

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 23rd March, 2021								
Time:	9.30 am								
Venue:	Teams Meeting								
Full Members:	<p style="text-align: center;">Chairman Cllr Yelland Vice Chairman Cllr Pearce</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Cheadle</td> <td style="width: 33%;">Cllr Moyse</td> </tr> <tr> <td>Cllr Crozier</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Hipsey</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Vachon</td> </tr> </table>	Cllr Cheadle	Cllr Moyse	Cllr Crozier	Cllr Ratcliffe	Cllr Hipsey	Cllr Renders	Cllr Mott	Cllr Vachon
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Cllr Crozier	Cllr Ratcliffe								
Cllr Hipsey	Cllr Renders								
Cllr Mott	Cllr Vachon								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Hoare Senior Case Manager - Democratic Services								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes

1 - 6

Meeting held on 16 February 2021

5. Planning Applications

7 - 72

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

START 9.30 am

WARD NAME	Bere Ferrers
APPLICATION NUMBER	3424/19/FUL
LOCATION	"Field at Sx 453 669, Adjacent to Woolacombe Road", Bere Alston
DEVELOPMENT	READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian

STARTING NO EARLIER THAN 10.45 AM

WARD NAME	Tavistock North
APPLICATION NUMBER	2672/20/HHO
LOCATION	31 Glanville Road, Tavistock
DEVELOPMENT	Householder application for proposed ground floor extension to dwelling house and replacement garage roof

STARTING NO EARLIER THAN 12.00 NOON

WARD NAME	Milton Ford
APPLICATION NUMBER	0016/20/OPA
LOCATION	Land to the rear of Edgumbe Terrace, Edgumbe Road, Milton Abbot
DEVELOPMENT	READVERTISEMENT (Revised plans received and amended development description) Outline application with all matters reserved except access and siting for the erection of 5 dwellings (Resubmission of 0889/19/OPA)

- | | | |
|-----------|--------------------------------|----------------|
| 6. | Planning Appeals Update | 73 - 74 |
| 7. | Planning Majors Report | 75 - 76 |

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Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Teams on **TUESDAY** the **16th** day of **FEBRUARY 2021** at **9:30am**

Present: Cllr J Yelland – Chairman
Cllr T G Pearce – Vice Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipse	Cllr C Mott
Cllr D E Moyse	Cllr B Ratcliffe
Cllr M Renders	Cllr P Vachon

Head of Development Management (PW)
Senior Specialist, Development Management (AHS)
Planning Case Officer (JH)
Solicitor (BF)
Democratic Services Manager (DW)
Specialist Democratic Services (JY)
Senior Case Officer, Democratic Services (KH)
South West Highways Officer (PT)

***DM&L 46 APOLOGIES FOR ABSENCE**

There were no apologies forwarded to this Meeting.

***DM&L 47 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr J Yelland declared an interest on behalf of the whole Committee in application 2560/20/HHO due to the fact the applicant was a West Devon Borough Councillor.

Cllr B Ratcliffe declared a personal interest in application 2560/20/HHO due to being a member of Tavistock Golf Club which the applicant was also a member.

Cllr S Hipse declared a personal interest in application 2560/20/HHO due to being a friend of the applicant.

Cllr T G Pearce declared a personal interest in all applications by virtue of being a Member of the Devon Building Control Partnership and remained in the meeting and took part in the debate and vote thereon.

***DM&L 48 URGENT BUSINESS**

There was no urgent business brought forward to this Meeting.

***DM&L 49 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 12th January 2021 were confirmed as a correct record.

***DM&L 50 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Chairman confirmed that two applications, 2672/20/HHO and 2295/20/FUL had been withdrawn from the agenda.

The Committee proceeded to consider the application(s) that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

(a) Application No: 2560/20/HHO Ward: Tavistock South East

Site Address: 6 Tiddy Brook Road, Whitchurch

READVERTISEMENT (revised plans received) Householder application for proposed single storey rear extension, convert single attached garage, installation of roof lights and dormer.

Speakers included:

Supporter – Mrs K Bridgewater
Town Council Representative – Cllr P Ward

RECOMMENDATION: Conditional Approval

During discussion, the following points were raised:

- (a) The Town Councillor explained the town council initially raised concerns over expansion of a business, however since the letter of representation from the agent had been posted on the website he was confident that the objections were overcome.
- (b) If the business was to expand and no longer be ancillary use enforcements officers would look at the situation.

COMMITTEE DECISION: Conditional Approval.

Conditions:

1. Standard time limit
2. Adherence to plans
3. Materials to match
4. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development. And, if any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.
5. To be used ancillary to main house only.
6. Existing treatment room shall cease to be used as such upon first use of a treatment room as approved.

(b) Application No: 3424/19/FUL Ward: Bere Ferrers

Site Address: "Field at SX453 669, Adjacent to Woolacombe Road" Bere Alston

READVERTISEMENT (revised plans received) Application for 31no. new dwellings and associated access road and pedestrian link.

Speakers included:

Supporter – Mr D Summerfield
Parish Councillor – Cllr B Lamb
Local Ward Member – Cllr P Crozier;

RECOMMENDATION: Delegate to Head of Practice Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation, for the following contributions towards:

DCC Education -£16,830.00

OSSR: Off-site Play Contribution of £20,073.60, towards improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways at the discretion of the Council

Off-site Sports Contribution of £25,835, towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village of Bere Alston and improvements to the basketball area behind the village hall.

Affordable Housing - 9 units. Plots 13, 24 and 27 shared ownership and plots 25, 26, 28, 29,30 and 31 social rented units

Tamar Estuary Special Area of Conservation £14,597.73.

Movement of the 30 mph sign 70 metres to the south east of the site entrance. £5000.00 to carry out the TRO.

Conditions (list not in full)

- 1 Time limit
2. Accord with plans
3. Materials to be agreed before development proceeds beyond slab level.
4. Full details of the hard and soft landscaping of the public open space, including play equipment , fencing, surfacing, bins and benches.
- 5 .Archaeological scheme of investigation
- 6.Unexpected contamination
7. No commencement until details of access road; ironwork; site Compound.
- 8 No occupation until cul de sac carriageway including turning head has been laid out and kerbed. Drained and constructed; footways have been provided; visibility splays have been laid out; street lighting for the spine road has been erected where appropriate (based on on ecology constraints); car parking has been completed.
9. Once constructed the carriageway, turning head, footways and

- footpaths shall be maintained.
10. No external lighting shall be erected on the site until the type, direction and lux level of that lighting being first submitted to and agreed by the Local Planning Authority.
 11. Construction management plan
 12. PD removal for sheds, hard surfaces, in the rear garden to protect the net gain in biodiversity
 13. Drainage condition
 14. Prior to occupation, details of the proposed garden gates shall be submitted to and approved by the Local Planning Authority
 15. Prior to occupation of Plots 17, 22 and 11 the route through shall be completed and open for pedestrians to use.
 16. Details of the planting for northern hedge shall be submitted to and agreed by the LPA prior to commencement beyond slab level and planting shall be implemented in the next available planting season
 17. The open space in the middle of the site shall be retained as open space and shall not be used for any other purpose without the prior written consent of the local planning authority.
 18. Hedge protection details.
 19. Hedge retention.
 20. Prior to their installation details of the boundary treatments shall be submitted to and approved by the LPA
 21. LEMP
 22. Development to be in accordance with Energy Statement.
 23. Development to be carried out in accordance with the Geotechnical/geoenvironmental report.
 24. Development to be in accordance with the biodiversity Report.

Informatives:

Two x highway informative
PROW informative

In discussion, reference was made to:

- (a) Concerns on the entrance road to the development leading onto a country lane with impeded visibility due to high hedges and a cross roads junction. Preferred access via the northern boundary. The Solicitor urged caution to the committee as there were no objections received from Devon County Council Highways.
- (b) The proposed laying of paviors raising concerns for refuse vehicles crossing the development. A request to change to bitmac surface at the higher end of the development.
- (c) Solar panels not being made obligatory on all of the dwellings caused concerns.
- (d) The need for enhanced landscaping particularly on the northern boundary of the development.
- (e) Proposal for ducting to be in place for installation of superfast broadband

COMMITTEE DECISION: Application deferred to enable discussion to take place on improvement to the two junctions on Woollacombe Road.

***DM&L 51 PLANNING PERFORMANCE INDICATORS**

The Head of Development Management took members through the Planning PI's.

***DM&L 52 PLANNING APPEALS UPDATE**

The Head of Development Management updated the Members on each of the outstanding planning appeals.

***DM&L 53 UNDETERMINED MAJOR APPLICATIONS REPORT**

The Head of Development Management updated the Members on each of the undetermined Major applications.

(The Meeting terminated at 12.43 pm)

Chairman

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**PLANNING APPLICATION REPORT:
Addendum report 23/3/2021 DM & L Committee.**

Case Officer: Jacqueline Houslander

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

Application No: 3424/19/FUL

Agent/Applicant:

Mr Darren Summerfield
5 Barnfield Crescent
Exeter
EX 1 1QT

Applicant

Mr Steve Billings
Burrington Estates
Dean Clarke House
Exeter
EX1 1AP

Site Address: Field at Sx 453 669, Adjacent to Woolacombe Road, Bere Alston, PL20 7HH

This planning application was deferred at the previous DM & L Committee in order to further investigate the two junctions (Collytown Cross and the junction between The Down and the B3527).

Other matters raised at the meeting have also been addressed since the Committee. This addendum report provides these details.

The Committee report presented to the previous Committee is attached to this Addendum report.

Solar Panels:

Members expressed concerns that the solar panels had not been indicated on the Affordable Housing units in the scheme. The applicant has now provided a plan indicating solar panels on all houses where the orientation allows, including some of the affordable units.

Road surfacing

The applicants have submitted an amended plan indicating the tarmac extended to the turning area at the northern end of the site. This will allow refuse lorries to turn around on the site.

Lighting

The current proposal does not provide any street lighting in order to prevent harm to the wildlife interests in particular along the southern portion of the site. However Members expressed concern with regard to this and the need for pedestrians using the footpath, to feel safe. The applicant has indicated that they would be prepared to put street lighting in if required. It is therefore proposed to amend the lighting condition proposed so that some lighting could be provided in line with lux levels agreed by the ecologist. The revised wording would be:

No street or external lighting shall be erected on site until a lighting scheme, including direction, type and lux levels for the whole site has been submitted to and approved by

the Local Planning Authority. The approved scheme shall subsequently be implemented on the site, unless otherwise agreed with the Local Planning Authority.

Reason: To protect wildlife in and around the site and the dark skies of the AONB landscape.

Road junctions

After the DML committee meeting (16/2/2021), a meeting took place between a representative from the Parish Council, Councillor Crozier, the planning officer, the Highways officer and the applicant and his agent. This was to explore the issue that the Parish Council and Members have over the two junctions – Collytown Cross and the junction with the Down and Bedford Street (B3572). Discussion also took place about the reasons why the proposal did not provide access from the B3572

The Neighbourhood Plan states:

“The preferred site access should be directly onto the main road to Tavistock (B3257) into /out of the village. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.”

A plan was submitted by the applicant in January of 2020, indicating that in order to achieve the visibility onto that road, even if it were to be reduced to a 30mph would involve the removal of the entire Devon hedge and involve land which was not in the applicant’s ownership.

Because of the potential negative impact on the AONB, it was considered that the Woolacombe road access would be preferable.

So, whilst the B3572 road was identified as being the preferred location for the access to this site in the Neighbourhood Plan, the overriding interests of the AONB (in accordance with policy DEV25 of the JLP and E1 of the NP) were considered by officers to weigh against the proposed access of the B3572, as well as it not being possible to achieve in terms of land ownership.

Officers consider that the NP in this instance has been complied with because the other (preferred) access was considered, but for environmental reasons discounted. The Neighbourhood Plan Policy allows for this.

Improvements to the Collytown Junction and the Bedford Road (B3572) and The Down.

The other concern was the poor visibility at two junctions – Collytown Cross and the junction between The Down and the B3257. These junctions are not directly associated with the application site and are not owned by the developer.

Policy T4 in the Neighbourhood Plan makes reference to the Collytown junction as follows:

“Any proposals for residential development of the South Woolacombe Road site (ref. WD_48_04_08/13) should incorporate measures to improve sight lines at the Collytown crossroads (Woolacombe Cross) on the Bere Ferrers village route financed by S106 levy. Any such access/highway improvement must reflect the rural character of this sensitive location and avoid using lighting, signage, materials, boundary treatments/finishes and other ephemera that have an overly urbanising effect.”

There will therefore be an opportunity to explore the Collytown cross junction when this site allocation comes forward.

As regards The Down/Bedford Street junction, the highway authority have indicated that the access onto Woolacombe road is acceptable for the amount of traffic to be generated by this application and has not indicated that improvements are needed to the two junctions.

