

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

Conditions

1. Time
2. Accord with Plans
3. Materials samples prior to installation
4. Roof specification prior to installation
5. Eaves and verge details prior to installation
6. Window and reveal details prior to installation
7. Construction Environment Management Plan prior to commencement
8. Lighting Plan prior to commencement
9. Landscape Ecological Management Plan prior to commencement
10. Details of inbuilt bird nesting and bat roosting provisions prior to commencement
11. Arboricultural report and Tree Protection Plan prior to commencement
12. PROW detailed plan prior to commencement
13. PROW kept clear of debris at all times
14. Permanent surface water drainage management system prior to commencement
15. Permanent surface water drainage management system for construction prior to commencement
16. Archaeological written scheme of investigation prior to commencement
17. All dwellings to achieve part compliance as a minimum requirement (Silver) of Secured by Design.
18. Garages retained for parking of motor vehicles
19. Highways work prior to commencement
20. Highways access and compound prior to commencement
21. Highways layout prior to commencement
22. Highways construction infrastructure prior to commencement
23. Removal of Permitted Development Rights
24. Unsuspected contamination

Planning Obligations

OSSR

- £21,790.50 towards improvements to, and maintenance of, play facilities at Memorial Park, North Tawton (this is a reduction from £51,790.50 to allow £30,000 for on-site play provision)
- £89,352 towards improvements to, and maintenance of, sports facilities at The Wordens and Memorial Park, North Tawton
- £29,250 towards improvements to the North Tawton Youth and Community Centre

Education

- A contribution towards primary school facilities at North Tawton Primary School. of £221,845.00
- A contribution towards Early Years provision of £16,250.00
- A contribution towards secondary school transport costs of £30,210.00
- A contribution towards secondary school facilities of £213,729.00

Biodiversity

- Ongoing management and maintenance of public open space and habitat features in perpetuity in accordance with the LEMP
- Access to any public open space in perpetuity

Affordable Housing'

- 40% Affordable Housing - 70% rented accommodation and 30% intermediate accommodation

NHS

- A contribution of £26,000 toward NHS infrastructure

PROW

- Upgrade to PROW (public highway) on land outside of applicant's control

Key issues for consideration:

The main issues are the degree of conformity with the Development Plan, weight to be given to the Development Plan policies, sustainability including access to services and landscape impact, archaeology and heritage including the impact upon designated and non-designated heritage assets, crime and safety, highway safety, ecology, loss of high grade agricultural land, drainage and flooding

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

It is estimated that this development has the potential to attract New Homes Bonus of £86,840 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 proposed site consists of existing arable agricultural fields located to the west of the A3124 main road which serves the town, and directly to the west of the ongoing mixed use development at Batheway Fields.

The site comprises part of a larger field situated east of the River Taw. The site slopes moderately downward from the north and reaches its lowest point at a drainage ditch, and then begins to rise again towards the southern boundary. There is an existing PROW running within the site from north to south at the eastern boundary which connects the site to the town centre approximately 500m to the north. The PROW falls on land owned by the applicant and further to the north land which is unregistered, with the owner unknown to the Council.

The site is 3.42 hectare, the vast majority of which is a combination of grade 2 and grade 3a land, collectively considered to be high grade agricultural land. The site is within Flood Zone 1 and is not within a Critical Drainage Area.

The Batheway Fields development is being implemented directly to the east, with the residential element very close to completion and the majority of units occupied, and comprises 61 dwellings with outline consent for employment and a medical centre approved under reference number 01037/2013. The Batheway Fields mixed use development is allocated as such within the emerging Joint Local Plan.

The application site is bounded to the north by agricultural land which provides a short buffer to the dwellings located on elevated land off Barton View. The surrounding land uses to the south and west are open agricultural fields. The site is located outside the settlement boundary of North Tawton, as identified in the Local Plan, which is very near to the site to the north at Barton Close.

The surrounding area is sensitive with regard to archaeology and monuments. To the south of the site, a small Roman fort, marching camps and prehistoric remains lie close to a Roman road between Exeter and Okehampton. A large area identified through cropmarks and past fieldwork is scheduled. Recent

geophysical survey of an area west of the site has identified a number of likely enclosures. The scheduled area south of the site includes the remains of prehistoric burial mounds and Neolithic to Iron Age activity too. The applicant's archaeological survey also identifies a possible archaeological feature within the site: a sub-surface enclosure observed as a cropmark on aerial photographs in the north.

The Proposal:

Planning permission is sought for the erection of 65 residential dwellings with associated roads, footways, parking, landscaping and drainage.

Vehicular and pedestrian access is through the Bathway Fields development but pedestrian access is suggested to the north east via the existing PROW. The plans indicate a degree of upgrade to the PROW. Surface water from the development is attenuated in large pond feature to the west end of the site and discharged to a drainage ditch and eventually the River Taw.

The houses are laid out in a typical suburban pattern and are a mix of two storey and bungalow properties with a traditional form and palette of materials. A designated LEAP area is at the south of the proposed layout. Finish materials for the dwellings and outbuildings are typically render or natural stone, under slate roofs. The proposed housing mix is as follows:

Open Market:

3 bed: 16 units

4 bed: 23 units

Affordable:

1 bed flat: 3

1 bed house: 3

2 bed flat: 1

2 bed house: 12

3 bed house: 5

4 bed house: 2

The parking matrix and site layout identify parking within designated bays and garages serving the dwellings.

Consultations:

- DCC County Highways Authority

No objection subject to conditions:

'Following the previously submitted application for this site the scoping for the accompanying Transport Assessment (TA) has been agreed in principle with the highway authority. The applicant's consultant had used the scoping from the previous application as a basis for this TA and it would appear to be broadly acceptable in principle although the trip rates used were initially considered a little lower than expected, although not critically so. Examination of other sites recently in the West Devon area have confirmed that the trip rates are indeed appropriate.

The content and conclusions of the TA are broadly acceptable to the highway authority, but there are some issues that the highway authority would wish to comment upon for the applicant to bear in mind in the event that planning permission is granted

1. There is a real need for a pedestrian link to the north-east corner of the site through the area of land that was previously identified as a Doctor's Surgery. Can this please be provided as part of this application (I realise that it is outside the identified application site), even in a temporary form if

necessary? The applicant has shown this on the current plans and it is strongly recommended that this link is provided as soon possible regardless of the outcome of the current application.

