

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Lifton **Ward:** Tamarside

Application No: 2323/16/OPA

Agent/Applicant:

Mr Aaron Smith
19 High Street
Pewsey
SN9 5AF

Applicant:

Mrs SJL Hamblin, Mrs ME Guthrie & Mrs AT
Bucklow
C/O Agent

Site Address: Land South Of North Road, Lifton, Devon

Development: Outline application (with some matters reserved) for residential development (Class C3) of up to 20 dwellings with vehicular and pedestrian access to North Road, car parking, associated landscaping and infrastructure, public open space and Accessible Natural Greenspace - External access not reserved

Reason item is being put before Committee: Cllr Edmonds has raised the following issues:

- To approve this will undermine the Neighbourhood Plan process
- Visual coalescence of Lifton with Tinchay which will adversely affect their rural character
- Drainage and flood risk issues
- Traffic/Highway safety



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

Section 106 Proposals:

- Provision of approx. 0.95 ha of Accessible Natural Greenspace and provisions for maintenance
- 40% affordable housing – 80% rented, 20% shared ownership
- Provision of new access
- 50% of dwellings constructed to the Optional Housing Technical Standard Requirement M4(2) of the Building Regulations.
- Contribution of £9,830 toward secondary school transport
- Provision of on-site Public Open Space of a minimum of 24sqm per dwelling
- Contributions of £799 per dwelling towards children play facility improvements in Lifton
- Contributions of £111 per dwelling towards the maintenance of playing pitch facilities at Lifton Recreation Ground

Conditions:

Time (reserved matters)

Submission of reserved matters

Accords with plans

Development to accord with zoning plan – housing only in yellow area.

Development of houses limited to identified area on plan

Details of highway, footpaths, verges, junctions etc. to be agreed and implemented

No other development to commence until access road has been laid out and constructed to base course level, iron work set out, footway constructed to base course level and site compound and car park constructed to satisfaction of LPA.

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

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

Programme of archaeological work to be agreed with the LPA and development is to accord with the agreed programme

Pre Commencement – detailed design of surface water management system to be agreed with LPA

Pre Commencement – Detailed assessment of conditions and capacity of receiving watercourse at southern boundary to be undertaken and approved by LPA

Pre Commencement – Details of adoption and management of drainage scheme to be agreed with LPA

Pre commencement – construction phase surface water management scheme to be agreed with LPA

Removal of PD rights: Extensions, outbuildings, hard surfaces, means of enclosure

Universal condition for development affected by contamination

Verification report (contamination)

Unsuspected contamination

Landscape and Ecology Management Plan to be agreed

Method statement for relocating the hedgebank at the site entrance

Details of boundary treatments

Arboricultural Impact Assessment (based on the final layout) with a Tree Protection Plan and

Arboricultural Method Statement

Tree protection and retention of trees and hedgerows

Construction Management Plan to be agreed and implemented

Key issues for consideration:

Conformity with the development plan, weight to be given to the Development Plan policies, Sustainability including landscape impact, highway safety, ecology, 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 **£23,740** per annum. The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

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 comprises a linear parcel of land, wider at its western end that extends along the southern side of North Road, Lifton. The site area is 1.8 hectares and comprises greenfield land currently used for grazing.

The site boundaries are defined by mature hedgerows and trees to the north, east and west. To the south there are some significant mature trees but the hedgerows are not continuous and are sparser. The site contains a large oak tree subject to a Tree Preservation Order

To the north of North Road, opposite the site, are a row of detached houses of various architectural styles, these are the north eastern extremity of Lifton. To the south east the application site adjoins the curtilage of Blue Hayes, a dwelling located in the nearby village of Tinhay. The northern part of the west boundary adjoins the curtilage of the dwelling Dereton and here vegetation screening is limited. The remaining southern site boundary, south western and north eastern site boundaries adjoin more grazing/agricultural land.

The site is outside of but adjacent to the Development Boundary of the village of Lifton. Lifton has a good range of local services including a primary school, doctor's surgery and a shop.

The site is located approximately 200m outside of the Conservation Area and is not within a designated landscape.

The south eastern edge of the site lies within Flood Zones 2 and 3,

The Proposal:

The application seeks outline planning permission for up to 20 dwellings on the site, with only access to be agreed at this stage. Access is proposed from North Road, into the western end of the site.

An illustrative plan has been submitted to show how development might be achieved on the site. This plan shows development only within Flood Zone 1 and concentrated in the north and west of the site. It shows 50% (approx.) of the site as being developed, the remainder of the site (0.95 ha) is shown as a large area of Accessible Natural Greenspace available for community use.