The improvements to the junction cannot therefore be provided for through this planning application.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Ferrers

Parish: Bere Ferrers **Ward:** Bere

Application No: 3424/19/FUL

Agent/Applicant:

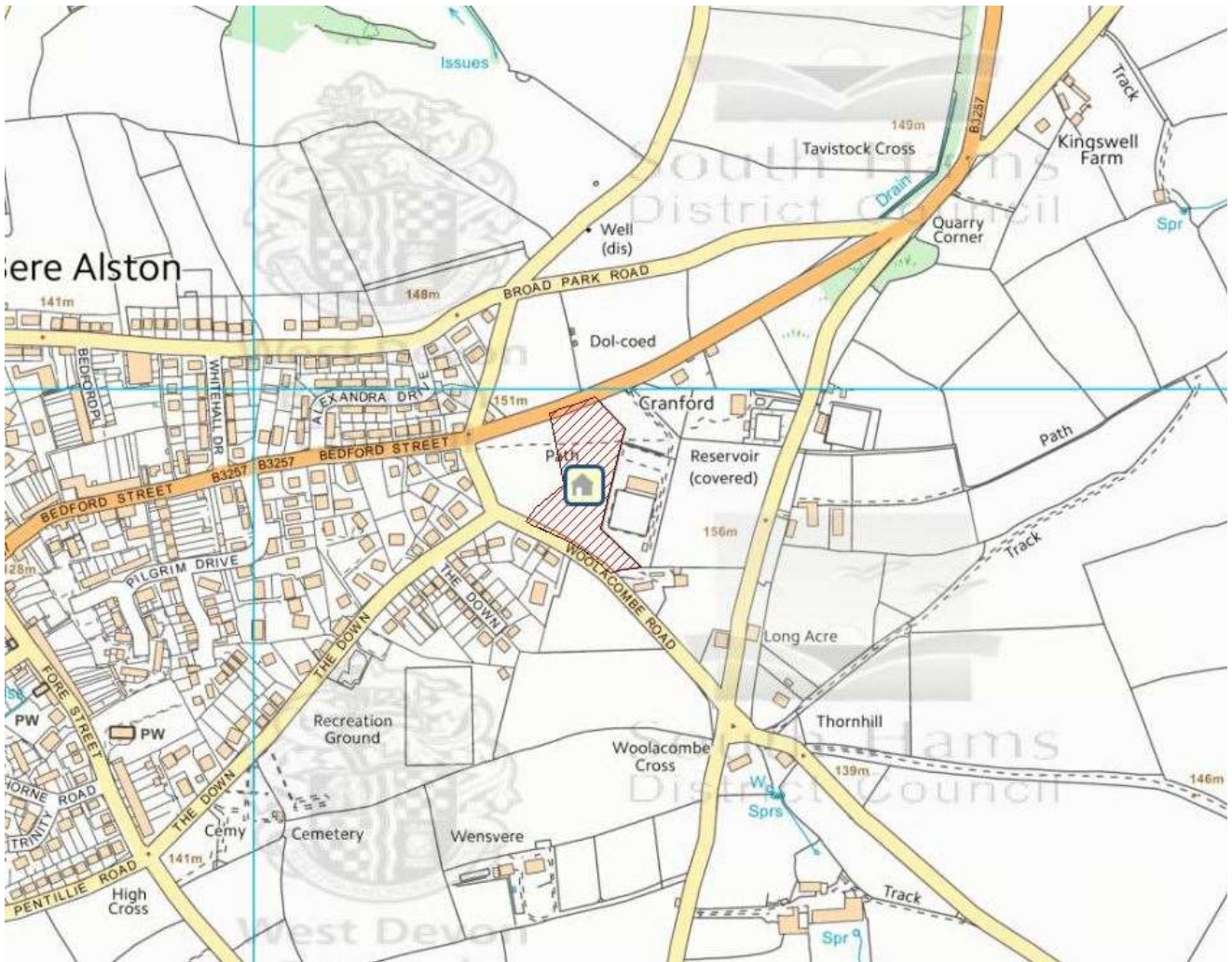
Mr Darren Summerfield
5 Barnfield Crescent
Exeter
EX 1 1QT

Applicant:

Mr S Billings
Burrington Estates Ltd.
Dean Clarke House
Exeter
EX1 1AP

Site Address: Field at Sx 453 669, Adjacent to Woolacombe Road, Bere Alston, PL20 7HH

Development: READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian link



Reason item is being put before Committee:

The ward members requested that this application be heard at Planning Committee because of concerns that the development must meet the Neighbourhood Plan; concerns over the use

of the Woolacombe road for access to the development as junctions at Bedford Street/The Down and the Collytown/ Woolacombe Rd/Bere Ferrers Rd were identified in the Neighbourhood Plan appendix as requiring improvements.

Recommendation: Delegate to Head of Practice Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation, for the following contributions towards:

- DCC Education -£16,830.00
- OSSR: Off-site Play Contribution of £20,073.60, towards improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways at the discretion of the Council
Off-site Sports Contribution of £25,835, towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village of Bere Alston and improvements to the basketball area behind the village hall.
- Affordable Housing - 9 units. Plots 13, 24 and 27 shared ownership and plots 25, 26, 28, 29,30 and 31 social rented units
- Tamar Estuary Special Area of Conservation £14,597.73.
- Movement of the 30 mph sign 70 metres to the south east of the site entrance. £5000.00 to carry out the TRO.

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Materials to be agreed before development proceeds beyond slab level.
4. Full details of the hard and soft landscaping of the public open space, including play equipment , fencing, surfacing, bins and benches.
5. Archaeological scheme of investigation
6. Unexpected contamination
7. No commencement until details of access road; ironwork; site compound
8. No occupation until cul de sac carriageway including turning head has been laid out and kerbed, drained and constructed; footways have been provided; visibility splays have been laid out; street lighting for the spine road has been erected where appropriate (based on ecology constraints) ; car parking has been completed.
9. Once constructed the carriageway, turning head, footways and footpaths shall be maintained.
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18. Hedge protection details.
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21. LEMP
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Informatives:

Two x highway informative

PROW informative

Key issues for consideration: Landscape impact; impact on the Tamar Valley AONB; Neighbour amenity; infrastructure contributions - open space provision; affordable housing contribution; design; highway and pedestrian considerations.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description: The application site lies on the eastern edge of Bere Alston, to the south of the B3257. The site is adjacent to Bere Alston Bowling Club, which lies to the east of the application site. The field is relatively flat and is currently grassed. The field is surrounded by Devon hedges.

To the west of the application site is a recently completed housing development of 16 semidetached houses (known as The Down). There is a road within that site which extends to the boundary with the application site, but it is not proposed to extend that road into the site, however there will be a pedestrian access to the site from that point in the neighbouring development.

To the north is the B3257 road between Tavistock and Bere Alston and beyond that agricultural fields. To the south is Woolacombe Road, off which three bungalows are served which lie on the opposite side of Woolacombe Road.

The whole site lies within the Tamar Valley AONB

The Proposal:

Full application for 31 new dwellings and associated access road and pedestrian link.

The proposal includes a mix of 1, 2, 3 and 4 bed dwellings, with 9 of these homes proposed as affordable. An area in the upper middle part of the site is proposed as open space both informal and a Local Area of Play (LAP). The northern boundary of the site will be reinforced with native hedgerow and tree planting. A woodland block is proposed in the north east corner of the site. An existing Public Right of Way (PROW) crosses the site and this has been improved and

slightly diverted within the layout and is adjacent to the proposed open space. The changes to the footpath will be subject to a separate application to the County Council to change the route of the footpath slightly. The access to the site will be off the road to the south, Woolacombe road, which currently serves 6 other properties, two detached properties to the south east and 4 opposite the application site.

The development layout shows a new access off Woolacombe road which extends northwards through the site, with a slight change in direction. There are turns both right and left as you enter the site which serve 5 dwellings to the right and 5 to the left. Progressing along the route in a northerly direction, with houses along both sides of the road to the area of open space, above which the road extends right and left with a crescent of 6 houses across the north of the site. The road and footpath cut across the open space.

The design of the dwellings is traditional with pitched roofs and gable walls. Materials proposed are a mixture of render, slate roofs and slate hanging.

Consultations:

- **County Highways Authority:** The Transport Statement prepared by the applicant's consultant details the anticipated traffic and trip generation to and from the site and the highway authority are generally in agreement with its content and conclusions. Appropriate conditions and the requirement for the applicant to contribute towards the investigation and alteration of the speed limit terminal points in the vicinity of the site access are recommended.
- **Environmental Health Section:** Access and turning area appear adequate for refuse collection vehicles for the majority of the site. We would seek assurance that the sections identified as brick pavements are suitable for a 26 tonne vehicle as reverse over this area would be required for kerbside collection. If assurance not provided waste containers from plots 1-4 and 7-11 would need to be presented at the edge of the central tarmacked road. This accumulation of containers on collection day may impact overall street scene
- **Bere Alston Parish Council:** Initially the Parish Council raised concerns about the application as follows: We cannot support this application in its present form of capacity, layout and design.
In particular it contravenes the Neighbourhood Plan for the Bere Peninsula which was only recently adopted by the Borough Council on 16 October 2018. This plan forms part of the JLP for this Borough. The NP is contravened as follows:-
Development of 37 houses is well in excess of amount in the NP.
The NP asked for landscape treatment of the countryside site edge, with an enclosing Devon hedge as well as selected tree plantings.
The development should create a positive visual gateway onto the main road into the village (B3257,) which is in character with this nationally designated landscape, rather than the urban view that has been depicted to the north.
Limit the height of the development to reduce its prominence within the countryside.
The development is cramped and urban where car parking seems to dominate green spaces in its linear layout. We suggested in the NP that the houses, where appropriate, should centre on open public spaces, in a similar way to the nearby Pentillie Estate, with a variety of styles that would reflect the present dwellings in Bere Alston.
We believe that the installation of solar panels and charging points for electric cars must be considered.

It is essential that the junction at Colytown crossroads, to the east of the site has an accepted visibility display on the north side and the junction with Bedford street and the Down has similar problems with visibility on its west side and road width on the north side which would have to be a requirement if consent is granted.

We ask that the Development Management Committee should visit the site and when the matter is considered by that Committee this Parish Council would want to make representations.

After the submission of the revised plans for 31 dwellings instead of the 37 initially put forward, the Parish Council comments were:

Pleased that the Council's previous objections had been noted and the developers have reduced the number of houses, but it appears they have not included information regarding renewable energy or combined heating schemes for the properties. The WDBC should try and get the developers to include renewable energy, for example solar panels and electric charging points. The borough Council should also ask for carbon reduction in the building of these houses.

- **Ecology:** Holding objection with regard to Biodiversity, further information is required to address biodiversity net gain and the southern hedge, where there may be light spill from the proposed dwellings. The ecologist also made reference to the Public right of Way, *"It is unclear whether any PROW diversion is to be sought separately under s257 of the Town and Country Planning Act, or whether the intention is to retain the route as at present. If the PROW is intended to be diverted to enable the development to be delivered, the proposed diverted route of FP20 should be shown, along with width, surfacing and any 'obstructions' (i.e. stiles/gates). If the existing route is to be retained, it should be demonstrated how the existing route (2 metre wide) will be achieved through the site, including surfacing."*
- **Additional information was received moving the development away from the southern hedge and a biodiversity net gain assessment was undertaken using the Biodiversity Metric Rules (The Biodiversity Metric 20.0 User Guide, Natural England 2019).**
The conclusion of the report was that the development achieved a 4.63% net gain in habitat units and a 23.41% net gain in linear units.
- **Archaeology:** The site is in an area of known archaeological potential, meaning that groundworks would have the potential to expose archaeological remains. A written scheme of investigation is required wither during the application process or as a planning condition.
- **Devon and Cornwall Police architectural liaison:** No concerns in principle, but recommend following Building Regulations Approved Document, and Secured By Design (SBD) principles, with regards to: access and movement; structure; surveillance; ownership; physical protection; activity and management and maintenance.

The parking provision seems inadequate. Tandem parking is also problematic and results in parking on the street. Recommend a condition relating to rear garden gates.

- **Devon County Council Education:** An education contribution is required to mitigate the impact of the development on school places. The proposed 31 units will generate 7.75 primary school pupils and 4, 65 secondary pupils. There is sufficient forecast capacity in Bere Alston Primary School and Tavistock College. A contribution is therefore requested

towards school transport for the secondary school children of £16,830.00 (£3.81 per day x 4.65 secondary pupils x 190 academic days in a year x 5 years at secondary school).

- **Tamar Valley AONB unit:** Initially the AONB unit had many concerns with the layout and design of the proposed units (37 unit's layout). Since the revised plans have been submitted, some of their concerns have been addressed. The following points remain a concern for the AONB Unit.:
 - The current layout plan still shows the red-edged extent of the application site as stopping on the inside of the hedge and it is unclear as to whether the path will join up with the development on the other side of the break in the hedge as there is a gap due to the basal width of the hedge.
 - The hedges within the site as previously proposed have been removed for the most part.
 - The woodland block is fairly small in scale and does not extend very far as it could to provide further tree planting along the roadside boundary adjacent to the B3257 and along the site's eastern boundary would provide further screening of the proposed development as was also suggested previously.
 - The layout plan still appears to show that the proposed entrance indicates a hedge return that does not appear to be a Devon hedge appearing to be much narrower than the existing hedge.
 - Plots 6 and 7 (previously 5 and 6) still have inward facing principle elevations that result in a poor quality street-scene.
 - The rubbish collection point also has the potential to be unsightly.
 - The changes to layout and quantity of parking provision is noted but it still appears to dominate the main street scenes with large areas of hard-surfacing being the dominant feature especially along the main spine road between the units to each side of the road (block of units 12-16 and 23-31). Again the trees interspersed within the street-scene do little to alleviate this.
 - There is no focal point within the development such as that suggested in Policy H2 of the adopted NP.
 - The LAP is noted, but it reads as being somewhat peripheral to the main bulk of the development. It would be a little more central if it were to switch positions with units 14-16.
 - The designs have not really altered to meaningfully respond to previous comments in that they still propose half height slate hanging to the sides of houses instead of full height as is common in Bere Alston.
 - Use of stone appears very limited and the canopy and open porches are somewhat generic and is not a prevalent feature when considering the older parts of the settlement such as Fore Street and Cornwall Street where doorways are instead deeply recessed to provide cover against wind and rain, sometimes with a very modest flat canopy porch.
 - Does not seek to reflect local distinctiveness or to fully embrace the full range of changes that could be made in terms of the above matters. It is felt that the revisions go so far to address some issues but the scheme is still lacking in certain areas of detail as noted above.