2. The use of block paving in adopted highways is no longer acceptable to the highway authority and discussions will need to be entered into with the highway authority's Rights of Way team about the detailed treatment of the Public Footpath that crosses the site. The following conditions and informative notes are recommended to be imposed on any planning permission granted, including the resurfacing of the footpath referred to in condition 4 and the informative note, which is an existing public footpath'

In addition, following consideration of third party comments, the highways officer has also added that 'a full assessment and survey has been done of the existing junction of Batheway Fields with the main road to De Bathe Cross. The visibility available at the junction would have complied even if the 30mph speed limit had not been relocated as a result of the previous development. Nevertheless, the current 0mph speed limit means that the required 2.4m x 43m site lines are easily achievable. It has been identified that the 30mph speed limit sign could usefully be raised on the street lighting column upon which it is located, to enable the speed limit to be visible from a greater distance, and that County Council has that matter in hand with its contractors.'

- DCC Drainage Lead Local Flood Authority

No objection subject to conditions

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- 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 (Ref. North Tawton Phase 2; Rev. B; dated 25th April 2018).

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

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

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

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

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

Observations:

As part of the detailed design, the applicant should confirm the exceedance routes for the site. It is currently proposed that some exceedance flows will be routed through rear gardens, but it is unclear

how these flow-paths will be kept clear. The applicant should also clarify the maintenance responsibilities of the surface water drainage system at the detailed design stage.

- Landscape and Trees

No objection subject to conditions

This application represents a reduced form of application 3836/16/FUL, on which landscape and arboricultural comments were made on the 5th April 2017. No objection was raised, subject to conditions.

The comments made on the previous application are still relevant to this application, and have been reproduced below for clarity, and amended where appropriate to reflect changes to the scheme.

	Comments	No objection	Objection	Conditions
Landscape Character		X		
Visual Impact		X		
Protected Landscape		X		
Landscape Design		X		X
Arboricultural Impact		X		X

Landscape Character and Visual Impact

The submitted LVIA is a fair assessment of the likely landscape and visual impacts resulting from the proposals here. Impacts on landscape character would be predominantly limited to the immediate site area, principally as a result of the context of North Tawton and the adjacent new development site, and a significant tree presence within North Tawton and the adjacent LCT 3C (Sparsely Settled Farmed Valley Floors) which runs along the River Taw. This pattern allows for a modest extension of built form interspersed with tree planting to read well alongside the existing settlement pattern.

Visual impacts again are relatively limited; with significant residual impacts apparent from nearby dwellings and the PRoW that passes through the site itself anticipated in the LVIA. I would not disagree with this conclusion (Section 5.6). As above, wider views are limited and/or mitigated by the existing and proposed vegetation, and the presence of the settlement at North Tawton. Notably on the western edge, the settlement has a varied built presence in the view, with no strong boundaries or patterns of development that the introduction of development at this site would conflict with. Consequently, subject to appropriate scale, design and landscape planting, a further development extension in this direction would not be significantly prominent or visibly contrast with the existing settlement pattern.

Overall, I would not raise any fundamental issues with the conclusions of the LVIA (Section 9). Whilst there would be some localised impacts to the site area and its immediate surrounds, the mitigation proposed is appropriate and would be effective in integrating the site into its context in the longer term. Strategic Policy 17 (Landscape Character) seeks to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment. The impacts identified above are not considered to be so substantial as to fail this policy test, and I would therefore raise no objection on landscape grounds.

Protected Landscape

At a distance of approx. 6km, viewed in a wider panorama and in the context of much existing development, the proposals are not considered to impact upon the character, natural beauty special qualities or other purposes of the protected landscape designation at Dartmoor National Park. I would therefore not raise an objection on protected landscape grounds.

Detailed Design / Landscape Design

There is limited information with this application in relation to the landscape design of the site, but the outline proposals and areas shown to be planted are logical in respect of the layout. Generally the layout is good, with some important areas of landscaping kept within the public domain and therefore likely to be successfully retained in perpetuity, with positive overlooking and fronting onto the proposed open spaces. If the application were to be approved I would recommend that we secure landscape management details by condition secure the long-term management of these public spaces.

The boundary treatments are also generally fine, and I note the increase in quality of boundary treatments around the affordable housing units, which is welcomed.

The inclusion of a large number of trees within the open spaces, on site boundaries and within gardens is noted and welcomed, and will help to break up the built form in time, provided that at least a proportion of these are large and robust species.

Subject to conditions securing planting details and landscape management proposals, I would not raise an objection on detailed landscape design grounds.

Arboricultural Impact

The proposed development does not appear to impact on any significant trees or hedgerows. The boundary hedgerows to the north and north east are shown to be retained, and should be protected throughout the course of the development and gapped up where necessary as part of detailed landscape proposals if the application were to be approved.

The removal of much of H76 is regrettable, though its retention would have resulted in a contrived internal site layout. Its loss could also be readily mitigated with new tree planting throughout the site.

Subject to conditions, I would not raise an objection on arboricultural grounds.

Suggested Conditions

If you were minded to recommend approval of the application, I would request the following details are secured by conditions:

- *Full hard and soft landscape details (notwithstanding submitted details), to include species, sizes, densities, and numbers of plants.*
- *Landscape Management Plan, to include establishment maintenance, and longer term management of the landscaping.*
- *Arboricultural Method Statement including tree protection measures to demonstrate the retention of the boundary hedgerows throughout construction.*
- Biodiversity

No objection subject to conditions:

'A comprehensive suite of site and phase 2 protected species surveys were undertaken in 2013, and since updated with site visits by site surveys by ecologists in 2016 and 2018.

Whilst the phase 2 protected species surveys were undertaken a significant time ago, given that conditions on site remain essentially the same, and given the low ecological value of the application site (as opposed to the wider site surveyed in the initial surveys), I am content that the assessment in the letter dated 2nd May 2018 from ACD Environmental is reasonable.

It is noted that the proposal will result in loss of a subsidiary badger sett however when set against the local habitat and setts, and taking into account the proposed habitat provision, the loss is not likely to have a significant effect on the local badger population. Sett closure would need to be undertaken under a licence from Natural England.