The development as illustrated does not extend beyond the eastern most dwelling on the north side of the road, opposite.

The proposal includes a provision of 40% affordable housing. The housing mix is illustrated as being 4 x 1 bed; 8 x 2 bed; 7 x 3 bed and 1 x 4 bed of which 8 would be affordable and 12 would be market housing.

50% of the dwellings would be built as Accessible and Adaptable Homes.

The illustrative layout includes a total of 37 parking spaces, much of which would be provided in communal parking courtyards.

This application is supported by the following documents:

- Illustrative layout drawing
- Affordable Housing Statement
- Design and Access Statement
- Draft Heads of term of Section 106 Agreement
- Heritage Statement
- Lifton Sustainability Statement
- Planning Statement
- Statement of Community Involvement
- Ecological Appraisal
- Hazel Dormouse and Bat Surveys
- Hedgerow and Reptile Survey
- Flood Risk and Surface Water Assessment
- Housing Needs Report
- Landscape and Visual Impact Assessment
- Transport Statement
- Tree Survey and Constraints Plan

Consultations:

- County Highways Authority – No objection subject to conditions
- South West Water – No objection subject to foul flows only being discharged to the public sewer.
- DCC Flood Risk – No objection to drainage scheme as amended subject to conditions
- Environmental Health Section – No objection subject to conditions
- Police Architectural Liaison Officer – The majority of the Public Open Space and Accessible Natural Green Space appear that they will be well overlooked by paths, roadways and nearby dwellings but there is concern with regard to the far east aspect of the ANGS
- Landscape (WDBC) – No objection
- Archaeology (DCC) - No objection subject to a condition requiring a programme of archaeological work to be agreed and implemented
- Affordable Housing (WDBC) – 40% affordable housing should be provided, normally 80% rented and 20% shared ownership. There is a need to provide smaller 1 and 2 bed properties within the area.
- Environment Agency – No objections based on proposed layout which shows no housing in Flood Zones 2 & 3. Recommends removal of PD for fencing and raising of land.
- Ecology – The ANG is proposed to perform a number of functions, including as compensation for the loss of 8.8% of an OSWI, to provide habitat to sustain an 'exceptional' population of grass snakes, and to provide continuity of foraging and commuting habitat for the range of bat species recorded on site.

With sensitive lighting, it is reasonable to expect that the wildlife value of the site could be maintained taking into account enhancement of the remaining habitat. However it would be necessary to understand the realistic management approach which will maintain the site in the long term. The ability of the ANG to meet its purposes which depend on the quality of ongoing

management. This can be secured through a planning condition requiring a Landscape and Ecology Management Plan and Section 106 provisions to ensure on-going management

- Open Space Sport and Recreation (WDBC) – The application includes an overprovision of public open space which would be a fantastic new resource but questions how the site will be managed as transfer to WDBC is unlikely.

There is a lack of formal play facilities in Lifton; a sum of £799 per dwelling should be sought towards improvement and maintenance of play facilities at these sites.

A sum of £111 per dwelling should be sought towards maintenance of playing pitch facilities at Lifton Recreation Ground.

- Town/Parish Council – Objection because:

The proposal site is outside of the settlement boundary.

Concerns about the increased volume of traffic on North Rd., which serves not only a large number of residential properties, but also the Primary School and Doctor's Surgery. At peak times the road is already heavily congested and parked cars in the built up area restrict traffic flow, which raises serious concerns about the ability of emergency vehicles to access this area of the village. The traffic assessment refers to the measurement of traffic in peak hours, but there is no identification of the precise time. We believe that the assessment did not measure traffic movement at school leaving time and its findings are therefore unreliable. DCC Highways would appear to have based their consultee response on the strength of this assessment and therefore may also be flawed. Traffic concerns figure highly in the 12 resident objections recorded on the planning portal and the same concerns were strongly expressed by residents attending the PC meeting. The Headmistress of the Primary School has written to the PC expressing concerns about traffic congestion, a copy is attached to this submission.

There is a feeling that the proposed development conflates the settlements of Lifton and Tinhay, thus harming the rural character of both settlements.

The proposed site is currently included in the SHLAA produced by WDBC in December 2014. The site is considered to be unviable due to significant drainage constraints. The adjoining land which sits below the proposal site floods on a regular basis, including the gardens and driveways of three residential properties. On one occasion at least over the last three years, the source of this flooding was identified as the watercourse which runs along the boundary hedge of the proposal site. The Drainage Assessment indicates that this watercourse will be used for drainage of surface run off water from the development. The PC are concerned that any development in this area will increase the risk of flooding for properties situated to the SE of the site.