- **South West Water:** Applicant advised to contact SWW with regard to a public 160mm water main in the vicinity of the development. Foul sewerage services are able to be provided from the existing public foul or combined sewer in the vicinity of the site.

- **Devon Lead Local Flood Authority (LLFA):** Initially the LLFA objected to the development on the basis that the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. Additional information was requested. That information was submitted in August 2020. In response the Lead Local Flood Authority have withdrawn their objection subject to imposition of a condition requesting additional information about flow modelling; drainage layout and geo environmental and geotechnical reporting.
- **Public Rights of Way officer:** A minimum 2 m wide surface is required to be maintained. This should have a good surface accessible by all. If a diversion is required to provide the footpath this should be applied for accordingly through the T&C Act before development begins. If a footpath closure is required to allow development to commence, this must be applied for in the usual way, and a temporary diversion provided. This will not be consented to until clear evidence is given that the existing or diverted footpath has been planned for and permission has been given. Planning consent should only be given when it is clear the footpath has been correctly planned for.
- **Open Space, Sport and Recreation:** An onsite natural play space is provided (LAP). As a result of the onsite provision the offsite contribution is £20,073.60, which would be used towards “improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways”. And off site sports contribution - £25,835 towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village and improvements to the basketball area behind the village hall. A condition on the details of the LAP required.
- **Affordable Housing:** Reference is made to Policy DEV8 in the Plymouth and South West Devon Joint Local Plan, where a minimum of 30% on site affordable housing will be sought for schemes of more than 11 dwellings. This application is for 31 dwellings with 9 being affordable, which does not quite equate to 30%. Provided the rented element of the affordable housing is for social rented tenure, the proposal is acceptable.
- **Landscape comments:** The landscape officer has been involved in the evolution of the layout of the site and has helped to inform the position of the landscaping in and around the site. Upon submission of the latest landscape plan the landscape officer is generally happy subject to clarification over a number of species proposed. An amended plan has subsequently been received which indicates that all of the issues raised by the landscape officer have been addressed. The landscape officer has yet to comment on the amendments, however it is proposed to either add a condition or to update Members at Committee if there remain any concerns. It is however also proposed to place a condition on the consent to ensure the landscaping works take place in the next available planting season upon completion of the development.

Representations:

Representations from Residents

41 letters of representation have been received both for the original proposal and the revised proposal. It is not proposed to provide the comments from the initial proposal as it is the revised scheme which is now being considered.

43 letters of representation objecting to the development, but these include repeat objections

- A proper plant and wildlife survey should be done before building takes place as we have seen hedgehogs; newts; slowworms and a grass snake, which I believe are protected.
- The housing should not be overpriced, as it is locals that need this housing.

- The number of second home owners in this area has inflated the market, but it is the people living in the community that need affordable housing.
- Who is going to be responsible for keeping the bin area clean and tidy? The adjacent development is constantly left with uncollected recycling bins and general rubbish
- Who will be responsible for the maintenance of the common areas, including hedges?
- Lack of overflow parking, more than 2 cars per households are more common.
- Woolacombe road would not be an alternative because of the road being in constant use by pedestrians and dog walkers and as well as farm vehicles.
- Access onto Woolacombe Road would involve 2 potentially dangerous manoeuvres – junction of the Down, the other being an almost blind corner entry onto the B3257. This could be resolved by a mini roundabout from the housing estate onto the B3257.
- Why is there no provision for PV panels? Or electric charging points? It must be imposed as a condition.
- The exit from the site on to Woolacombe Road. If cars exiting turn left and then left onto the Bere Ferrers road heading towards Tavistock or Plymouth they will be at an extremely dangerous junction at Woolacombe cross, with almost zero visibility. If they turn right they will then have to turn right on to Bedford Street and again there is limited visibility to the left, but it is a better option.
- It will result in an intolerable amount of additional cars on the Bere Peninsula. The road to Plymouth via Denham Bridge is single carriageway and badly maintained and is already overcrowded at rush hour.
- Where are all of the jobs that will support this housing? They will probably have to commute and unless the bus and train services improve they will have to drive.
- Visitors to the houses opposite the site entrance parking on the road will reduce the road width to 3 metres.
- The removal of a significant amount of natural hedgerow is against the NP and the AONB
- The NP proposed that the primary access should be off the B3257. It would be much easier to have a wide splayed access off this road.
- There is no indication how the water and foul drainage will be maintained.
- Access and egress should be off the B road, avoiding several difficult manoeuvres.
- This number of houses is not needed in the village
- The field has always flooded. Since the 14 houses at The Down have been built it floods more
- A government Inspector stated that Woolacombe road was too dangerous to have an entrance onto it.
- Woolacombe road is used by walkers, runners, horse riders and heavy farm vehicles as well as cars and cyclists. There is no pathway either side of the road. The access to the housing from this road is dangerous.
- Some housing has a water supply from the farm which could be contaminated by the surface water run-off from this site.
- The development is a site of 2 halves. The bigger houses alongside the main road will be easier to sell and the high density houses off Woolacombe road.
- The development will impact on the properties opposite the site entrance
- Why a large empty space in the centre? Will there be a request for further development on this in the future?

5 letter's in support (including 2 repeat letters):

- Bere Alston desperately needs affordable housing. The development will bring much needed housing o the area.
- It is very difficult to purchase or rent a 3 bedroom house in Bere Alston

- The location is an efficient use of land and will benefit the local community
- As key workers we have struggled to find houses for our family of four.

Relevant Planning History

None

ANALYSIS

Principle of the development.

The application site is an allocated site for residential development in the Plymouth and South West Devon Joint Local Plan and also the Bere Peninsula Neighbourhood Plan. The JLP indicates that the site should provide 30 homes and include: Layout, design and location of structural landscaping to be guided by landscape assessment; mitigation of recreational impact on SAC; contribution towards rail link between Tavistock and Bere Alston and ensuring that proposals are well integrated with the existing development.

The Neighbourhood Plan Policy H2 provides criteria for the development of the site

Policy H2. Development considerations for Land to North of Woolacombe Road (Ref: WD_48_19_08/14)

This site is intended to provide some 30 new homes of an appropriate range, mix and type to meet local needs, over the period 2017-26. Its development is expected to be carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council. Any proposal, deemed major development in the AONB will be required to demonstrate the exceptional circumstances and public interest required by the National Planning Policy Framework.

Any application should be accompanied by a Landscape Visual Impact Assessment, a Transport Statement (which includes an assessment of the likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents.

The development should demonstrate compliance with the relevant policies of the adopted Development plan and policies H6 and Policy H7 of this plan. The proposals must also have regard to the following requirements:

- *The development should create a positive visual frontage onto the main road into the village (B3257), providing a positive gateway to the village that is in character with the area.*
- *The preferred site access should be directly onto the main road to Bere Peninsula Neighbourhood Plan Final version June 2018 Tavistock (B3257) into /out of the village. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.*
- *Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- *Limit the height of development so that it is not prominent in the landscape.*
- *Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
- *Arrange the houses, where appropriate, so that they centre on open public green spaces, to be provided within the development.*
- *Include a children's play space if required, and retain the public right of way.*
- *Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may be required by legal obligation to provide or*

contribute towards wider and long term planning benefits associated with the alleviation of any such impacts.

As a result of the allocation, it is determined that provided the proposal meets the criteria in the allocation, it is acceptable.

In considering the development against the allocation, the proposal provides for 31 dwellings (it had originally been for 37, but that was later reduced to 31). Whilst it is one over the allocation, it is considered that provided the other aspects of the allocation policy are met, the additional dwelling could be acceptable.

A Landscape and Visual Impact Assessment was submitted in support of the application and was assessed in detail by the Landscape officer, who initially had some concerns, however as the application has been progressed changes have been made such that the Landscape officer is now satisfied with the proposal. It will be seen above that the AONB unit whilst having reduced concerns still maintained some of their concerns about the impact of the development on the AONB. Policy DEV25 in the Joint Local Plan and Policy E1 in the Neighbourhood Plan seek to ensure that the landscape qualities of the AONB are conserved enhanced and protected (NP).

The remaining concerns of the AONB unit have in part been resolved in further discussions with the applicant and the submission of amended plans as follows:

- *The current layout plan still shows the red-edged extent of the application site as stopping on the inside of the hedge and it is unclear as to whether the path will join up with the development on the other side of the break in the hedge as there is a gap due to the basal width of the hedge.*

This has been discussed with the applicant and they have stated that it is their intention to make sure the paths do join up in agreement with the adjacent land owners. In planning terms, it is proposed to place a condition on the consent to ensure that prior to occupation of Plots 17, 22 and 11 the route through shall be completed and open for pedestrians to use.

- *The hedges within the site as previously proposed have been removed for the most part. The only hedgerows to be removed as a result of this scheme is part of the hedgerow onto Woolacombe road (the access to the site).*

There are currently no hedges within the site which are to be removed.

- *The woodland block is fairly small in scale and does not extend very far as it could to provide further tree planting along the roadside boundary adjacent to the B3257 and along the site's eastern boundary would provide further screening of the proposed development as was also suggested previously.*

The applicant has provided landscaping scheme which increases the tree planting on the northern hedgerow.

- *The layout plan still appears to show that the proposed entrance indicates a hedge return that does not appear to be a Devon hedge appearing to be much narrower than the existing hedge.*

The hedgerow has been amended to a Devon Bank – details of which will be requested via a planning condition.

- *Plots 6 and 7 (previously 5 and 6) still have inward facing principle elevations that result in a poor quality street-scene.*

Officers do not agree with this point and feel that plots 6 and 7 tighten the entrance point, with development which then broadens out creating a space where plots 12, 13, 29 and 30/31 look onto. There is a need to retain some of the space between the two dwellings for a service strip on both sides of the road.

- *The rubbish collection point also has the potential to be unsightly.*

The hedgerow and further planting have been provided to overcome this point.

- *The changes to layout and quantity of parking provision is noted but it still appears to dominate the main street scenes with large areas of hard-surfacing being the dominant feature especially along the main spine road between the units to each side of the road (block of units 12-16 and 23-31). Again the trees interspersed within the street-scene do little to alleviate this.*

Officers have worked hard to alleviate the parking along the road running up the centre of the site, however with the numbers of dwellings and the requirement for them all to have at least 2 parking spaces (as indicated in the SPD), it has been difficult to address this issue. In previous iterations of the proposal, there were far more properties with tandem parking (one behind another) which was a concern for both the Police Architectural Liaison and affordable housing. This has been reduced to 4 properties, and landscaping along the central route has been increased slightly to attempt to break up the visibility of the parking. The surfacing for this area will be conditioned such that it could aid this issue. Officers are satisfied that as much as possible has been done to alleviate the parking issue along the central route.

- *There is no focal point within the development such as that suggested in Policy H2 of the adopted NP.*

Again officers disagree with this point, the proposal does provide an area of open space in the top centre of the site, which aligns with the PROW, which officers consider is appropriate.

- *The LAP is noted, but it reads as being somewhat peripheral to the main bulk of the development. It would be a little more central if it were to switch positions with units 14-16.*

The applicant was asked if it was possible to do this, however they declined. In addition placing the open space in the location of Plots 14-16 which is the narrowest part of this part of the site, would result in less natural surveillance of the space. Officers are satisfied that the open space provides a central green area, which has good natural surveillance over it and is accessible to all of the development. From a distance the green area will also help to break up the built form on the site.

- *the designs have not really altered to meaningfully respond to previous comments in that they still propose half height slate hanging to the sides of houses instead of full height as is common in Bere Alston.*

This issue has been addressed and the slate hanging has been lowered on the front elevations so as to replicate the manner in which it is used in the centre of Bere Alston.

- *use of stone appears very limited and the canopy and open porches are somewhat generic and is not a prevalent feature when considering the older parts of the settlement such as Fore Street and Cornwall Street where doorways are instead deeply recessed to provide cover against wind and rain, sometimes with a very modest flat canopy porch.*

It is acknowledged that there is only minimal use of stone, however it must also be acknowledged through policy DEV20 that the context must be considered and there are very few stone buildings within the village. In fact most of the traditional and more recent development have render finishes which is part of the material palate for this proposal. The doorways have been more deeply recessed, however the porches have remained as originally proposed.

There are some lean to porches but also some with a pitched roof porches. It is not considered that this issue warrants a reason to refuse the application and it must also be acknowledged that many other changes requested both by consultees and officers have been carried out.

- *does not seek to reflect local distinctiveness or to fully embrace the full range of changes that could be made in terms of the above matters. It is felt that the revisions go so far to address some issues but the scheme is still lacking in certain areas of detail as noted above.*

The changes to the elevations have resulted in the proposed dwellings reflecting the proportion of materials across the elevations more in line with the traditional properties in the centre of Bere Alston. The layout has changed 3 times since its original submission and officers consider in light of the shape of the site, the layout is far better than originally submitted and is therefore acceptable.

The NPPF 2019 in relation to housing development makes reference in para.172 to major development in the AONB areas:

“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Two issues of relevance to this are firstly that the site is allocated in an adopted development plan and its location in the AONB was analysed at the time the site was allocated in the JLP and the Neighbourhood Plan.