Recommendation:

- *No objection subject to conditions and s106 clauses*

Conditions:

- *Pre-commencement CEMP, including provisions for avoiding and/or reducing impacts on wildlife (including consideration of bird nesting season, hedgerow removal methodology and timing to minimise potential impact on dormice, and measures to avoid impacting badgers during construction, namely that any holes or trenches shall either be securely covered overnight, or shall include sloping escape ramps for badgers, achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.*
- *Pre-commencement submission of a Landscape and Ecological Management Plan*
- *Pre-commencement submission of a lighting strategy (reflecting sensitive lighting to avoid/minimise light spillage onto boundary habitat features)*
- *Pre-commencement details of inbuilt (i.e. within fabric of building) bird nesting and bat roosting provisions*

S106 clauses securing:

- *Ongoing management and maintenance of public open space and habitat features in perpetuity in accordance with the LEMP*
- *Access to any public open space in perpetuity'*

- South West Water

No objection

- DCC Education Authority

No objection subject to planning obligations:

'A contribution is sought towards primary school facilities at North Tawton Primary School. In line with our section 106 policy, a development of 65 homes is expected to generate 16.25 primary pupils, which means a contribution is being sought of £221,845.00 (being 16.25 x £13,652.00 extension rate per pupil).

The designated secondary school, Okehampton College has no forecasted capacity. A contribution is therefore sought towards secondary school facilities. A development of 65 homes is expected to generate 9.75 secondary pupils. A contribution is therefore sought of £213,729.00 (being 9.75 x £21,921.00). In line with Devon's Section 106 policy, a contribution towards Early Years provision is also sought of £16,250.00 (being £250.00 per dwelling) based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve.

A contribution towards secondary school transport costs is also requested to the sum of £30,210.00 (being £3.18 x 190 days in the academic year x 5 years at secondary school = £3,021 per pupil).'

Email dated 06/06/2018: *'We have fairly recently undertaken a project at North Tawton Primary which has increased the school's capacity from 180 places to 210 places.*

In light of this enlargement to the school, we do have some forecasted surplus places at North Tawton. However, we are continuing to seek section 106 contributions to reimburse the County Council for the capital investment made to mitigate the impact of this development.'

- Dartmoor National Park

No comments to make

- DCC PROW Team

No objection subject to conditions

The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 – Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 75).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

The proposal as submitted would have a direct effect on public rights of way, as identified in the application documents, and has the potential to contribute to access improvements in the locality. Footpath No. 10, North Tawton crosses the site and runs adjacent to it, as shown on the attached extract from the working copy of the Definitive Map of public rights of way.

Landscape and Visual Impact Assessment

*The LVIA acknowledges the existing public rights of way network and confirms that **Footpath No. 10, North Tawton will be incorporated within the proposed development** (1.1). It adds that **Footpath No. 10 will be enhanced to enable to increased pedestrian use anticipated for this key route** (7.1)*

Public Right of Way Plan

The plan identifies Footpath No. 10 and appears to make provision for the footpath through the site on its existing, legally recorded alignment, with improvements proposed to the surface of the footpath where it runs adjacent to the north-eastern boundary of the site.

Adoption Plan

The plan indicates the public right of way on its current alignment partly incorporated into the road layout. Specific details of how the footpath will be accommodated, including surfacing, width and road crossings will be required and agreed with the PROW Team. In response, the proposal would lead to increased use of the public right of way on and off-site. Increased use will have maintenance implications for the County Council, which, as the highway authority, is responsible for maintaining the public right of way network.

We would therefore recommend that any improvements to the existing public footpath be secured through planning obligations and/or conditions, subject to the submission of details for approval by the PROW Team. The applicant should note that approval of the PROW Team will be required concerning any changes to the path surface, design and layout and road crossing points, prior to any works be carried out. We would also request that an existing pedestrian gate on the footpath where it enters the

application site from the north, be removed to improve accessibility as it will no longer be needed for stock control purposes. Please note, any proposed new gates across the public footpath elsewhere would need to be authorised by the PROW team and meet the required British Standards. Authorisation would only be possible if a gate was required for the purposes of stock proofing. The Public Rights of Way Team therefore has no objection to the proposal subject to conditions covering submission of details as above, covering:

Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for: i. details of proposed improvements to existing public right of way; and ii. details of design of public right of way route, including width, surfacing, gradient, landscaping and road crossing points;

Reason: In the interests of the amenity and safety of the public.

Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

- RSPB

No objections subject to conditions, general advice and guidance offered

- Natural England

No comments to make, but general advice offered, encourage the incorporation of GI into this development.

- DCC Archaeology

No objection subject to condition:

'I refer to the above application. I do not object to the application outright, but suggest that your authority will need to consider the public benefit offered by the development against the loss of a non-designated heritage asset of high local significance (NPPF 135 and Local Plan Policy).

As the submitted archaeological evaluation (AC Archaeology, April 2018) indicates, the proposal area contains archaeological evidence of settlement of Middle Bronze Age and Late Iron Age date and a Romano-British enclosure. This confirms a setting/context relationship with the Scheduled prehistoric and Roman sites to the south, which include early-mid Bronze Age burial sites and a complex of Roman military forts and camps. The archaeology within the development area survives only below ground, and so is limited in its preservation, but it does include a range of evidence in terms of ditches, pits, pottery and environmental evidence. I think that this represents a heritage asset of high local significance and disagree with the low significance ascribed to it in the submitted Planning Statement (4.38).

Groundworks for the construction of the proposed development will destroy a large proportion of the asset, although some will be preserved in the open space at the north-east part of the site. The proposal could be redesigned to preserve more or all of the significant archaeology in open space. However, this does present ongoing risk to the asset as future land management and permitted development could cause damage without any archaeological mitigation. Therefore, if your authority is minded overall to grant consent, I would accept and recommend a detailed programme of archaeological recording, secured by condition, in mitigation for the loss of the asset. This would also accord with the National Planning Policy Framework (Para 141) and Local Plan policy. I would advise that any consent your

Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. There should be a programme of public engagement with the archaeological work, during the excavation and as part of the dissemination of results after fieldwork has been completed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report and also in appropriate local formats.'