Safety of pedestrian access has not been adequately addressed by the proposal of a 'virtual pavement' connecting the development to the existing footpath. This is confirmed in the Highways consultee response as being unacceptable.

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- DCC Education: Both the local primary and secondary schools have capacity. No objection subject to the following financial contributions:

Secondary school transport - £9,830

Representations:

25 letters of objection have been received raising issues which include the following:

- Drainage assessment does not consider impact on existing dwellings outside of the site, in particular Blue Hayes, The Bungalow and Bridge Cottage which experience drainage and flood problems.
- Maintenance of drainage features cannot be relied upon.
- Sewer is at maximum capacity.
- Upgrading pipework of neighbouring land will cause nuisance and disturbance
- Alternative treatment plant would provide a serious health risk
- No indication of where the sewerage pipes would be placed.
- Ground disturbance during construction will cause run off containing silt, this will block existing drainage ditch and will silt up lake on adjoining land which will cause flooding
- Out of character with the area
- Too small for the plot
- Road too narrow to cope with extra traffic, many people walk on this road – will be dangerous
- Not in Local Plan or Neighbourhood Plan
- Adverse impact on character of Lifton which should not merge with Tinhay
- School is not in decline
- Will rely of use of private car
- Shop sells limited range of goods
- Will not improve the local environment
- Will the right materials be used?
- Site notices not adequate to advertise the application
- Inadequate car parking
- Virtual footpath is unsafe
- Local services will not cope with added population
- North Road is not wide enough for two way traffic – parked cars have been damaged
- Adverse impact on wildlife, in particular that associated with the protected oak tree.
- Will infill the visual break between Lifton and Tinhay and destroy their individuality
- No public consultation
- Density of development is inappropriate
- 20 houses is too many for Lifton
- Will lead to additional development to the south
- Added traffic may cause damage to buildings close to the road

Relevant Planning History

OA/3/39-/1974/520 – detached dwelling – Approved 1974

OA/3/39/1974/522 – Residential development – refused 1974

OA/3/39-/1978/522/1 – Residential development – refused 1978

OA/3/39/1433/1980/522/2 – Residential development – refused 1980

ANALYSIS

Principle of Development/Sustainability:

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

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

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

Paragraph 15 of the NPPF states that:

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

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

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

The current position therefore is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.' However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply.

The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Sustainable Development

Lifton is identified in the LDF as a Local Centre, being a settlement which plays a significant role in providing local services for surrounding smaller rural villages. Its facilities include a primary school, a shop, and doctor's surgery. A regular bus service links Lifton to larger towns and there are employment opportunities at nearby Tinhay. Lifton is therefore a sustainable location for housing development.

In 2011 the LDF identified that a limited amount of development in Lifton would assist its role as a Local Centre but no sites were allocated for development at that time.

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

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of some 1.8 hectares of pasture land; the land in more recent years appears to have been used for the grazing of horses and as such is not used for commercial purposes.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from spending of future residents. In respect of this element of sustainable development the balance is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing and Accessible and Adaptable Homes'

The principal social benefit of the proposed development would be the provision of additional housing, including 40% of the homes being affordable. These affordable homes will be 80% social rented and 20% shared ownership which are the most accessible forms of affordable housing.

It is also proposed that 50% of the dwellings will be built as 'Accessible and Adaptable Homes' (similar to Lifetime Homes) providing accessible convenient accommodation to a wide range of the population including people with physical or sensory impairment.

Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. The Lifton Housing Needs Survey of 2013 identified a need for 9 affordable homes within the next 5 years; the need being for 7 rented (3 x 1 bed, 3 x 2 bed and 1x 3 bed) and two shared ownership 2 bedroom homes. The proposed development will fulfil most of this need.

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the primary school and doctors being oversubscribed, added congestion on highways that are already dangerous.

Provision of an Accessible Natural Greenspace

It is proposed to provide approx. 0.95has of Accessible Natural Greenspace (ANG). This would be of great benefit to the community of Lifton providing a significant area of publicly accessible land.

Impact on existing Infrastructure

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

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

The site is within 400m of bus services to Launceston, Okehampton and Tavistock.

Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings. An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted.

Social Dimension Balance

Substantial weight that must be given to the provision of additional market, affordable and Accessible and Adaptable housing. The site is well related to the settlement of Lifton with access into the village centre and its facilities to ensure social integration. The social benefits of the proposed development outweigh any social dis-benefits and weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape character, ecology and bio-diversity; heritage assets and surface and foul water drainage.