Secondly, the whole of Bere Alston is within the AONB designation. Therefore in order to provide for the towns residential needs, any site would have some degree of impact on the landscape quality of the AONB. As the NP states in para. 08.d.iii.01 *“While it is recognised that all the achievable development options will impact to a greater or lesser extent on the area's special landscape character, this needs to be balanced against the requirement to provide for local housing needs in the most sustainable way to ensure the area remains a vibrant, living community.”*

The Neighbourhood Plan (NP) goes on to state *“The two site allocations North [this site is the northern site] and South of Woolacombe Road have been assessed in the housing report of survey as being the most suitable, available and achievable alternatives for housing development. Their development has been assessed as having the least impact on the character and special qualities of the AONB and World Heritage designations, as well offering the best opportunities to moderate any potential impacts from development. They also offer the greatest opportunity to minimise the impact of through traffic in the village, and the land to North of Woolacombe Road also provides an opportunity to improve the main gateway to Bere Alston.”*

In light of the fact that the Neighbourhood Plan process assessed the development allocations against the 3 tests for major development in the NPPF, officers consider that it is not necessary to assess the development further against the NPPF requirements. The balance of housing need, landscape quality and public benefit has already been assessed through the Plan making process. A transport Assessment has been submitted which will be further considered in the Highway section below. A surface and foul water assessment has been provided and the Lead Local Flood Authority have withdrawn their previous objection to the proposals subject to a condition.

In terms of local housing needs, the scheme is providing:

- 2 x 1 bed flats;
- 5 x 2 bed houses
- 13 x 3 bed houses and
- 11 x 4 bed houses.

The Neighbourhood Plan process identified in the Housing Provision Survey carried out in October 2016 that there was a need for 50 new dwellings in the NP area over the Plan period (up to 2034) and that the need should be met in Bere Alston because of its sustainability. In terms of type of housing needed the Plan states in Volume 2 para. 04. d.ii.03 that a range of house types should be provided. The demand at the time of the Survey was for 56% 1 bed; 29% 2 bed; 12% 3 bed and 3% 4 bed. There was however a recognition that such a large proportion of 1 bed dwellings was likely to be un-economic for developers. There was also recognition of the need for affordable housing. The requirement at the time was for 40% affordable, however that figure through the JLP process has been reduced across the Plan area to 30%.

The findings of the report have been reflected more broadly in the NP, indicating in Policy H7, that a broad range of housing, a mix of housing type, size and tenure to meet the current and future demographic characteristics and requirements of the parish. It states that particular regard should be had to the need for 1 and 2 bed housing, so as to meet the needs of the aging population and single people. The policy also reflects the need for affordable rent and shared ownership housing.

Policy DEV8 in the Joint Local Plan also identifies the fact that a broad mix of dwelling type's sizes and tenures should be provided and states that the particular needs cross the plan area are:

- “i. Homes that redress an imbalance within the existing housing stock.*
- ii. Housing suitable for households with specific need.*
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.”*

The proposal does provide some smaller units, including 2 x 1 bed flats and 5 x 2 bed dwellings, 3 of which are affordable units (which does reflect the affordable housing need

identified in the NP). However the majority of housing is 3 and 4 bed units, in both semidetached format and detached. Whilst the NP did identify a need for more detached housing and flats and maisonettes, which were in preference to semidetached and terraced housing. The current proposal does have a lot of detached housing - 15 in number and 2 flats, 6 pairs of semis and 2 terraces of 3. The proposal does meet the NP requirements in part. The NP does recognise that as referenced in the NPPF that housing sites must be deliverable and as such *“the sites and the scale of development identified in the Plan should not be subject to such a scale of obligation and policy burdens that their ability to be developed viably is threatened. Therefore, in applying these wider policy requirements it is important to balance them so as not to act as an overall constraint on site delivery.”*

So whilst there could have been more 1 bed dwellings or flats in the scheme, it must be noted that because the site is an edge of village site in the AONB, there is a need for a more landscape focussed approach to the development – hence the large area of open space in the top centre of the site. The use of detached houses in the northern part and most exposed (to the wider AONB landscape) part of the site allows for more tree planting and vegetation creating a more landscaped appearance on the site.

There are a number of community benefits which will fall out of the development, as mentioned above: education; open space and recreation; affordable housing which rightly so are a burden on the development, but which do also impact on the viability of the proposal. The scheme does provide a mix of housing types, sizes and tenures and whilst the split is weighted against the housing needs assessment that must be balanced against the needs for the scheme to meet the community benefits, provide new housing for the village and provide a scheme which has increased landscape provision to balance the requirements of the Tamar Valley AONB.

The creation of a positive frontage onto the B3257 is achieved by reinforcing the landscaping along this edge and the provision of a group of trees in the north east corner. The purpose of this additional landscaping is to ensure the development blends into the landscape as this is the highest point of the site and from an AONB perspective is the most visible part of the site. The additional landscaping will help to break up the built form on this edge of settlement site.

The policy seeks the access to the site to be off the B3257 and most of the objections about the development are around the fact that the proposal does not provide access and egress from this road and the inability of Woolacombe road to cope with the additional traffic.

A feasibility study was carried out by the applicants for placing the access off the B3257, however the result was that to create sufficient visibility splays it would have involved losing most if not all of the existing hedgerow along this edge of the site. It was considered that the impact on the rural character at this point of losing such a large amount of hedge was not appropriate. The visibility splay would have been much longer than is required for the Woolacombe road edge because of the fact that it was an arterial main route. As stated above the impact of the loss would have impacted on the AONB. It would not have served to conserve the rural edge of the village in accordance with Policy DEV25 in the Plymouth and South West Devon Joint Local Plan (JLP).

The issue of the use of Woolacombe Road has been one of the main concern expressed by residents, with concerns focusing on the inability of the surrounding road junctions to cope with the additional traffic generated by the development (the visibility splays on the junctions between the Down and Bedford Street and between Woolacombe Road and the Bere Ferrers Road (Collytown junction)).

This issue was raised again when the Ward members were asked to consider the application under the delegation agreement. Concerns related to the two junctions and also: the lack of street lighting; the scheme no being adopted by the Highway Authority; no lighting on the footpath from the Bowling Club to Bere Alston village.

In response to these concerns the Highway Authority were asked to comment and responded as follows:

“1. Neither the highway authority nor the planning authority are able to insist that a road provided to serve a development is offered for adoption as highway. The developer may always choose to keep the road private if they wish. The Public Footpath that crosses the site would have to remain open for public usage unless diverted according to law, but that would not influence the adoption of the road one way or the other – the process is entirely separate. I cannot really comment on West Devon’s waste collection policies about collection of refuse on roads that have not been adopted as highway, although they are subject to a Section 38 Agreement, but I am aware of other developments in the West Devon area where refuse collection does take place before adoption of the roads, so it would appear it can happen in certain circumstances. (I have discussed this particular matter with Councillor Crozier earlier)

2. The highway authority takes a more pragmatic approach to the provision of street lighting since the publication of the Design Guide if and when there are sound ecological reasons for not having street lighting to a reduced level or, indeed, no lighting at all. In the event that there are ecological reasons for reduced or no lighting, the highway authority will accept roads without adoptable highway lighting provided that ducting is installed to enable retro fitting in the event that it becomes necessary, with a deposit lodged for a period of time (say five years) to cover the installation. The developer can also then install a private lighting system within the site to a lower luminance level should they choose to, or it can remain unlit, without affecting the eligibility of road adoption (see 1 above)

3. See 2 above – it is preferable that the footpath is lit to highway authority standards, but the highway authority would accept ecological reasons for this not to be the case.

4. The developer does not have control of land to enable the improvement of either the junctions referred to by the Parish. The application has to be assessed with the junctions in their current state. The highway authority are aware of the issues at all of the junctions referred to; those conditions prevailed at the time the previous application for 17 houses (now known as Down View) was considered by the planning authority and subsequently allowed at appeal. Paragraph 15 of the Inspector’s Appeal Decision dated 14 February 2014 (attached for ease of reference) endorses the highway authority’s response to the previous application.

The junction of Woolacombe Road with the Down has ‘give way’ road markings in complete accordance with the Traffic Signs Regulations and General Directions 2016 and the Highway Code and there are no identified highway safety issues at this junction. The proposed development will introduce additional vehicle movements by drivers who are entirely familiar with the location so additional signage at this junction is not considered necessary

The highway authority has to rely on the County’s Personal Injury (PI) Collision database and that does indeed show no PI collisions at any of the junctions in the area over the last five years (although it may be missing some records from recent months). There is no record of collisions not involving personal injury, nor those not reported to the Police. There is only one ‘slight’ category collision shown in The Down (about halfway down) from July 2016. This PI

collision record would not in itself evidentially justify a recommendation to refuse planning permission on highway safety grounds.

It is inevitable that the recent traffic figures are less than those recorded in 2013 (when the previous application and appeal was considered) for various reasons. The highway authority is nevertheless satisfied, even if the figures of 2013 prevailed today, that the traffic that would be generated by the proposed development could not be considered to have a 'severe residual cumulative impact' warranting a recommendation to refuse planning permission as referred to in the National Planning Policy Framework 2019 (paragraph 109)."

In relation to point 5, the Section 106 contributions are provided at the top of this report.

Whilst it is understood that the concerns raised by the Parish Council and local residents are important material consideration in the assessment of this case, it is considered by officers that the above text addresses those concerns sufficiently and that the development is an allocated site, evidence has been provided that would suggest an access off the B road would impact more significantly on the AONB status of the landscape and that the Woolacombe road entrance is acceptable from a highway safety perspective and improvements are not required at the junctions mentioned.

The fourth requirement of Policy H1 is the treatment of the countryside edge in terms of landscaping, which has been addressed above. The hedge to the south of the B3257 will include additional tree planting as well as the group of trees in the north east corner.

The fifth requirement is with regard to the height of the proposed dwellings. There is a mixture of dwelling heights within the vicinity of the site, the development immediately to the west comprise 2 storey properties and there is a two storey property further to the east on the B3257 which is also 2 storey. The development along the B3257 towards the centre of Bere Alston are primarily bungalows with the odd 2 storey house intermingled. All of the proposed dwellings are 2 storey. The flats (2 in number) are also within a 2 storey building. Whilst it may seem appropriate to provide bungalows on the site, because of the properties further west along the road, the size of the site and the numbers in the allocation would not be achieved if they were all bungalows. It is unlikely that the housing mix needed for the village would be achieved if bungalows were utilised across the site.

The proposed dwellings are approximately 7.5 metres in height, which is quite typical for a modern property. The roof pitch is in line with other properties in Bere Alston. Officers consider that the 2 storey dwellings are not excessive for 2 storey development and is acceptable.

In terms of sufficient space to meet lifestyle standards, reference is made to Policy DEV10 in the Joint Local Plan which insists at 10.5 that new development must meet National Space Standards. The properties do meet the National Space Standards. Policy DEV10 also requires that sufficient outdoor amenity space can be provided for each property. Initially it appeared as though quite a few properties would fall short of the requirements as set out in the SPD, para.4.138. However the applicants have made some changes and provided a schedule of garden sizes and it now transpires that of the 31 plots there are now 8 where the outdoor amenity space is slightly under what is required in the SPD. It is considered that on a site of this size, which also has some quite challenging physical dimensions the properties all have outdoor space as well as a large area of public open space in the midsection of the site. As such it is considered that overall the proposals meet Policy DEV10 requirements.

The 6th requirement on the allocation policy in the Neighbourhood Plan relates to the arrangement of the plots on the site and seeks to *“Arrange the houses, where appropriate, so that they centre on open public green spaces, to be provided within the development.”*

Clearly on a site of this size, shape and number of dwellings in the allocation it would not be possible to have all of the properties centring on an open space. The applicants have chosen to focus the open space in the top centre of the site where the Public right of way crosses the site and to realign the PROW so that it becomes part of the open space. This results in an open space which is over 850 square metres in extent.

Plots numbered 16,17,18,19,20,21,22 and 23 all face onto the open space so there is good natural surveillance over that space. Plots 1 – 6 have views to the south across open fields and plots 7, 12 and 13 have small areas in front of them, which are proposed for tree planting. So not all plots have the ability to overlook the open space, but there will be access for all residents to utilise the space and the space itself is well overlooked. The proposal therefore meets this aspect of the policy in part.

The public right of way is retained albeit aligned slightly differently as it crosses the site, which is also being pursued by the applicant as a diversion order for the PROW through Section 257 of the Town and Country Planning Act. This process is already underway with Devon County Council.

The final requirement of the policy H1 is to ensure that the residential and community interests are not adversely affected by the development. The consultation process of the application has resulted in the request by a number of consultees for contributions to mitigate the impact of the development on education; open space sport and recreation; affordable housing and the Tamar Estuary SAC. As a result a Section 106 Agreement will accompany this consent securing all of these contributions.

Sustainability:

The sustainability of the site has been thoroughly assess both through the JLP process and the Neighbourhood Plan process. Hence the allocation of the site in both Plans. Bere Alston is the only village in the Peninsula which has facilities including a school, shops, public houses a church. It has been described in the NP as the only such sustainable location within the Peninsula.

Affordable housing provision:

Policy DEV8.3 identifies that at least 30% on site affordable will be sought from all schemes over 11. That would be a requirement of at least 9.3 on this site. The proposal provides 9. In negotiating this the affordable housing officer is content with the 9 provided that the rented units are for social rent.