- Historic England

No comments, refer to in house conservation advice

- WDBC Heritage Specialist

'I have nothing to add to the comments provided by Bill Horner as our statutory consultee on archaeological matters. I assume he considers 139 NPPF to not apply in this instance as I understand that the application will impinge upon a non-designated heritage asset in the form of a crop mark. An archaeological condition should enable this to be investigated and recorded as necessary and may in fact add to our understanding of the history of the locality. It would make sense for the condition to require investigation and recording at an early stage so that if the findings lead to a need for better protection then the scheme may be adapted accordingly.

I have no heritage objection to the application subject to an appropriate archaeological condition.'

- Devon and Cornwall Police Architectural Liaison

No objection but detailed guidance and comments offered, condition suggested

- North Tawton Town Council

Objection:

- 1 *'The application does not comply with West Devon Borough Council Core Strategy SP1 – sustainable development, with reference to the following criteria: 1a, 1b, 1d, 1e, 1f, and 1k.*
- 2 *The application does not comply with West Devon Borough Council Core Strategy SP2.*
- 3 *The application does not comply with West Devon Borough Council Core Strategy SP5. North Tawton is designated as a local centre in Policy SP5, where limited development will be considered acceptable where it can be demonstrated that the proposal will contribute to wider sustainability benefits for the area. The previously approved application reference 01037/2013 (Batheway Phase 1) for 61 houses plus employment land, allotments and a site for a medical centre was seen as being sustainable development at the time. The removal of the employment land and an application for an additional 28 houses on that land was considered in the planning report of the WDBC planning officer and the report states: "...it is considered that due to the scheme removing the land previously approved for employment*

and absence of any further land being proposed for employment within the proposed scheme the site is inherently unsustainable.” Therefore North Tawton Town Council questions how 65 extra dwellings, without any wider benefits, can be considered to be sustainable.

- 4 The application does not comply with the West Devon Borough Council core strategies SP7 (Strategic distribution of housing) and SP24 (sustainable rural communities). The allocations for the local centres in the core strategy is approximately 430 dwellings. North Tawton is a local centre but there has been significant development in the last 10 years. In the draft Joint Local Plan the only allocated site is Batheway Phase 1.
- 5 Highway safety issues – there is concern that the entrance to the site is unsafe and dangerous, being very close to the brow of a hill. The increase in traffic using the junction will exacerbate this problem. North Tawton Town Council are pursuing this with Devon County Council following a number of collisions and near misses. There is only one accessible route from Batheway to the town and this lacks street lighting which should have been provided under Phase 1, 106.
- 6 Concern has been expressed that the application does not take into consideration the emerging Neighbourhood Plan.
- 7 Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 8 Car parking is a continuous problem in North Tawton, therefore any new development should be self-sufficient for parking for both residents and visitors. It is considered that the proposed car parking provision is inadequate.
- 9 The scale, location and nature of the development will have significant impact on the wider landscape.
- 10 Although not a material planning consideration, the build quality of the dwellings completed to date is of serious ongoing concern to residents.

Our comments on the previous planning statement of application reference 3836/16/FUL are relevant to this application.

The response from the North Tawton Draft Neighbourhood Plan is also still relevant to this application.

Should West Devon Borough Council support this application we would expect the following:

- A comprehensive S106 agreement as requested by Alexis Higgins (Specialist – Place Making) including sports, play and community facilities.
- 40% affordable housing with a balance towards rented rather than intermediate dwellings.
- A review of car parking provision to ensure sufficient parking for residents and visitors.
- Upgrading of the PROW to ensure a safe and inclusive accessible route to the town, including lighting.
- Consideration of an additional footpath to the town across the ‘medical centre land’.
- Application of North Tawton Draft Neighbourhood Plan Policy EE1 in relation to the inclusion of solar panels on each dwelling.
- Application of North Tawton Draft Neighbourhood Plan Policies in relation to design and layout of the development (Town Design Statement)
- Consultation with residents of North Tawton.’

Representations:

16 Letters of representation have been received at the time of writing this report, 14 letters of objection and 2 letters in support. Concerns raised within the submitted objections are summarised as follows:

- Doesn't accord with the Development Plan

- The development is too big for the town
- There will be too much pressure placed on local infrastructure
- The schools cannot accommodate additional children and doctors surgery has no capacity
- Smaller brownfield sites are preferable
- Will cause parking problems and congestion around the site and in the town
- The access is not safe
- Will harm the setting of the Conservation Area
- Will remove high grade agricultural land
- There are flooding issues within the site
- The PROW should be resurfaced in its entire length
- Could impact ecology
- Will harm landscape character
- A scheme was previously refused on the site
- Will not benefit businesses
- The site is not sustainable with regard to access to services
- The developer has failed to fulfil obligations on the adjacent site
- The developer has not met building regulations at the adjacent site

Comments made in support of the application are summarised as follows:

- New housing is giving a new lease of life to the town
- Will add to vitality of town and services
- There is a need for more housing, in particular affordable housing
- North Tawton is a sustainable location

Relevant Planning History

On site

3836/16/FUL - Full planning application for 100 residential dwellings with associated roads, footways, parking, landscaping and drainage – Refused and at appeal

Adjacent 'Phase one' development

01037/2013 - Hybrid planning application comprising: Full application for 61 residential dwellings with associated roads, footways, parking, landscaping, drainage and open space and allotments; together with Outline application (with all Matters Reserved) for 0.876 ha of land for employment use and medical centre – Conditional Approval

Crapstone Appeal

0147/17/OPA - Outline application with some matters reserved for development of up to 22no. dwellings (including 40% affordable housing), access, parking, landscaping / open space and associated infrastructure – Refused and appeal upheld under ref APP/Q1153/W/17/3177360:

Analysis

Sustainability:

North Tawton is identified as a local centre within the current Development Plan and its status as a sustainable location for residential development is retained within the emerging Joint Location Plan. It is well served by the various facilities one would typically expect of a local centre and a sustainable location for growth. The Joint Local Plan has reflected this by allocating land to the east of the application site, at Bathway Fields Phase 1.