Landscape Impact

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

The site is visually well-contained, and relates well to the existing pattern of development to the west; these issues are supported by the findings of the submitted Landscape and Visual Impact Assessment. The proposed layout as shown on the Illustrative Site Plan adequately demonstrates that up to 20 dwellings could be accommodated on the site without compromising the character or appearance of the area, and the outline proposals for building scale and landscape design are appropriate to their context. If approved at outline stage, careful consideration will need to be given to the boundary treatments for plots 15-20 which lie in the public domain.

Despite the proposed area of open space to the south east and the vegetation associated with the River Thrushel, there would be some visual coalescence between outlying properties in Tinhay to the east and the new development when viewed from a short stretch of New Road, due to the low elevation of the viewer. This should be mitigated with more robust planting (including new tree planting) along the southern and south eastern boundaries of the open space in order to retain a strong vegetated corridor between Lifton and Tinhay. Provided this can be achieved, I would not raise an objection on landscape grounds to the application under policies SP17 and NE10 which seek to conserve landscape character and natural features.

I would also raise no objection on arboricultural grounds subject to securing full arboricultural details.

Concern has been raised by a number of residents about the potential for visual coalescence between Tinhay and Lifton and the adverse impact this would have on the rural character of the two villages. This has been carefully considered by Officers; it is concluded that a layout as shown on the illustrative plan would retain adequate green space between the two settlements to maintain visual separation and further landscaping can reinforce this visual separation.

Biodiversity

The Council's ecologist has stated that with sensitive lighting, it is reasonable to expect that the wildlife value of the site could be maintained taking into account enhancement of the remaining habitat. This is subject to good future management of the ANG and as such it is proposed that a Landscape and Ecology Management Plan be agreed and its implementation be secured through a Section 106 Agreement.

Heritage

There are no listed buildings in close proximity to the site and the site sits outside of the Lifton Conservation Area.

The application includes a Heritage Statement which analysis the potential impact on heritage buildings.

The proposed development will have no significant adverse impact on either the Conservation Area or the setting of any Listed Building.

The County Archaeologist has noted that the site has some potential for evidence of medieval settlement and/or agricultural activity, as such a condition is proposed requiring a programme of archaeological work to take place.

Drainage/Flood Risk

A small area of land adjacent to the south east site boundary lies within Flood Zones 2 & 3, however the illustrative plans shows no houses located on or near this area of the site which is shown as forming part of the ANG. For this reason the Environment Agency have raised no objection and have stated that they consider the Sequential Test to be satisfied.

Significant local concern has been raised about the potential flood risk/drainage issues associated with this development. There is particular concern about flooding of the properties close to the south east boundary, which already experience flooding problems. These properties are located within Flood Zone 2.

This site was proposed through the Local Plan SHLAA process as a housing site, the reason it was discounted from the process was due to concerns about drainage. During this selection process no detailed drainage investigations and/or reports were available to the Council.

The drainage issues and proposals have been thoroughly assessed by Devon Country Council who are the Lead Flood Authority. Initially DCC raised a holding objection to the development but after further assessment this objection has now been removed subject to planning conditions.

South West Water raise no objection to the proposal

It has been demonstrated that the site can be adequately and appropriately drained

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those benefits have to be set against the loss of an area of open countryside, leading to a change in the local environment

and landscape. That impact has been carefully considered and is offset by the lack of evidenced harm to the environment. Whilst the application site is a pleasant piece of countryside the site itself is neither so special nor the impact of the development so substantial, that its loss to development would represent significant material harm to the identified areas of potential concern.

Sustainable development conclusion

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

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms, the location of the application site is sustainable and the adverse impacts identified including the change to landscape character are not so significant as to undermine the proposed development's sustainable credentials. It is also concluded that whilst the impact on the ecological and biodiversity worth of the site is on balance probably neutral, the impacts, given mitigation measures, are not so significant as to outweigh the benefits identified.

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

Other Matters

Traffic Conditions/Highway Issues

The only key issue not considered above in detail as part of the consideration of whether the development is sustainable is the effect on traffic conditions and highway safety. The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions and works to be carried out in accordance with plans that have been submitted. The Highway Authority have commented as follows:

Original Observations dated 15 August 2016:

The application is in outline but 'means of access' is to be considered in detail at the outline stage

Although the application was not the subject of pre-application discussions with the planning authority, it is supported by a full Transport Statement considering the impact of the proposed development. Broadly speaking the content and the conclusions contained in the Transport Statement are accepted by the highway authority. The proposed access road geometry and visibility is acceptable having regard to the level of proposed development.