Landscape:

The fact that the site lies within the AONB has been discussed at length above. The landscape scheme has been assessed by the landscape officer and is considered generally acceptable subject to a few clarifications over the choice of certain species. A condition will be added to the consent to secure this detail post decision.

With regard to Open space sport and recreation, several rounds of negotiation have taken place to secure the community benefits. The applicant has provided an area of open space known as a Local Area of Play (LAP) on site. Policy DEV4 seeks to ensure developments contribute “towards new or improved playing pitch/sports provision through a planning obligation for off-site provision.” In addition Policy C2 in the Neighbourhood Plan seeks to

ensure development of over 5 dwellings contribute to, enhance and upgrade Local Green Spaces. The proposal will contribute:

- An offsite contribution is £20,073.60, which would be used towards “improvements to, and on-going maintenance of, play facilities at the Recreation Ground and/or the Parish Hall and/or Underways”.
- Off site sports contribution - £25,835 towards improvements to, and on-going maintenance of, the changing rooms at the Recreation Field, static exercise equipment in the village and improvements to the basketball area behind the village hall.

This has been accepted by the OSSR officer as appropriate and in accordance with the Policy and guidance in the SPD.

Design:

The layout has undergone several iterations in the design process. The NP Policy H6 makes reference to design as do Policy’s DEV20 and DEV10 in the Joint Local Plan. It is considered that the location of the site on the edge of the village and in the AONB better befits a traditional approach, with more landscaping than would perhaps normally be required. The immediate context of the site is mixed, a new development to the west bungalows and houses to the northwest and the same to the south east. Policy DEV20 requires that development has taken account of context. In this case the context is mixed and predominately bungalows. As has been previously stated the use of bungalows on a site of this size would not achieve the numbers in the allocation. Officers therefore considered the traditional centre of the village for context and after some revisions, the properties are now evidently modern on proportion, but do have pitched roofs with natural slate; render stone and slate hung elevations, which will provide a quality to their appearance and reflect the materials used in the centre of the village. Officers consider that this is an acceptable approach in this case.

Policy H6 specifies a number of criteria with regards to design; including high quality; safe; support basic lifestyle needs; appropriate density; appropriate building styles and designs; relate well to one another; emphasis on low energy consumption; meets highway and parking standards; aim to improve pedestrian links to the village centre; meet affordable housing requirements; include reasonable garden sizes and communal green areas; including play facilities where appropriate; sensible treatment of boundaries; avoid overhead services and the creation of safe and accessible environments.

A large list of requirements, but the proposal does in the main meet those requirements. The only area where the development fails to meet the policy is with regard to the provision of pedestrian links to the centre of the town. In saying this the development is relatively close to existing pedestrian links and the PROW in the site links to the adjacent development and then to other roads towards the town. There are pedestrian footpaths along the B3257, which link to the village centre.

Many of the roads in Bere Alston do not have pedestrian footways and so it would have been onerous for the development to have been required to produce a new link to the village centre. It is considered that the works being done to the PROW and its link to the adjacent development and through that to the B3257 is sufficient to in part meet that criteria.

The development has included Photovoltaic panels on the south and west facing roof slopes and in doing so also helps to meet the requirements of Policy DEV 32 in the JLP and policy E3 in the NP.

Neighbour Amenity: The development is adjacent to a new development to the west. The nearest property to the adjacent development is approximately 14 metres away, with others being more than 21 metres away. There is an existing hedgerow on the boundary between the two sites and the proposed dwelling is side on to the adjacent property meaning the only windows on that elevation are bathroom and utility rooms. It is therefore considered that the impact in terms of any loss of residential amenity to that property is not significant. Further south on the site, there is a distance of just over 15 metres between plot 14 and the adjacent property. However this is also at an oblique angle, and there is the hedgerow between them. There may be some opportunity for both properties to overlook from upper floor windows, but this is no different than in any scenario within towns where it is possible from upper floor windows to look into neighbours gardens.

To the east of the site is the bowling green and as such no residential amenity issues. To the south on the other side of Woolacombe road there are 3 bungalows. There is between 19 and 25 metres between the proposed dwelling walls and the front walls of the bungalows and there is an existing Devon Bank at the edge of the development site as well as the boundaries to the bungalows between. This is considered an acceptable distance to avoid any loss of residential amenity. The proposal is therefore considered to meet policy DEV1 of the JLP and policy H7 in relation to relationship of the proposal to adjacent developments.

Highways/Access:

The proposed access off Woolacombe road has been a primary concern of those objecting to the proposal, wanting the B3257 to be the access point. This issue has been addressed earlier in the report, however it is worthy to note that in the Transport Assessment, the use of the B3257 boundary for access to the site was discounted after it was realised that the visibility splay required could not be achieved. The Highway Authority are content that the Woolacombe road can accommodate the traffic generated from the scheme.

The lack of pedestrian footways was also a concern for objectors and has been addressed in the Transport Statement, *“there were no injury accidents at the junctions of the B3257 Bedford Street with The Down and Woolacombe Road with The Down or within at least 200 metres of the site on all surrounding roads within the past 21 years”*. It is also worthy to note that there is a distinct lack of footways in the whole of this part of Bere Alston. The roads are quite rural in character and the above statistic clearly acknowledges that local people are aware of this situation and drive accordingly.

The Highway engineer has assessed the Transport Statement and is satisfied with the proposal, subject to the imposition of planning conditions and the movement of the 30mph sign 70 metres to the south east of the site entrance. The Highway engineer has also provided further detail on the concerns expressed by the Parish Council and objectors and has expressed his acceptance of the proposal as it stands.

Drainage: Drainage for the scheme is proposed as: individual soakaways in the property gardens and highway soakaway in the open space at the north of the site and under the western parking area at the southern end of the site. Infiltration blankets are proposed under the two access roads in the south of the site

New foul water sewers are proposed across the site, to connect at two points north and south with the sewers in the adjoining development. South West Water have confirmed that there is capacity and the Lead Local Flood Authority have no objection subject to a planning condition seeking additional information prior to the commencement of development.

Climate Change: Policy DEV32 in the JLP seeks to ensure that all development reduce their carbon footprint. The Neighbourhood Plan also makes reference in several policies including H6, as well as Policy E3 which specifically seeks a progression to a low carbon environment. Initially the energy statement submitted with this application lacked detail and did not provide sufficient measures to reduce the sites carbon footprint. A revised statement has been submitted which outlines the measures to be incorporated:

- Traditional masonry construction - high thermal mass- which can help prevent overheating;
- Layout has sought to maximise passive solar gain
- Glazing will be specified with a solar transmittance value (g value) to balance the solar gain in winter and unwanted solar gain in the summer
- Improving airtightness to a standard of no greater than 5.00 m³/h.m²@50Pa
- Limiting thermal bridging
- Photovoltaics for hot water use.

The energy statement indicates that the proposal of fabric first and use of Photovoltaics will achieve the 20% above Building Regulations (2013) as required by Policy DEV32 (JLP) and E3 (NP)

Ecology and Biodiversity: The biodiversity officer reviewed the previous iteration of the scheme and indicated concerns with regard to bat use of the southern hedge. The applicant therefore altered the layout to move the properties back from the hedge on the western side and provided lighting analysis to indicate that the light spill based on the use of down lighters with a specific lux level would prevent light spill on the southern hedge. One potential hotspot was identified for Plot 1, however the Council's ecologist is content that the mitigation is acceptable.

With regard to Biodiversity net gain, Policy DEV26.5 in the JLP states:

"Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development."

The Government are planning to roll out a requirement for achieving a 10% net gain in biodiversity for all developments once the Environment Bill is enacted. This 10% gain relates to linear habitats (e.g. hedgerows), non-linear habitats (e.g. grassland/woodland), and river habitats and requires the use of a 'metric' to calculate the required biodiversity units. This is not currently law.

The applicants have submitted a biodiversity net gain statement utilising the metric identified above which indicates that there will be a small loss of the southern hedgerow to create the entrance to the site of approximately 11 metres. This is compensated by the replacement of that hedge into the site and around the waste bin area on the east of the entrance.

The Assessment includes the vegetated garden areas; the new woodland; the open space area in the top centre of the site, the improved northern hedgerow; the small new Devon hedge around the entrance; 48 street trees,

The improvements to the hedgerows results in a score of 0.41 LBU Linear Biodiversity Units which adequately compensates for the loss (0.396LBU).

The gardens, street trees and woodland area results in a total of 1.73 HBU (Habitat Biodiversity Units), which is slightly less than the loss from the site as existing of 2.02 HBU.

In total, the Assessment suggests that there will be a total biodiversity net gain of +4.63% habitat and +23.41% hedgerow/linear gain. The assessment was based upon the DEFRA Biodiversity Impact Assessment Metric. There has been a gain demonstrated.

The NPPF 2019 indicates in relation to biodiversity net gain in para. 175 (d) *“development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

At the moment this is the most up to date and relevant national guidance on net gain in biodiversity. The proposal has indicated a net gain in biodiversity so complies with this paragraph.

The recently adopted SPD indicates in para 7.88 that *“The LPAs will consider a 10 per cent increase in biodiversity units when applying the Defra Biodiversity Metric to be policy compliant.”*

The applicants have identified a net gain in biodiversity and attempted to meet the 10% required by the SPD, but also have provided appeal evidence that suggests that when the requirement for 10% biodiversity gain is not set down in planning policy and the Environment Bill is not yet law the contribution should be in line with the Local Plan, which does not specify an amount but that it should be based upon *the type, scale and impact of Development.*” In this case therefore officers consider that a net gain has been achieved. Officers are of the view that whilst the 10% figure has not been reached, this figure would be unlikely to be deliverable on this site to offset the loss with the number of dwellings in the allocation. As this requirement has come in sometime after the biodiversity net gain, it is considered that provided a gain can be demonstrated then that is acceptable. In addition the scheme is providing a number of other contributions which make the scheme policy compliant.

Tamar Special Area of Conservation

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a unilateral undertaking and this approach has been agreed by Natural England.

Policy E2 in the NP also promotes support for biodiversity through conformity with national and Local Plan policies and identified the importance of specifically protected areas. It also seeks to ensure that a financial contribution be made towards mitigating the recreational impacts of new residents on the Tamar SAC

In this case the contribution towards the Tamar Estuary is being provided in the Section 106 Agreement for the site.

Objections to the development: As referred to above the access of Woolacombe road is a concern for most to the objectors, which has been considered in the section on highways and access. Other concerns relate to: flooding of the site; cleanliness of the bin area; maintenance of the hedges; not enough overflow parking and is the green space going to be built on in the future. As with most new developments, a management company will be set up which will be made up of the residents on the site, and it will be that Company's responsibility to maintain the green spaces and bin area. With regard to the flooding issue, the Lead Local Flood Authority have accepted the proposed surface water drainage proposals for the site, subject to additional information being submitted, which will ensure that there are no flooding issues as a result of the development.

The 1, 2 and 3 bedroom properties on the site accord with the SPD and provide the appropriate parking provisions. The 4 bedroom properties indicate 2 spaces per dwelling, but the SPD requires 3 spaces. This could be accommodated at the north of the site, as there is additional space around the dwellings to incorporate an additional space, similarly plots 1 – 5 have space where an additional parking space could be located (albeit they are not indicated on the plan). A condition will be placed on the consent to ensure that these parking spaces are identified prior to occupation of any of these dwellings.

A visitor space is provided in the south western parking court. The Transport Assessment suggests that in some areas on road parking could be used for visitors.

With regard to the open space on the site and the possible future development of it, a condition is proposed to be added to the planning consent which will prevent the space from being built upon, on the basis that it contributes to the net gain in biodiversity for the site.

Contamination and environmental health: A geoenvironmental and geotechnical report was submitted in relation to the proposal and its conclusions were: there were slight exceedances in arsenic levels, which was considered to be low risk due to the natural occurrence of the metalloid in the general area. Risks to human health and vegetation were considered to be low. Full radon protection measures would be required in the construction of the dwellings. Detailed mitigation measures are contained within the report and so a condition is proposed to ensure that these mitigation measures are carried out during the construction of the dwellings and the ground works.

Environmental Health colleagues were concerned about the suitability for a 26 tonne vehicle to reverse over the area identified as brick paviours for kerbside collection, if this was not possible they required waste containers to be presented at the edge of the central tarmacked road. This is indicated for Plots 1 – 5 only. The other plots can be dealt with via kerbside collections.

Conclusion:

The development is proposed on an allocated site with one more dwelling than the allocation suggests albeit the allocation does state 'some 30 dwellings'. The development proposed provides for a mix of dwelling types and sizes in a traditional style, albeit varies in proportion of sizes from the requirements as set out in the NP. The development has been assessed against the NPPF guidance on major developments in the AONB through the Neighbourhood Plan process and was allocated in that Plan. The proposal meets all of the criteria in the allocation (Policy H2) and in terms of the comments from the AONB unit, meets most of their requirements. Additional landscaping has been secured to (in time) break up the built form from views outside of the village.

The design of the dwellings has focussed on the traditional development found in the centre of Bere Alston, particularly in regard to the use of materials and pitched roofs. The highway engineer is content with the access, as is the drainage engineer, provided appropriate conditions are provided on the consent. In terms of carbon reduction, the scheme is relying on a fabric first approach and the provision of photovoltaics to be policy compliant. The biodiversity net gain is achieved on the site through the provision of improved Devon hedgerow; vegetated back gardens; the open space and a number of trees planted throughout the site.