Although pedestrian trips through Phase 1 of Bathway Fields would represent a more arduous trip into town and to transport links, importantly the application site is also served by a PROW at its north east corner. With lighting and surfacing improvements to the PROW, it will ensure a suitable and accessible link to the town centre to the north. The PROW team at DCC accept the principle of the work, subject to conditions.

On the basis that the PROW can provide constant and dry access to the site, officers consider the site to be sustainable with regard to access to services and transport.

However, the location of the site, outside of the North Tawton Settlement Boundary draws it into conflict with the Council's housing policies, as particularly identified by the Town Council in their consultation response. Officers must therefore examine the principle of development.

Principle of Development

The Council cannot currently demonstrate a five year housing land supply and 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).

It should also be noted that the tilted planning balance is engaged irrespective of the 5 year housing land supply, by virtue of the existing development plan being out-of-date, and in particular the settlement boundaries which were drawn to meet a housing requirement that itself is out-of-date and time expired.

This is the context that this scheme must be assessed within, consistent with the findings of the Inspector at the Crapstone appeal, made this year under reference APP/Q1153/W/17/3177360.

The Refused Scheme and the Given Reasons

This is a material change in circumstances in comparison to the earlier refusal on this site for 100 houses, refused in June 2017 under reference 3836/16/FUL, which itself is now at appeal scheduled for a Public Inquiry in July 2018.

The 100 house scheme was refused for the following three reasons:

- 1. The application site lies outside the settlement boundary within designated countryside and fails to provide for exceptions site policy requirements. The proposal is therefore contrary to policies NE10, H31 and H37 of the adopted West Devon Borough Local Plan 2005 as amended in 2011, policies SP5 and SP24 of the adopted Core Strategy 2011 and paragraphs 11 and 211 of the National Planning Policy Framework.*
- 2. In the absence of a proportionate archaeological investigation, it has not been demonstrated to the satisfaction of the Local Planning Authority that the development can be carried out without harm to the identified enclosure or defended farmstead of late prehistoric or Romano-British date. This application is therefore in conflict with policy BE7 of the West Devon Local Plan and paragraphs 128 and 135 of the National Planning Policy Framework.*
- 3. The proposal would generate a requirement for a Section 106 agreement to deliver identified planning obligations. The absence of an agreement which reflects the necessary planning obligations is contrary to policies SP1 and SP9 of the adopted Core Strategy 2011 and paragraph 203 of the National Planning Policy Framework.*

The first reason relies on the current housing policies within the Development Plan. However, in the intervening period the Council has lost the appeal for residential development at Abbey Meadows. This is a significant material consideration in relation to this current application. When reaching his decision, the Inspector states that:

'Policies NE10 and H31 of the LP prohibit development outside of settlement boundaries subject to a number of caveats. The proposed development would not comply with these caveats and would therefore be in conflict with these policies. However, the LP was intended to cover the period to 2011. It is therefore already time expired and the development boundaries within it are also dated and have not been assessed against an up to date housing need. The LP was also prepared before the introduction of the Framework and the introduction of the presumption in favour of sustainable development contained within it. For these reasons the weight to be given to the conflict with these policies is significantly reduced.'

The Council also consider the proposed development to conflict with policies SP5 and SP24 of the adopted Core Strategy (CS). This is dated 2006-2026 but was not actually adopted until 2011. Policy SP5 is a spatial strategy policy that aims to concentrate new housing in the towns of Tavistock and Okehampton, strictly controlling development in the countryside. However, as with policies NE10 and H31 of the LP, the CS was adopted prior to the introduction of the Framework and relies on development boundaries determined against now dated housing need. It follows that only limited weight can be attributed to the conflict with this policy.

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

With regard to emerging policy, the Inspector stated that "I acknowledge that such provision will eventually be made through the emerging joint local plan but that plan is being examined and the most optimistic estimated date for adoption given by the Council is nine months from the date of the Inquiry. 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."

Pursuant to the outcome and content of the Abbey Meadows appeal, it is the opinion of officers that that Council should no longer rely upon the first reason for refusal.

The second reason was based on the holding objection issued by the Devon County Council archaeologist. Following that decision, the applicant engaged directly with DCC to undertake a proportionate archaeological investigation, which has now been provided within the planning application.

Responding to that, the archaeologist has withdrawn his objection, but has indicated that there will be harm to a non-designated heritage asset, to be weighed within the planning balance as required by paragraph 135 of the Framework.

The third reason related to the absence of a S106 agreement, the formulation of which has already been resolved in relation to the subsequent, ongoing appeal. This current application is subject to its own separate legal agreement.

Officers therefore consider that the three reasons given for refusal can no longer be relied upon in relation to this resubmitted planning application and that there has been a material change in the

planning context which requires the Council to undertake a new assessment of this resubmitted scheme.

Landscape and Trees

The scheme is located within greenfield land on the periphery of the settlement. There is a PROW within the site which provides a vista of the National Park and intervening countryside. There will inevitably be a degree of landscape harm within this context. The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

'This application represents a reduced form of application 3836/16/FUL, on which landscape and arboricultural comments were made on the 5th April 2017. No objection was raised, subject to conditions.

The comments made on the previous application are still relevant to this application, and have been reproduced below for clarity, and amended where appropriate to reflect changes to the scheme.

	<i>Comments</i>	<i>No objection</i>	<i>Objection</i>	<i>Conditions</i>
<i>Landscape Character</i>		<input type="checkbox"/>		
<i>Visual Impact</i>		<input type="checkbox"/>		
<i>Protected Landscape</i>		<input type="checkbox"/>		
<i>Landscape Design</i>		<input type="checkbox"/>		<input type="checkbox"/>
<i>Arboricultural Impact</i>		<input type="checkbox"/>		<input type="checkbox"/>

Landscape Character and Visual Impact

The submitted LVIA is a fair assessment of the likely landscape and visual impacts resulting from the proposals here. Impacts on landscape character would be predominantly limited to the immediate site area, principally as a result of the context of North Tawton and the adjacent new development site, and a significant tree presence within North Tawton and the adjacent LCT 3C (Sparsely Settled Farmed Valley Floors) which runs along the River Taw. This pattern allows for a modest extension of built form interspersed with tree planting to read well alongside the existing settlement pattern.