However, the proposals show the provision of a 'virtual footway' along North Road which is not an acceptable design solution to the highway authority. Virtual footways are not a safe design solution and lead pedestrians into a false sense of security when the road is inadequate in respect of width to allow cars to pass and they have to use part of the footway width. In addition, their provision is not covered in the Traffic Signs Regulations and General Directions 2016.

On that basis, the highway authority would wish to see the plans revised to remove the virtual footway provision. Had the applicant or their agent contacted the highway authority prior to the application being submitted, this advice would have been able to be passed on prior to the application being submitted.

As the means of access is to be considered in detail at the outline stage, the plans require revision to remove this facility. The highway authority reserve the right to be re-consulted upon this amendment having been made.

Further observations following receipt of the revised Transport Assessment and plan A095534-SK01B:-

The amended plans and documentation have taken on board the comments of the highway authority in their first formal response. It is also worth pointing out that, due to the date when the application was submitted, no site visit has recently been carried out at school arrival and departure times, but conditions at those times had been observed previously.

The development has the potential to generate a very modest number of additional vehicle movements at the school peak collection hour - in the order of one additional movement every 8.5 minutes, using the trip rate (from TRICS) of 0.347 movements per unit between 1500 and 1600, even if all vehicles were to travel from and to the west (which they won't).

These additional vehicle movements would not give rise to conditions that could be considered to be a severe residual cumulative impact (Para 32 NPPF) so there can be no sustainable objections to the proposals from a highway point of view.

Suitable conditions are recommended to be imposed on any permission granted.

No objection is raised by the Highway Authority.

Leisure and Recreation:

The application has the potential to include the provision of open space and play areas on the site, which will be secured with a Section 106 agreement or offset through financial contributions towards improved play provision locally. In addition offsite contributions for Sport and other outdoor facilities are to be provided. The level of provision is acceptable to cater for the demand from the development.

In addition a large accessible natural green space is proposed as part of the scheme which will be a valuable community facility

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

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

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

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

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

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

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

The Planning Balance and Conclusion

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 20 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

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

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

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

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme. With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above.

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

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

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
SP6 – Density of Housing Development
SP7 – Strategic Distribution of Housing
SP9 – Meeting Housing Needs
SP15 – Traffic Management
SP16 – Safer Communities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP20 – Promoting High Quality Design

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

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions:

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (I) the expiration of three years from the date of the grant of outline planning permission; or if later
 - (II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. Development of land for housing shall only take place within the area shown hatched in yellow on drawing number 1400803-10 and the area hatched in green on that drawing shall be retained as green space.

Reason: To ensure a visual separation between the villages of Lifton and Tinhay is maintained so as to conserve the character of the area and to ensure no development takes place within Flood Zones 2 & 3 in the interest of safety.

5. The proposed estate roads, footways (including alterations to existing footways), footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance vehicle overhand margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose plans and sections indicating as appropriate, the design, layout, levels, gradients, materials and method construction shall be submitted to the LPA.

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

6. No other part of the development hereby approved shall be commenced until.

A) The access road (including any temporary construction access road) has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been co

D) 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.

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

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

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

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

D) The street lighting for 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 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

8. When once constructed and provided in accordance with condition 7 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

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

(a) parking for vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) full details of any temporary site access for construction purposes;
- (g) hours of construction and of deliveries to and from the site;
- (h) location of any construction compound/site offices;
- (i) details and the location of any generators to be used on site;

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

Reason: In the interest of highway safety and the amenity

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system, including details of the exceedance pathways and overland flow routes across the site for the proposed surface water drainage management system, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk and Surface Water Assessment (Dated July 2016 (Updated 06/01/2017), Ref 53057).

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

11. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving watercourse at the southern boundary of the development site is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving watercourse which will be required to facilitate the development.

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

12. 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.

13. 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.

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

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

15. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The submitted report has highlighted additional works that are needed to be carried out. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

- 15 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

16. 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.

17. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for the management and maintenance of public open space and green infrastructure for biodiversity, landscape and informal recreation purposes. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Details of the proposed new play area and equipment;
- (iii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iv) Details of inbuilt provision for birds and bats;
- (v) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (vi) Arrangements for stripping, storage and re-use of topsoil;
- (vii) Materials, heights and details of fencing and other boundary treatments;
- (viii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (ix) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (x) A timetable for the implementation of all hard and soft landscape treatment.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

- 18 Prior to the commencement of development a detailed method statement for the relocation of the Devon Bank, necessary to provide visibility splays for the new access as shown on drawing

number shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of the amenity and character of the area and in the interests of ecology.

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

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

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

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

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

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

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