Whilst the concerns about the access on the Woolacombe road are acknowledged, the highway authority have addressed the concerns in their most recent correspondence and are satisfied that the proposals are acceptable. The existing nature of Woolacombe road and the junctions around it will instil caution in drivers as opposed to providing highly engineered solutions which would not only impact on the character of the village and the AONB, but also instil over confidence in drivers, which leads to accidents.

The proposal on balance is policy compliant and therefore is recommended for approval.

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

Planning Policy

Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set

out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV24 Site allocations in the Smaller Towns and Key Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan: The Bere Peninsula Neighbourhood Plan is a made plan and the following policies are relevant to this application:

Proposal H1. Allocate land for 50 new homes at Bere Alston for local needs, 2017-34
H2 Development considerations for Land to North of Woolacombe Road (Ref: WD_48_19_08/14)
H6 Housing Density and Design
H7 Housing Need
T1 Sustainable Transport
E1 Protecting the Local Environment
E2 Supporting Biodiversity
E3. Progressing towards a Low Carbon Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11,127,153, 163,170,172, 175, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

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 Planning 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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s)

1334_0760_P3_Vehicle swept path analysis
1334_0740_P2_surfacing specification
1334_0730_P3_Highways Long sections
1334_0710- P3_ S38 Agreement layout
1334_0700_P3_Highway Engineering layout
1334_0600_P2-External works layout
1334_0530_P2_Foul water drainage long sections
1334_0520_P2_Surface water drainage long sections
1334_0500_P3_Drainage Strategy
1334_0130_P2_Flood Exceedance
1334_0120_P3_Impermeable area
2203-MAL-XX-DR-A-114-P02 Type F, H, AFF
2203-MAL-XX-DR-A-113-P02 House type H AFF
2203-MAL-XX-DR-A-112-P02 House type G AFF
2203-MAL-XX-DR-A-109-P03 House type E3
2203-MAL-XX-DR-A-110- P02 House type E1
2203-MAL-XX-DR-A-106-P02House type C,H,OM
2203-MAL-XX-DR-A-107-P02 House type B
2203-MAL-XX-DR-A-195-P02 House type B OM
.received by the Local Planning Authority on 28/8/2020

2203-MAL-XX-DR-A-103_P04 Plots 6,23 House type C1- 3b5pOM
2203-MAL-XX-DR-A-108-P05-Plots 7,16-House tyeC2 3b5p OM
2203-MAL-XX-DR-A-101-P08-Plots 1,3,4 House types D1 4b7p OM
2203-MAL-XX-DR-A-102-P04- Plots2,5- House type D2 \$b7pOM
2203-MAL-XX-XX-DR-A-019 Rev P2 Proposed site roof plan
2203-MAL-XX—01-DR-003 Rev P19 Proposed site plan
2203-MAL-A-004-RevP5 Boundary Treatment Plan
Energy Statement Rev 1
17412-WCR-xx-xx-RP-E-1000Lighting Plan Rev2
Biodiversity Net gain – 0834-BNG-LY

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. No development beyond slab level shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

4. Prior to development beyond slab level, full details of the hard and soft landscaping of the public open space, including play equipment, fencing, surfacing, bins and benches shall be submitted to and approved by the Local Planning Authority. The open space shall then be constructed and equipment placed in accordance with the agreed details.

Reason: To ensure the space is appropriately landscaped and supplied with associated equipment, as on the approved plans.

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

Reason: To ensure, in accordance with the Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development

6. 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.

7. No other part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

8. The occupation of any dwelling in 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 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

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

10. No street or external lighting shall be erected on site until a lighting scheme, including direction, type and lux levels for the whole site has been submitted to and approved by the Local Planning Authority. The approved scheme shall subsequently be implemented on the site, unless otherwise agreed with the Local Planning Authority.

Reason: To protect the dark skies of the AONB landscape.

11. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including
- (a) the timetable of the works
 - (b) daily hours of construction
 - (c) any road closure
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements

taking place on Sundays or Bank holidays unless agrees by the local Planning Authority in advance.

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases
- (g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present on the site;
- (i) the means of enclosure of the site during construction works;
- (j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;
- (k) details of wheel washing facilities and obligations;
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason In the interests of Highway Safety and residential amenity.

It is a pre commencement condition because it involves consideration of works and issues which will take place from the very beginning of site set up and ground works / construction.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority, other than those expressly authorised by this permission:
- (a) Part 1, Class A (extensions and alterations)
 - (b) Part 1, Classes B and C (roof addition or alteration)
 - (c) Part 1, Class D (porch)
 - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
 - (e) Part 1, Class F (hardsurfaces)
 - (g) Part 40, class A & B (Installation of domestic Microgeneration Equipment)
 - (i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and to prevent losing the areas of garden which have been identified as providing a net gain in biodiversity.

13. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

- (b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks.
 - (c) A detailed drainage design based upon the approved Flood Risk Assessment and drainage Strategy and the results of the information submitted in relation to (a) and (b) above
 - (d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (f) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (g) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement as it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when the site layout is fixed.

14. Prior to the occupation of the dwellings hereby approved, the design of any rear garden gates shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be installed in accordance with the agreed details.

Reason: In the interests of designing out crime.

15. Prior to the occupation of plots 17, 22 and 11, the route through to the Down to the west and the bowling green to the east shall have been completed and safe for pedestrian use and made available in perpetuity.

Reason: To ensure the pedestrian routes from the development are provided in accordance with the approved plans.

16. Prior to its construction, detailed drawings of the Devon hedge to be placed at the entrance to the site and around the bin store area for plots 1-5 and specific planting to the northern hedge shall be submitted to and agreed by the Local Planning Authority. The hedge shall be constructed in accordance with the agreed details.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: To ensure the hedge is properly constructed and aligns with the remaining hedge along the Woolacombe road frontage.

17. The open space in the middle of the site shall be retained as an open space and play area (LAP) and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure the retention of the space for the benefit of the residents and to ensure the landscaped nature of the site in the sensitive AONB location.

18. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:
- (i) The erection of fencing to delineate a Protection Zone to protect retained hedges has been constructed in accordance with location and construction details shown on to be submitted. Within the Protection Zone nothing shall be stored or placed, nor any works take place, nor shall any changes in ground levels or excavations take place unless they are they are agreed in writing by the Local Planning Authority.
 - (ii) All hedge restoration or management works as detailed to be submitted in accordance with or as agreed in writing by the Local Planning Authority have been completed.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

19. No hedgerow shown for retention shall be removed, damaged or worked on except as detailed in the approved plans. If any retained hedge is removed, or damaged, during construction it shall be replaced with planting (and hedge bank) at the same place and species of such size, species and density (and hedge bank to such construction details) as may be specified in writing by the Local Planning Authority.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

20. Prior to their installation, samples of the proposed boundary treatments around and between each plot on plan No: MAL-A-004-RevP5 shall be submitted to and agreed by the Local Planning Authority. The boundary treatments shall be installed in accordance with that agreement.

Reason: To ensure the boundary treatments do not impact on the landscape qualities of the site, in this sensitive AONB landscape.

21. Prior to the commencement of development a Landscape and Ecological Management Plan shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed Plan.

Reason: In the interests of wildlife and landscape.

22. The development shall be carried out in accordance with the Energy and Sustainability Statement by AES Sustainability Consultants Ltd. dated 20/1/2020.

Reason: To ensure that the site produces a reduction in its carbon footprint.

23. The development shall be carried out in accordance with the Biodiversity net gain report by GE consulting (0834-BNG-LY) dated 23/10/2020.

Reason: To ensure the site provides a net gain in biodiversity in accordance with policy DEV26 in the Plymouth and South West Devon Joint Local Plan.

24. The development shall be carried out in accordance with the geoenvironmental and geotechnical report by CGL dated May 2019.

Reason: To protect the future residents from any contamination on the site.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
North

Parish: Tavistock **Ward:** Tavistock

Application No: 2672/20/HHO

Agent/Applicant:

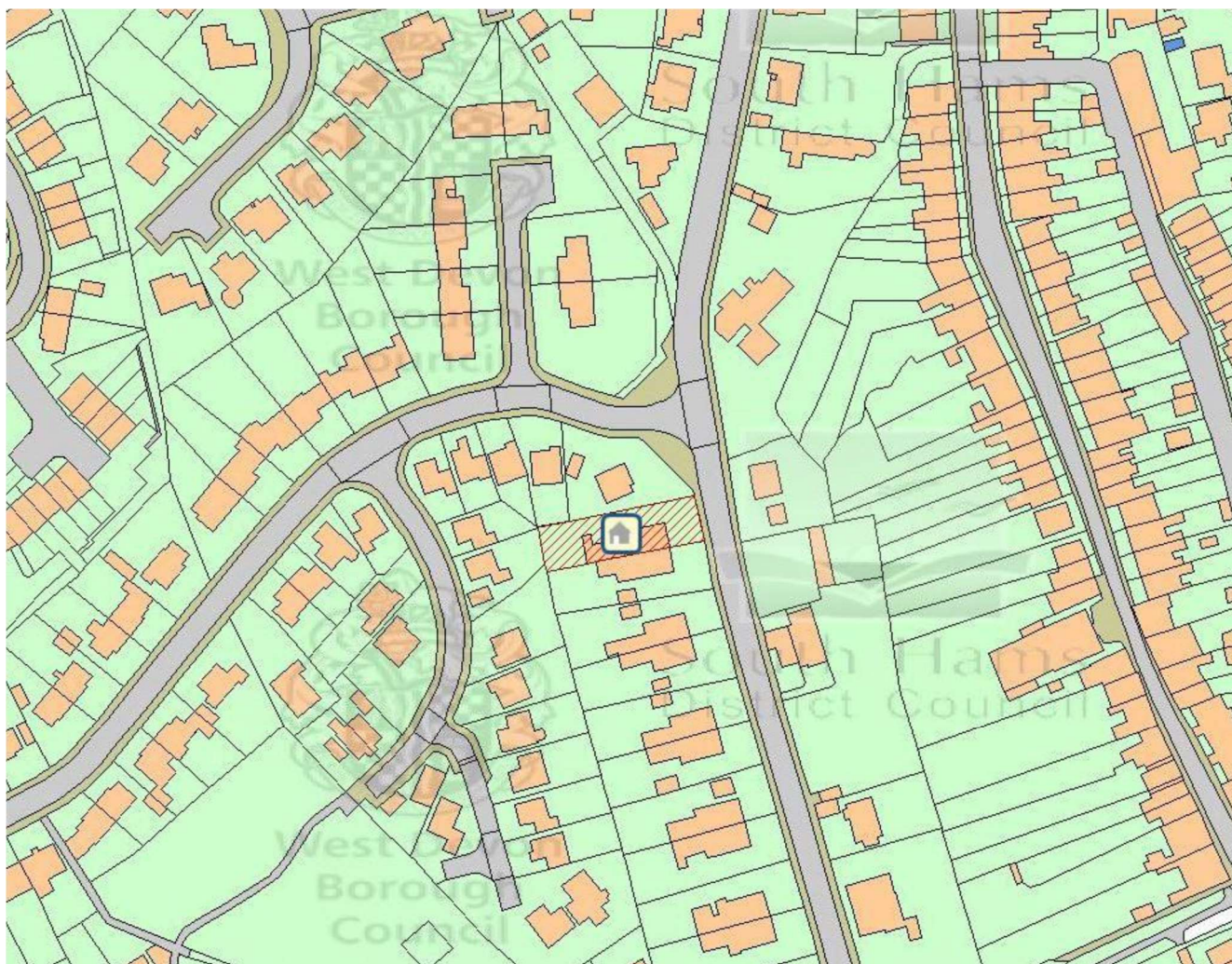
Miss Kelly Lashbrook - Le Page Architects Ltd
Plumer House
Tailyour Road
Plymouth
PL6 5DH

Applicant

Trewin
31 Glanville Road
PL19 0EB

Site Address: 31 Glanville Road, Tavistock, PL19 0EB

Development: Householder application for proposed ground floor extension to Dwelling house and replacement garage roof



Reason item is being put before Committee

The Local Ward members felt that the application should be heard by the Planning and Licensing committee because:

- 1) The Tavistock Town Council DM&L committee does not support the application
- 2) The absence of a Heritage Assessment contained within the application
- 3) The absence of a Conservation Officer report or opinion
- 4) The buildings within this stretch of road were specifically identified as 'positive' buildings by the Tavistock Conservation Area Management Plan and were included within the extended Tavistock Conservation Area.
- 5) The application site is the first of a row of semi-detached Victorian Villas and being in such position is arguable of more significant position being at the entrance to the CA & WHS
- 6) The fact that there are 2 other flat roofed extension along this stretch of buildings as stated in the officer report is not a material planning consideration and predate the inclusion of the Glanville Road villas into the Conservation Area.

Recommendation: Approval

Conditions (list not in full)

1. Standard time limit
2. Adherence to plans
3. Samples of materials
4. Unexpected contaminated land
5. Sample of the slate or stone to be used on the parapet.

Site Description: The application site lies at the end of line of villas dating back to the later 19th Century, which are located on Glanville Road in Tavistock. The site lies within the Tavistock Conservation Area and inside the land identified as the Cornwall and West Devon Mining Landscape World Heritage Site.

The Proposal: The proposal seeks to add a small extension to the kitchen which lies at the rear of the house and at the same time utilise some of the garage space as kitchen and replace the garage roof (which is currently pitched) with a flat roof and a parapet wall constructed in stone. The existing garage lies at the end of the drive at the rear and side of the house.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: No comments
- Town Council: Object on the following basis: As the property is located in both the Conservation Area and World Heritage Site, it was considered there was insufficient information provided to be satisfied the proposal was not harmful to the Conservation Area and World Heritage Site.