Visual impacts again are relatively limited; with significant residual impacts apparent from nearby dwellings and the PROW that passes through the site itself anticipated in the LVIA. I would not disagree with this conclusion (Section 5.6). As above, wider views are limited and/or mitigated by the existing and proposed vegetation, and the presence of the settlement at North Tawton. Notably on the western edge, the settlement has a varied built presence in the view, with no strong boundaries or patterns of development that the introduction of development at this site would conflict with. Consequently, subject to appropriate scale, design and landscape planting, a further development extension in this direction would not be significantly prominent or visibly contrast with the existing settlement pattern.

Overall, I would not raise any fundamental issues with the conclusions of the LVIA (Section 9). Whilst there would be some localised impacts to the site area and its immediate surrounds, the mitigation proposed is appropriate and would be effective in integrating the site into its context in the longer term. Strategic Policy 17 (Landscape Character) seeks to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment. The impacts identified above are not considered to be so substantial as to fail this policy test, and I would therefore raise no objection on landscape grounds.

Protected Landscape

At a distance of approx. 6km, viewed in a wider panorama and in the context of much existing development, the proposals are not considered to impact upon the character, natural beauty special

qualities or other purposes of the protected landscape designation at Dartmoor National Park. I would therefore not raise an objection on protected landscape grounds.

Detailed Design / Landscape Design

There is limited information with this application in relation to the landscape design of the site, but the outline proposals and areas shown to be planted are logical in respect of the layout. Generally the layout is good, with some important areas of landscaping kept within the public domain and therefore likely to be successfully retained in perpetuity, with positive overlooking and fronting onto the proposed open spaces. If the application were to be approved I would recommend that we secure landscape management details by condition secure the long-term management of these public spaces.

The boundary treatments are also generally fine, and I note the increase in quality of boundary treatments around the affordable housing units, which is welcomed.

The inclusion of a large number of trees within the open spaces, on site boundaries and within gardens is noted and welcomed, and will help to break up the built form in time, provided that at least a proportion of these are large and robust species.

Subject to conditions securing planting details and landscape management proposals, I would not raise an objection on detailed landscape design grounds.

Arboricultural Impact

The proposed development does not appear to impact on any significant trees or hedgerows. The boundary hedgerows to the north and north east are shown to be retained, and should be protected throughout the course of the development and gapped up where necessary as part of detailed landscape proposals if the application were to be approved.

The removal of much of H76 is regrettable, though its retention would have resulted in a contrived internal site layout. Its loss could also be readily mitigated with new tree planting throughout the site.

Subject to conditions, I would not raise an objection on arboricultural grounds.

Officers are in agreement with this detailed assessment offered by colleagues who, although not objecting, have identified a degree of harm which will require long term mitigation through landscaping. These impacts are environmental harm which weights against the proposal.

Neighbour Amenity:

The proposed neighbour relationships between units achieve a satisfactory level of amenity that one would find in a typical suburban street scene. The impact upon properties within Barton Hill is limited as the dwellings are set away and below the site, and the overall impact on these properties is considered to be acceptable.

With regard to the housing within Batheway Fields Phase 1, the proposed layout generally provides a strong separation distance, or presents flank walls towards neighbouring land. Property no.248 does face towards the neighbouring development, but focuses not on private areas but the existing attenuation pond feature.

Highways/Access:

The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions.

It is also concluded that the development will not result in any significant impact upon the traffic levels in the town. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The highways officer is aware of ongoing concerns regarding the main junction at Batheway Fields and the main road, and has stated that *'a full assessment and survey has been done of the existing junction of Batheway Fields with the main road to De Bathe Cross. The visibility available at the junction would have complied even if the 30mph speed limit had not been relocated as a result of the previous development. Nevertheless, the current 30mph speed limit means that the required 2.4m x 43m site lines are easily achievable. It has been identified that the 30mph speed limit sign could usefully be raised on the street lighting column upon which it is located, to enable the speed limit to be visible from a greater distance, and that County Council has that matter in hand with its contractors.'*

Design

The scheme is considered by officers to maintain an acceptable layout and density, avoiding overdevelopment of the site. The buildings are of a suitable design, and clearly take reference from the existing vernacular within North Tawton.

With appropriate conditions securing the construction and finish of the buildings, officers are satisfied that an appropriate standard of urban design can be achieved.

Officers note the comments raised by the architectural liaison officer, and note that the officer raises no objection to the proposal. Obviously there is a balance between natural surveillance of the PROW and excessive permeability which could encourage crime. In this way, there is a degree of tension between seeking to create an open and surveyed space along the PROW, without providing criminals an opportunity to enter third party land. Officers believe that the rear boundary treatment along the PROW should reflect this, and a suitable compromise between the two requirements can be achieved through the landscape condition.

In any case, the proposed layout identifies the main internal route through the development running parallel to the PROW to the west, and it may well be that the majority of use for the majority of housing in the development is on the main road, only joining the PROW at the north east corner of the site. Overall, with the ability to secure a hospitable, sensitively lit space with a balance between public and private spaces achieved through condition, officers are satisfied that the PROW will be a safe and usable environment post development.

Officers note the comments made by the Town Council regarding energy and the renewable energy policies, but would highlight that Permitted Development Rights for P.V. panels are retained within this recommendation, allowing occupants to provide on site renewable energy if so minded in the future.

The housing mix, including the affordable housing, provides a breadth of housing opportunities to the various members of the community, and will promote the social wellbeing of the settlement. Officers acknowledge that the site density falls below the policy compliant 30 per hectare as per SP6, but also identify that this is due in part to the attenuation feature and the GI within the development and, in any case, the site is also constrained by a requirement to provide a proportionate extension to the town and, on that basis, the 19 dwellings per hectare density is considered to be acceptable.

Biodiversity

The Council's ecologist has fully considered the proposals and is not objecting on the basis that conditions would be required for the submission of a Landscape and Ecological Management Plan to provide biodiversity gains.

The detailed comments offered by Natural England, the RSPB and the WDBC are given above. Officers note the impacts of the development, specifically the impact upon badgers, and are satisfied that, in

order to secure the necessary ecological net gains, all recommendations made by all ecological consultees are reasonable and achievable, and will be required through the LEMP condition.

