.

Highways/Access:

The scheme uses the existing vehicular access serving Summer Green. Regarding which, the highways officer, offering no objection to the proposal, states that *'The access to the highway has already been provided to a sufficient geometry, visibility and construction standard (up to base course level) to serve as a suitable access to the proposed development.'*

The Council does not require minimum parking standards through any specific planning policy, and officers are satisfied that the indicative plans identify adequate land within each curtilage to provide suitable parking provision for each residential unit.

There is no evidence that the vehicular movements associated with this housing development will materially increase congestion within the area.

The Neighbourhood Plan

The Neighbourhood Plan is at Regulation 14 stage, meaning that it cannot be afforded significant weight at this stage.

The Neighbourhood Plan It is not pursuing this site as a potential residential allocation, and has other preferences within the area. It does, however, identify the Green Triangle as an undeveloped green space which provides a significant positive contribution to the area socially and environmentally.

Other Matters:

The site is a significant distance from the II* listed building Trevenn and will not affect its setting.

The loss of private views is not a material planning consideration.

Officers do not agree with the Neighbourhood Planning Group that the comments made supporting the now defunct 'Our Plan' lead to an in principle objection to the scheme.

Conclusion

The Council's housing policies are out of date and the Borough does not have five year land supply of residential sites. As such, the weight to be attributed to the conflict with the Council's housing policies is limited. Pursuant to paragraph 14 of the Framework, the Council should approve this scheme unless it considers that the adverse impacts significantly and demonstrably outweigh the benefits.

Numerous approvals for residential development in the area around the application site are together a significant material consideration which weighs in favour of this case.

Overall, the social and economic benefit of the housing provision is considered to outweigh the limited landscape harm due to the small incursion into the Green Triangle, the vast majority of which will be retained.

The proposal is therefore considered to represent sustainable development and is recommended for approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP5 – Spatial Strategy
- SP6 –Density of Housing Development
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP13 – Community Services and Facilities
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity

SP20 – Promoting High Quality Design
SP21 – Flooding
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces
BE5 – Important Open Space within Settlements
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
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Lamerton Neighbourhood Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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 Proposed SuDS Plan (drawing No. 3001; Rev. A; dated 29th January 2018).

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 the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

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 an assessment of the condition and capacity of the receiving ditchcourse 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 ditchcourse which will be required to facilitate the development.

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

8) An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme and demonstrating a net gain in biodiversity.

Reason: In the interests of biodiversity

9) Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of WDBC adopted policy SP19 and policies SPT11, SPT13 and DEV28 of the proposed JLP.

10) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which 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 all areas of hard and soft landscaping, means of enclosure and any retaining walls.

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.

11) 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.

Reason: In the interests of residential amenity

12) No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on the Tree Protection Plan and associated Tree Survey

Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority.

No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value

13) 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 where it meets the existing private access road (Summer Green)
- B) The ironwork has been set to base course level
- 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

14) 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 where it meets the existing private access road (Summer Green)
- B) The ironwork has been set to base course level
- 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

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 [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