The following documents were not available on the Planning Authority's website;

- Block plan;
- Existing/proposed floor/layout plans;
- A Heritage Statement

It was felt this Application should not have passed the validation process, and was contrary to Policies DEV21, DEV22 and Paragraphs 189-202 of the NPPF.

[Note: the Plans were available on the website when investigated by two officers. A Heritage statement was not requested at validation stage of the application.]

- Drainage: SWW response has confirmed they can discharge additional surface water to SWW sewer and application site does not appear to have sufficient space to accommodate a soakaway therefore we would have no objection and support the application.
 - Conservation Officer: “• The house most certainly makes a positive contribution to the character and appearance of the conservation area as per the 2009 CA Appraisal. It is the last of a line of later 19th century semi-detached villas. The garage does not make a positive contribution but due to its scale and position it reads legibly as a 20th century addition that is no more than slightly negative to the setting of the house.
 - In terms of WHS OUV the interest of the villa is very marginal when compared to the civic buildings, industrial survivals and workers housing for example. These are attractive dwellings that reflect the growth of Tavistock following the mining boom, but are not directly associated with it as they date from the 1890's so are more closely related to the arrival of the railways than mining activity. The location of the dwelling is on a corner with Courtlands Road, which does give prominence, but the corner is a later 20th century creation which is also marked by a very ordinary modern building that is outside the CA and can be said to detract from it.
 - When viewed directly from the road the garage is linked to the house by a gate. The proposal removes the garage gable and links it to the proposed rear extension with a small amount of render above the present gate when compared to the existing. The removal of the gabled roof to the garage could be seen as an improvement as the visual height is reduced. Parapets are a quite familiar feature within the CA so the architectural language would not stand out as intrusive or unusual. The backdrop to this view is the modern development beyond so no harm, such as change to a valued glimpsed view, can be said to result.
 - The rear extension is unseen from any public vantage point. It will be read as a contemporary addition to the building that does not harm the character or appearance of the CA.
 - Following discussion with Mr Pearce he has amended the drawing to confirm that the parapet coping will be natural stone. I would suggest that a condition be attached to any approval that this should be either slate or granite slab – this will ensure consistency with local materials. I suggested the removal of the dotted line of the existing roof line for clarity. Having considered all of the issues I can only conclude that the proposal does not represent harm to the character or appearance of the CA. The visual impact viewed directly from Glanville Road is neutral. It could be considered that the extension will reinforce the Optimum Viable Use of the property as a family home. Looking back on ‘Street view’ I noted that the authentic chimney to number 31 had been lost and has now been reinstated. The applicant confirmed that this had been undertaken by him. I note also that the authentic window joinery and guttering has all been retained despite there being no Article 4 Directions to require these retentions. It is worthy of note that the applicants have demonstrated a genuinely positive attitude to maintenance and repair which could be held to be an exemplar in CA ownership.”
- The Local Planning Authorities are required, by virtue of Section 72 of the Planning Listed Buildings and Conservation Area Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In relation to the World Heritage Site the NPPF 2019 states: The National Planning Policy Framework (NPPF) defines a World Heritage Site as a designated heritage asset and therefore weight should be given to its conservation and development that results in substantial harm or loss to the site should be avoided wherever possible.

Representations:

Representations from Residents

No comments have been received.

Relevant Planning History

U/3/50/324/1975/18

Erection of an additional garage and a store.

Conditional approval 7/7/1975

ANALYSIS

Principle of Development/Sustainability:

The principle of extensions to dwelling within Main towns is accepted by virtue of Policies SPT1, SPT2 and TTV1 in the Plymouth and South West Devon Joint Local Plan. Subject to the proposal meeting all other policies within the JLP.

Design/Landscape:

The site lies just within the Tavistock Conservation Area and the World Heritage Site. The proposal is to replace the existing garage with a single storey flat roof with parapet roof extension which is proposed to be sited on the footprint of the existing garage and to infill an area at the rear side of the house and create a larger kitchen space as well as garage/storage space.

The proposal is set back some way from the front of the dwelling and replaces the existing gate which is alongside the existing garage with a door into the proposed extension. In terms of design, the proposed extension is low key and subservient to the host dwelling. Whilst a flat roof is not necessarily always sympathetic in terms of design, the fact that the proposal has incorporated a parapet roof, which is a more historic feature provides a more appropriate link to the main dwelling than a flat roof would do. The proposal it is considered because of its subservient nature and design is considered to meet policy DEV20 in the Plymouth and South West Devon Joint Local Plan.

The historic considerations of the proposal are elaborated below.

Neighbour Amenity: The proposed extension is at the rear and side of the dwelling, which is adjacent to a side garden of a modern property located approximately 7metres from the garage. However there is also a high boundary wall and hedge along this side of the garage, meaning that there will be no impact on residential amenity, in terms of loss of privacy or overlooking.

Highways/Access: The proposal does not impact on access by vehicles to the site. The garage is proposed to be retained, but part of the new kitchen will take some of the space in the garage such that it will no longer be able to accommodate a car, but could still be used for domestic storage. The driveway is long and could accommodate several cars and the proposal does not impact on car parking provision within the curtilage of the dwelling.

Drainage: The drainage engineer has indicated because confirmation has been received from South West Water that there is capacity within the public sewer, the drainage proposal area acceptable.

Historic context: The site lies within the Tavistock Conservation Area and the World Heritage site. The Conservation Officer was not originally consulted on the proposal, however in response to concerns expressed by the Parish Council and Ward members a consultation was made.

The Conservation officer comments are provided in full above. The Conservation Officer also discussed the proposal with the applicant which resulted in a slightly revised scheme incorporating the parapet roof.

The Local Planning Authorities are required, by virtue of Section 72 of the Planning Listed Buildings and Conservation Area Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In relation to

the World Heritage Site the NPPF 2019 states: The National Planning Policy Framework (NPPF) defines a World Heritage Site as a designated heritage asset and therefore weight should be given to its conservation and development that results in substantial harm or loss to the site should be avoided wherever possible.

The above consideration by the Conservation officer indicates that the existing garage does not make a positive contribution to the Conservation Area and that the proposal would not harm to the character or appearance of the Conservation Area.

The consideration of the World Heritage Site status indicates that the interest of the building is very marginal when compared to the civic buildings, industrial survivals and workers housing for example. The villas are not considered to be directly associated with the mining boom. In exercising our duties in respect of the two heritage designations it is considered that the proposal causes no direct harm and as it is clearly a subservient element set at the back and side of the dwelling, is acceptable from an historic perspective.

Tamar Estuaries SAC

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by unilateral undertaking, and this approach has been agreed by Natural England.

In this case however the proposal is for an extension only and not a new residential unit and so the impact on the SAC will be neutral as there is no intensification of the use. No contribution will be required.

Conclusion

The proposal is minor in nature set well back from the road and will only be visible from limited points on Glanville Road and immediately in front of the access drive for the dwelling. The Conservation officer sees no harm to the Conservation Area or WHO and so as such it is recommended for approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22 December 2020).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV22 Cornwall and West Devon Mining Landscape World Heritage Site

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: There is no Neighbourhood Plan in place for Tavistock currently.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 127, 190, 192, 200 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Tavistock Conservation Area Appraisal and Management Plan

The World Heritage Site Draft Management Plan (currently out for consultation).

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. 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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan; J20/001/AB.04 Proposed ground floor plan, received by the Local Planning Authority on 1/10/2020.

J20001 AB 02 Rev A proposed elevations (A1), received by the Local Planning Authority on 8/01/2021.

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. 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.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

5. The stone to be used for the parapet wall shall be either natural slate or granite slab, a sample of which shall be submitted to and agreed by the Local Planning Authority prior to its installation.

Reason: To respect the Conservation Area and materials used within the locality

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PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury

Parish: Milton Abbot **Ward:** Milton Ford

Application No: 0016/20/OPA

Agent/Applicant:

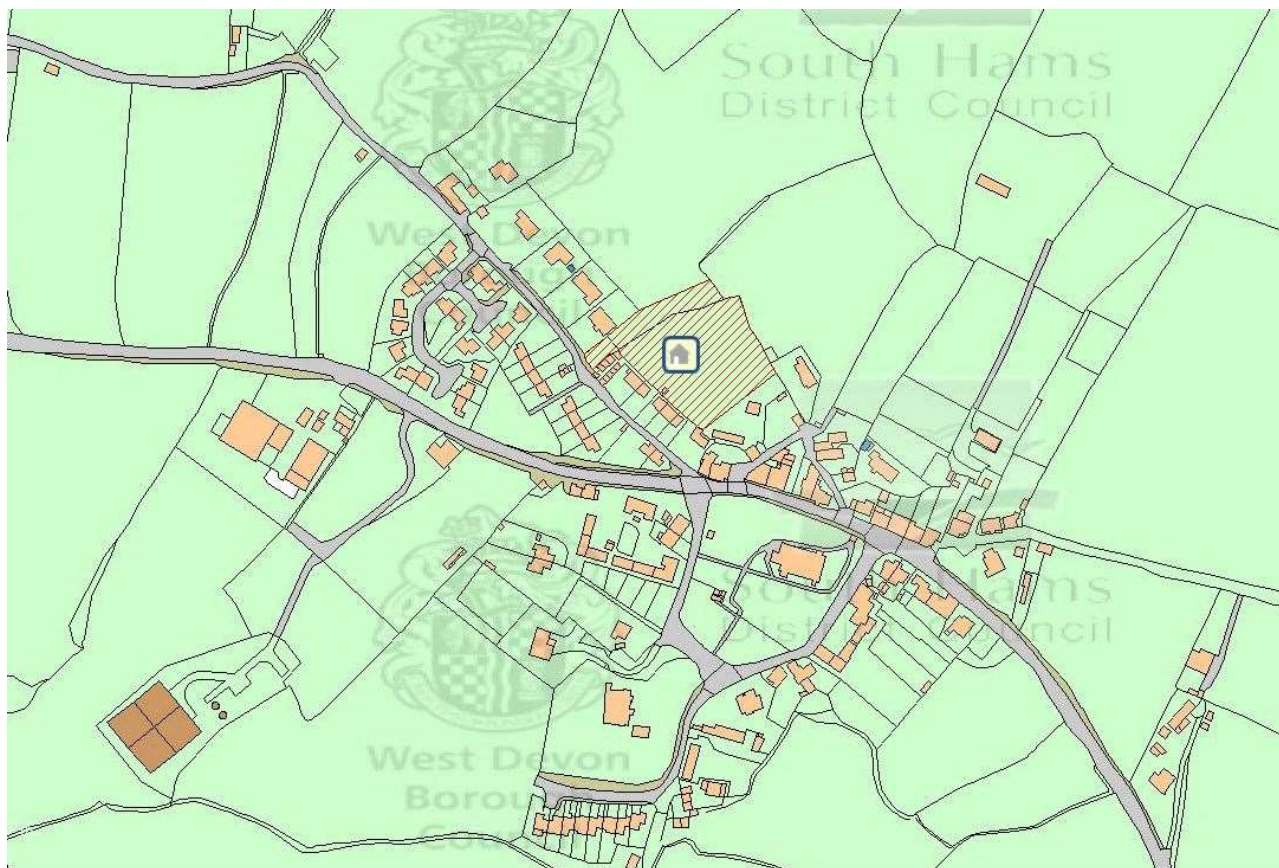
Mr Edward Persse - EJFP Planning Ltd
49 Bannawell Street
Tavistock
Devon
PL19 0DP

Applicant:

Mr & Mrs R & J Cole
Mallows Farm
Yelverton
PL20 7HT

Site Address: Land to the rear of Edgcumbe Terrace, Edgcumbe Road, Milton Abbot, PL19 0PE

Development: READVERTISEMENT (Revised plans received and amended development description) Outline application with all matters reserved except access and siting for the erection of 5 dwellings (Resubmission of 0889/19/OPA)



Reason item is being put before Committee: At the request of the Head of Development Management in light of the significant number of public comments and progress of the MACK Neighbourhood Plan.

Recommendation: Refuse

1. The proposal is not considered to constitute sustainable development in that it is tandem backland development which fails to have proper regard to local character and the development context of the village, contrary to the good design aims of the NPPF, JLP Policies SPT1, TTV2, TTV25, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and the JLP Supplementary Planning Document.
2. The proposal is considered to be an unneighbourly form of development, likely to result in a loss of privacy and overlooking to the existing dwellings in Edgcumbe Terrace, contrary to the aims of the NPPF in relation to good design, particularly (but not limited to) section 12, DEV1, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and Appendix 1 of the SPD.
3. The proposal fails to demonstrate that adequate methods of surface water drainage can be provided and maintained through the lifetime of the development, contrary to section 14 of the National Planning Policy Framework, Plymouth and South West Devon Joint Local Plan Policy DEV35, and DEV35.4 of the JLP Supplementary Planning Document.
4. Through a lack of a S106 agreement, the development fails to demonstrate that adequate maintenance will be in place for communal areas and drainage, and to secure the necessary Tamar Estuary Zone Mitigation, contrary to paragraphs 54, 56 and 176 of the National Planning Policy Framework and Plymouth and South West Devon Joint Local Plan Policies DEV26 and DEL1 and the JLP Supplementary Planning Document.
5. The development fails to demonstrate that there would not be harm to the setting of heritage assets including the Grade 1 listed church and the conservation area, or that a very low level of harm would be outweighed by demonstrable public benefit, contrary to the National Planning Policy Framework, particularly paragraphs 193, 194, 195 and 196 and DEV21 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The principle and sustainability of the development
Impact on the character and appearance of the area
Heritage impacts
Residential amenity
Highway safety
Biodiversity
Drainage

Site Description:

The application site measures approximately 0.60 ha and is located on the northern side of Milton Abbot village. The site is located behind the public house and a row of terraced cottages known as Edgcombe Terrace, to the north of the historic part of the village.