Heritage

There are no heritage assets within or immediately adjacent to the application site. However, an extensive group of prehistoric and Roman remains are scheduled to the south of the site, with the closest of these under 200m from the site boundary. There is a Scheduled Ancient Monument of a Roman Fort located approximately 1km to the south of the application site and the Conservation Area of North Tawton is to the north east, which has a number of Listed Buildings.

Listed buildings within the historic core of North Tawton and to the south of the site are unlikely to be adversely affected by the proposals given the changes in topography and the intervening vegetation and buildings. As such, officers are satisfied that the development of the site as proposed will not harm the significance of these buildings, nor the character and appearance of North Tawton Conservation Area to the north east, where there is existing modern development between its edge and the site.

Upstanding earthworks also lie at a greater distance and have intervening vegetation and topography which will prevent the proposals harming their significance. A planted buffer on the southern edge of the proposal will also screen it from the sub-surface scheduled remains to the south. In addition, the scheduled remains to the south are already within a suburban context, and also dominated by the large industrial buildings to the south. Although setting issues are envisaged to be unlikely, if the development is at any point juxtaposed with a SAM, it will appear within the setting of the existing town and will not be harmful.

It is considered that the proposed development would have no adverse impact on the setting or significance of these designations due to their existing urban settings, distance from the application site and existing natural topography and potential and existing vegetation screening.

Archaeology

The wider area is rich in archaeological remains of Roman and prehistoric date including Roman forts and marching camps to the south and prehistoric funerary monuments to north and south. Recent geophysical survey west of the site has revealed sub-surface remains.

The heritage report has identified a single potential cropmark enclosure within the application site, which is identified to be of potential limited local value. The DCC archaeologist contests the degree or significance attributed to what officers agree, in any case, to be a non-designated heritage asset. Although sub-surface remains are likely to lie within the site, they have certainly been subject to cultivation post-war and in the nineteenth century and it is unlikely that any would rate as of greater than local significance. Consequently, it is likely that remains could be dealt with through subsequent further investigation ahead of development, as has been the case at the adjacent site

As such, the scheme may result in the loss of a non-designated heritage asset of local significance, to be weighed within the planning balance. It is noted that colleagues in the heritage team, in issuing no objection, have identified that *'An archaeological condition should enable this to be investigated and recorded as necessary and may in fact add to our understanding of the history of the locality'*

Loss of Agricultural Land

An assessment of the agricultural land quality within the site has been undertaken. The assessment found that the site comprised bands of Grade 2 and Grades 3a and 3b, although, the vast majority of this now smaller site is made of grades 2 and 3a. The areas of Grade 2 and Grade 3a are classed as 'best and most versatile' in terms of the Framework's consideration of agricultural land and the Council must consider the merits of this application against Paragraph 112 which states:

“Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”

The applicants have identified that the area of the site assessed as Grade 2 and Grade 3a is c3.7ha, which represents 3% of the wider Barton holding, which extends to approximately 122ha. In any case, the loss of the land is small and within the confines of the application site.

Officers are also mindful that this site is on the periphery of the settlement and an otherwise highly suitable candidate for residential development. Officers would argue that, long term, this site has a role to play in the growth of the settlement regardless of the outcome of this planning application; the land must be considered within its context, and officers would question the wisdom of sterilising this peripheral site long term, due to the loss of, by its very nature, an extremely small parcel of high grade agricultural land

Given the sustainable credentials of the site and its residential potential and potential to harness growth for the settlement, officers consider the loss of the high grade agricultural land to be environmental harm which is limited by the size and context of the site. Nevertheless this is an identified shortcoming within the scheme, leading to environmental harm which must be addressed within the planning balance.

Drainage and Flooding

The applicant has identified that, due to low permeability, the site is not suitable for onsite soakaway. Instead, the scheme proposes to attenuate the surface water runoff and discharge it to the nearest natural water feature, which in this case is the ditch within the site, which will route the attenuated water into the River Taw at the greenfield runoff rate.

Foul will go to the nearest sewer connection, and South West Water have issued no objection to this element of the proposal.

The drainage proposals have been thoroughly assessed by Devon Country Council who are the Lead Flood Authority have no objection subject to conditions.

Planning Obligations

The Education Authority and the NHS have concluded that there are no capacity issues associated with this scale of development, but this is on the basis of the detailed planning obligation requirements as identified within this report. The recreational and sporting needs of the development are also met via the Council's required OSSR obligations.

With specific regard to education, officers acknowledge concern locally as to the ongoing capacity of the primary school and the ability for it to cope with this development. However, DCC have added that: *‘We have fairly recently undertaken a project at North Tawton Primary which has increased the school's capacity from 180 places to 210 places. In light of this enlargement to the school, we do have some forecasted surplus places at North Tawton. However, we are continuing to seek section 106 contributions to reimburse the County Council for the capital investment made to mitigate the impact of this development.’*

The applicant has accepted the terms of the S106 agreement as above.

The emerging Joint Local Plan and the emerging North Tawton Neighbourhood Plan

The site is not allocated in the draft Joint Local Plan nor the draft Neighbourhood Plan or emerging Development Plan. The Planning Practice Guidance Note relating to the NPPF states that:

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

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

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

Having regard to this guidance, and the emerging status of the Joint Local Plan and the Neighbourhood Plan, there is no current justification to refuse this application on grounds of prematurity or non-conformity with these emerging plans; the Planning Inspectorate have clarified the current status and weight of the Joint Local Plan to be limited, and the Neighbourhood Plan is only at Regulation 14 stage, which is not a stage at which the Local Planning Authority can apportion it significant weight with regard to this planning application.

Other Matters

The Council has been presented with no evidence that the increased vehicular movements will stifle the identified economic and social benefits of the proposal. The current status of planning obligations at the adjacent site are not material to the outcome of this scheme, nor is any alleged shortcoming in the build quality.

Conclusion and Planning Balance

The previous refusal was predicated on the belief that the Council benefited from a five year land supply of residential sites, but recent appeal decisions have identified that that is not the case. The housing policies of the current Development Plan are out of date, and the emerging Development Plan can only be given limited weight at this stage.

As such, the Council must apply the presumption in favour of sustainable development pursuant to paragraph 14 of the Framework, and must approve applications unless the adverse impacts significantly and demonstrably outweigh the benefits.

In this case, the scheme will urbanise a short stretch of Public Right of Way which currently provides an attractive scenic view of Dartmoor National Park and the surrounding countryside. The site will be viewed by public receptors within the area but the site will be seen within the context of its peripheral location on the town's boundary. This change in landscape character is limited environmental harm. In addition, the scheme will remove a small parcel of high grade agricultural land forming the majority of the application site. This is also environmental harm which, for the given reasons, officers quantify to be limited. In addition, the archaeological work has identified a potential cropmark enclosure of local significance. This is also limited environmental harm which must be weighed within the planning balance pursuant to paragraph 135 of the Framework.

Conversely, the various ecological enhancements suggested by consultees will be delivered through necessary planning conditions, ensuring a net biodiversity gain which is an environmental benefit which weighs in favour of this proposal.

The scheme will provide social benefits through the housing provision, including 40% Affordable Housing, which, especially within the context of no five year land supply, is a significant social benefit which weighs heavily in favour of this proposal.

The site is within a sustainable and accessible location where the additional housing will also provide an economic benefit through the increase in use of services, adding to the vitality of the settlement. There will also be a temporary economic benefit through the construction phase.

Within the planning balance and the current policy context, the identified environmental harm does not, in the opinion of officers, significantly and demonstrably outweigh these sizeable and significant social and economic benefits. The scheme is therefore considered to amount to sustainable development, and is recommended for approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 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
- SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
- SP3 – Renewable Energy
- SP4 – Infrastructure Provision
- SP5 – Spatial Strategy
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP10 – Supporting the Growth of the Economy
- 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

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

- NE10 – Protection of the Countryside and Other Open Spaces
- BE1 – Conservation Areas

BE13 – Landscaping and Boundary Treatment
H28 – Settlements with Defined Limits
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T5 – Public Transport
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
SPT3 Provision for new homes
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
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

DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV36 Community energy
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

North Tawton 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) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby approved shall in all respects accord strictly with the following drawing numbers:

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.

3) Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have been submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4) Prior to installation, a full roofing specification including the types and sizes of slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

5) Prior to installation, constructional details of all eaves, verges and hips shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

6) Prior to installation, full details of all new joinery shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

7) 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. It shall include provisions for avoiding and/or reducing impacts on wildlife (including consideration of bird nesting season, hedgerow removal methodology and timing to minimise potential impact on dormice, and measures to avoid impacting badgers during construction, namely that any holes or trenches shall either be securely covered overnight, or shall include sloping escape ramps for badgers, achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day. The scheme shall also 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 biodiversity and residential amenity

8) Notwithstanding the details indicated on the approved drawings, details of any external lighting (including security lighting) to be erected, placed or operated on the site and PROW shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the positions, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site and PROW. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site or PROW other than in accordance with the approved scheme.

Reason: In the interests of limiting light pollution, in the interests of visual amenity, protecting the amenities of the occupiers of neighbouring residential properties and to ensure conservation and enhancement of landscape character and any habitats associated with protected species.

9) Notwithstanding the details within the approved plans, prior to the commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) and detailed scheme for landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The LEMP shall reflect the recommendations made by the WDBC ecologist, the RSPB and Natural England, and the landscaping shall reflect the GI and naturalistic play requirements identified. All elements of the approved Landscape Scheme and LEMP, including the approved programme of phasing and biodiversity gains, shall be implemented and thereafter managed and maintained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

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: In the interests of public amenity, wildlife and local landscape character.

10) Prior to the commencement of the development, full details of inbuilt (within the fabric of buildings) bird nesting and bat roosting provisions shall be submitted to and agreed in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of biodiversity

11) No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) A plan showing the location of, and allocating a reference number to, existing trees on the site and adjoining the site, which have a stem diameter exceeding 75mm (measured at 1.5m above ground level). The crown spread of each tree and details of which trees are to be retained and which are to be removed shall be shown.

(ii) A schedule of the trees identified in paragraph i) detailing species, stem diameter, height, crown spread, vigour, condition and age, along with classification and recommended distance for protective fence in accordance with BS 5837: Trees in Relation to Construction.

(iii) A schedule of any proposed tree felling or tree surgery to trees identified in paragraph

(iv) A plan showing the location of, and means of construction of, a fence or other measure to delineate a Protection Zone to prevent damage to retained trees before and during the course of development.

(v) Details of any proposed alterations to existing ground levels, excavations, placing of services or other works within the Protection Zone and proposed means of limiting any damage to retained trees in accordance with BS5837: Trees in Relation to Construction.

(vi) Details of the final landscaping/ground works proposed within the Protection Zone on removal of the fence detailed at paragraph (iv) including proposed means of limiting any damage to retained trees in accordance with BS 5837: Trees in Relation to Construction.

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

12) Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for:

- i. details of proposed improvements to existing public right of way; and
- ii. details of design of public right of way route, including width, surfacing, gradient, landscaping and road crossing points;

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

Reason: In the interests of the amenity and safety of the public.

13) Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

14) 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 (Ref. North Tawton Phase 2; Rev. B; dated 25th April 2018).

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

15) 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.

16) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

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

17) All dwellings are to achieve part compliance as a minimum requirement (Silver) of Secured by Design ensuring that:

- All pedestrian gates that lead to rear gardens are capable of being locked from both sides to enable rear gardens to be secure at all times regardless of access or egress.
- Private space is clearly defined from the PRow or any space that the public has access to, to create a sense of ownership and control for residents and deter casual or unauthorised trespass.

Reason: To ensure a consistent level of security throughout and opportunities for crime, fear of crime, antisocial and unacceptable behaviour are minimised.

18) The garage and hardstandings hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwellings.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

19) The proposed estate road, cycleways, footways, footpaths (including the existing public footpath from the site to Moor View), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the application drawings and maintained thereafter free of any impediment to their designated use

Reason: In the interest of highway safety.

20) No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the existing estate street termination.

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

21) The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

22) When once constructed and provided in accordance with condition 19 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

23) 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 enlargement, improvement or other alteration to the dwellings or provision of buildings, structures or enclosures within its curtilage, that fall within the terms of Schedule 2, Part 1, Classes A, B, C, D, & E of that Order.

Reason: To provide the LPA control over development which may prejudice the design quality of the development

24) 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.