The site is currently agricultural land, with hedgerow boundaries, and slopes down towards the south/south west, towards the existing properties in Edgcombe Terrace; the floor level of these properties is lower than the site. It is accessed via an existing entrance to the south west which also serves a row of garages; the garages are in third party ownership.

There are residential properties located to three sides of the site, to the northwest, south west and south. Open countryside lies to the north/north east.

The site is just outside the Conservation Area (the southern boundary adjoins the Conservation Area; Edgcumbe Terrace sits within), with the grade I listed Church of St Constantine located to the south, across the highway/crossroad.

There are no public rights of way across the site. It is not in a Flood Zone 2 or 3 or a Critical Drainage Area. It is also outside of the Tamar Valley AONB.

Private water supplies do run across the site serving Edgcumbe Terrace and a disused cow shed.

The Proposal:

This application is for outline planning permission for 5 dwellings with access and layout the only matters being considered. The scale of the dwellings and bed numbers are not being fixed at this stage; the drawings (indicative) originally indicated 3 and 4 bed properties, but the application form states this is unknown. The Planning Statement makes reference to "...responding to the evidence in DEV8...and a focus on smaller, 1, 2 and 3 bedroom dwellings", although the Design and Access Statement notes the dwellings will be 3 and 4 bed.

An indicative drawing was submitted showing what has been described as 1 ½ storey properties although they essentially appear as 2 storey, with lowered eaves and a reduced roof line; ridge heights measure at 7.7 and 8.3 metres.

The drawings indicate 5 dwellings located towards the north-eastern edge of the plot, in the form of a semi-detached pair and a terrace of 3. Access is via the existing field gate which runs between the garages/end of the dwellings in Edgcumbe Terrace and the detached dwelling to the north. Parking is shown to the north of the dwellings, separated by the internal access road. The application form indicates 10 parking spaces in total; there is no visitor parking provision shown.

A footpath link to the village is shown from the south of the site, however this is not within the red line application site boundary; it is within the blue outline being land owned by the applicant. Field gates are provided both north and south to the applicant's other land.

The application has not been subject to pre-application advice following withdrawal of an earlier application.

Consultations:

Devon County Council Highways Authority; the number of proposed residential units, 5, is generally considered the maximum number that can be served by a private access. The use of the garages adjoining the access road will not unacceptably conflict with the use of the proposed access to the site. The LPA needs to be satisfied the plans showing the applicant's ownership are correct.

The proposed access details shown on the revised plans are now acceptable and conditions are recommended to be imposed on any permission granted.

Historic England; Development has potential to cause harm to heritage assets. We are concerned at the lack of appropriate assessment of the significance of the heritage assets potentially affected, how their settings contribute to their significance, and what harm may be caused by the proposal. The outline nature of the application makes it very difficult for your authority to properly consider impacts, give appropriate weight to the assets or minimise or avoid harm. We reiterate the need for great weight to be afforded to the conservation of heritage assets, in particular those of exceptional special interest.

WDBC Conservation Officer; Given the uncertainty of an outline proposal where topographic detail is lacking and no accurate representations are possible from key vantage points it is necessary to take a precautionary approach. I must agree with the Historic England comment that the level of information is insufficient for us to make an informed judgement.

I would not completely rule out development in this location from a heritage viewpoint, but only if it is convincingly shown that there is no harm to the setting of heritage assets or that a very low level of harm is outweighed by demonstrable public benefit. That is not the case so based on S66 and 72 of the 1990 Act, the NPPF and JLP support cannot be given.

Milton Abbot Parish Council; Object

January 2021;

The Planning committee resolved to include the points made in the AECOM study (below) in ADDITION to the original six made during the Planning meetings of 25th Feb 2020 and 19th Oct 2020. The AECOM study (commissioned by MACKPlan as suggested by WDBC) identified a number of reasons why this site is not suitable for development; landscape and visual sensitivities, flood risk concerns, impacts to residential amenity, the potential for adverse impacts to the setting of heritage assets, access concerns, and potential impacts to the spring-fed water supply and existing utilities infrastructure. In this respect, the site is not suitable to take forward for the purposes of the MACK Plan.

The AECOM report identifies other sites which are suitable to deliver the 20 new homes proposed by the JLP for this area. They also offer the best prospect of delivering the number of affordable homes required by local residents and identified in resident surveys.

The MACKPlan is now in Regulation 14 Consultation and a copy has been sent to WDBC Planning Department.

October 2020;

1. There appears to be a question about the legal right to the access shown on the plans; this needs to be fully resolved.
2. Edgecumbe Lane is a busy road with no pavements – a further increase in traffic both during construction and after is a danger.
3. The site is currently one of 10 submitted for the draft Neighbourhood Plan. These are currently being independently assessed to identify which sites best meet the local need. This application should at least be postponed until residents have had a chance to vote on the Neighbourhood plan and its recommended sites.

March 2020;

- 1) The plans submitted shows where the current spring water flows on the land. The plans show the plots well within the mandated four metre clearance. There needs to be an absolute minimum of four meters of clearance.
- 2) There has been recent flooding of the pub and housing along Edgcumbe Terrance/Lane due to a recent altered water course and drainage issues of the field.
- 3) The plans, plots and size of housing does not meet the needs of the village, as highlighted within phase 1 of the MACPLAN survey. The main points to note are (a) that the housing is not in keeping with the current architecture of the village and (b) there is no mention of affordable housing which is a key objective on the council core aims of new housing. This is reflected and supported by Historic England.

Devon County Council Education; Will not making a section 106 request for education contributions. There is sufficient forecast capacity at the local primary and secondary school to mitigate the impact of this proposed scheme.

WDBC Strategic Planning; The site is clearly within the countryside when applying para 5.5. Principle starts with SPT1 and SPT2. TTV1 and TTV25 also apply.

The Supplementary Planning Document (SPD) states that schemes of 5 and over can count towards the figure of 550 in TTV25, so if the site relates well to the village this potentially weighs in favour of the proposal.

The land slopes to the north, so setting of AONB will need to be considered. If approved, need to condition housing mix to be considered at reserve matters.

Neighbourhood Plan Officer; March 2021; The Reg 14 consultation has now ended and responses have been collated. There are objections to this site. At this stage some weight can be given, but is limited. The weight will increase once the plan reaches Reg 15 submission over the next few months.

Environmental Health Specialist (water) - There is little Government guidance available. The mitigation proposed is sensible and should be formalised into a condition.

WDBC Drainage Specialist; Objection. Insufficient information provided.

WDBC Landscape Specialist; No objection. Landscape comments that were made previously (14 May 2020) on the nature of the site, the noted existing landscape features and the site's sensitivities and vulnerabilities remain relevant to the revised plans.

The orientation of the dwellings has reversed but they are located roughly in the same part of the site as previous revisions, but with the private access road now located further to the northeast, behind the dwellings, and serving a bank of parking bays. The position, behind the proposed dwellings, will help to screen the parking from general view, which will be beneficial to local views.

Previously, the development maintained a 'buffer' of green space along the southwestern boundary, to the rear of Edgcumbe Terrace. Whilst it is noted that the new dwellings will be more than 20m from the rear of those properties, the proposed rear gardens now run directly to those property boundaries, and the rear elevations of the existing houses are less than 2

metres from those boundaries. Given that the site is elevated above the terrace, this does raise concerns about the potential effects on the privacy of residents.

The existing oak in the hedge to the southeast is a prominent landscape feature; its retention is noted and welcomed. The proposed new hedgebanks along the northeast and southeast boundaries should match the form and materials of the existing banks around the field, which should be conserved and enhanced as part of a comprehensive landscape scheme to be addressed at Reserved Matters stage.

Development within the site should be limited in scale and addressed through reduced building heights, avoiding the higher land to the north of the site. The indicative design and layout of the new development lacks any detail. However, there will be opportunities to mitigate at RM by controlling the layout, mass, form and orientation of the dwellings, to ensure that the development will conserve and enhance the local character.

In assessing the wider the landscape character and visual amenity, the overall position is conserved, but it is acknowledged that at a local level, changes will occur from a loss of a small area of pasture land adjacent to the settlement. Long views across the landscape to and from TVAONB will be protected and largely unaffected by the proposals.

A Landscape and Visual Impact Appraisal should be undertaken to inform the design of the scheme, and the development of a landscaping scheme that will enhance the proposals, and to ensure that the development does not conflict with the LCT landscape guidelines.

Representations:

135 letters of objection are reported during the 4 rounds of public consultation. These responses can be viewed in full on the file, and are summarised as follows;

- Access is opposite a layby which has cars parked day and night
- The road is single track with no passing places
- Insufficient room to access the site
- Will increase parking problems in the immediate area
- The lack of a pavement is dangerous for pedestrians
- Land ownership is uncertain at the access point from the main road
- Loss of historical rights of way
- Will cause difficulties for refuse vehicles
- Concerns over the lack of clarity around the private water supply, that it could be compromised or polluted
- Water run-off in heavy rain is a real problem for residents in Edgcumbe Terrace
- Will increase flood risk
- Does not meet a proven need or provide affordable housing
- Historic centre of the village would be compromised from all aspects
- Harmful to listed buildings and the conservation area
- Archaeology and the need for a dig have been ignored
- Not a sustainable location as the village has almost no amenities and a poor bus service
- Will increase CO2 emissions when Devon has committed to reducing them
- Harm to landscape and AONB as the site is higher than the village and prominent in the landscape. Any housing will be very visible
- Loss of green undeveloped land
- The plans show an over-dominant development
- Would have devastating impacts on the existing properties as the proposed properties will be significantly higher
- Loss of privacy to Edgcumbe Terrace

- Concerns this will open up the adjacent field for development as trial pits have already been dug
- The MACK Plan has now reached Regulation 14 stage and can be considered for planning applications
- This site is extremely unlikely to be chosen as a development site in the MACK Plan; the independent consultants, Parish Council and residents have all rejected it
- WDBC officers must endorse the community led approach
- Residents are becoming disillusioned that the MACK Plan is being ignored
- The MACK Plan has been prepared using public money, over 2 years and is properly evidenced by many technical studies and reports
- Whilst the Plan might not yet carry significant weight, the evidence behind it, including the rejection of this site, is sound
- The housing need is clearly evidenced; the JLP proposes 20 dwellings, to include 6 affordables, and the MACK Plan will deliver this
- The community fully support the 2 identified sites but not this site
- To ignore the MACK Plan will be squandering public money

Relevant Planning History

0889/19/OPA- Residential development - Withdrawn

ANALYSIS

Principle of Development/Sustainability:

The application site adjoins the built form of Milton Abbot. It is not allocated for development in the Joint Local Plan (JLP), nor in the emerging Milton Abbot, Chillington and Kelly Neighbourhood Plan (MACKNP).

JLP Policies SPT1 and SPT2 set the spatial strategy for development, seeking to locate it in sustainable locations. In terms of its location, the site can be seen to be well related to the centre of the village, accessible on foot, where the majority of the services are provided (shop, pub, church and so on) and therefore scores well against some of the sustainable development considerations identified in those policies. The plans do show an off-road footpath link to the centre of the village, but as this is not within the redline site area, it cannot be secured; it is not necessary for this development to be seen as linking well to the village however.

Policy TTV1 of the JLP sets out the Authority's development strategy across the Thriving Towns and Villages Policy Area (TTV). The policy describes how the following settlement hierarchy will be used to inform whether a development proposal can be considered sustainable or not:

- (1) Main Towns
- (2) Smaller Towns and Key Villages
- (3) Sustainable Villages
- (4) Smaller Villages, Hamlets and the Countryside,

Paragraphs 5.8-5.10 of the supporting text to TTV1 identify the hierarchy of named settlements; Milton Abbot is a tier 3 Sustainable Village. TTV1.3 states "*Sustainable villages - where development to meet locally identified needs and to sustain limited services and amenities will be supported.*" Table 5.8 of the JLP identifies that the settlement is able to accommodate 20 dwellings, this is the indicative figure.

The JLP has not allocated any sites in the Sustainable Villages, and paragraph 5.12 anticipates that development will come forward through neighbourhood plans, the application of development management policies where there is no neighbourhood plan, or new sites identified during the next JLP review.

The MACKNP is not yet finalised. At the time of writing this report the Regulation 14 consultation period has ended and the MACKNP group are currently reviewing responses to it, before publishing a further report for a Regulation 15 consultation, expected to be in a few months time. At this stage, the plan has not been subject to “qualified professional” review to determine conformity to the JLP and NPPF.

In so far as giving weight to the MACKNP, the National Planning Policy (NPPG) guidance is clear:

Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.

An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. A referendum ensures that the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. All representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority’s publicity period.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. (Paragraph: 007 Reference ID: 41-007-20190509 Revision date: 09 05 2019)

It has been put forward that this application is premature and would undermine the MACKNP. The NPPG refers to the NPPF in relation to the circumstances in which it might be justifiable to refuse planning permission before a neighbourhood plan has been brought into force on the grounds of prematurity. Paragraphs 48 to 50 advise:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

49. However in the context of the Framework – 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 in the limited circumstances 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 plan; and

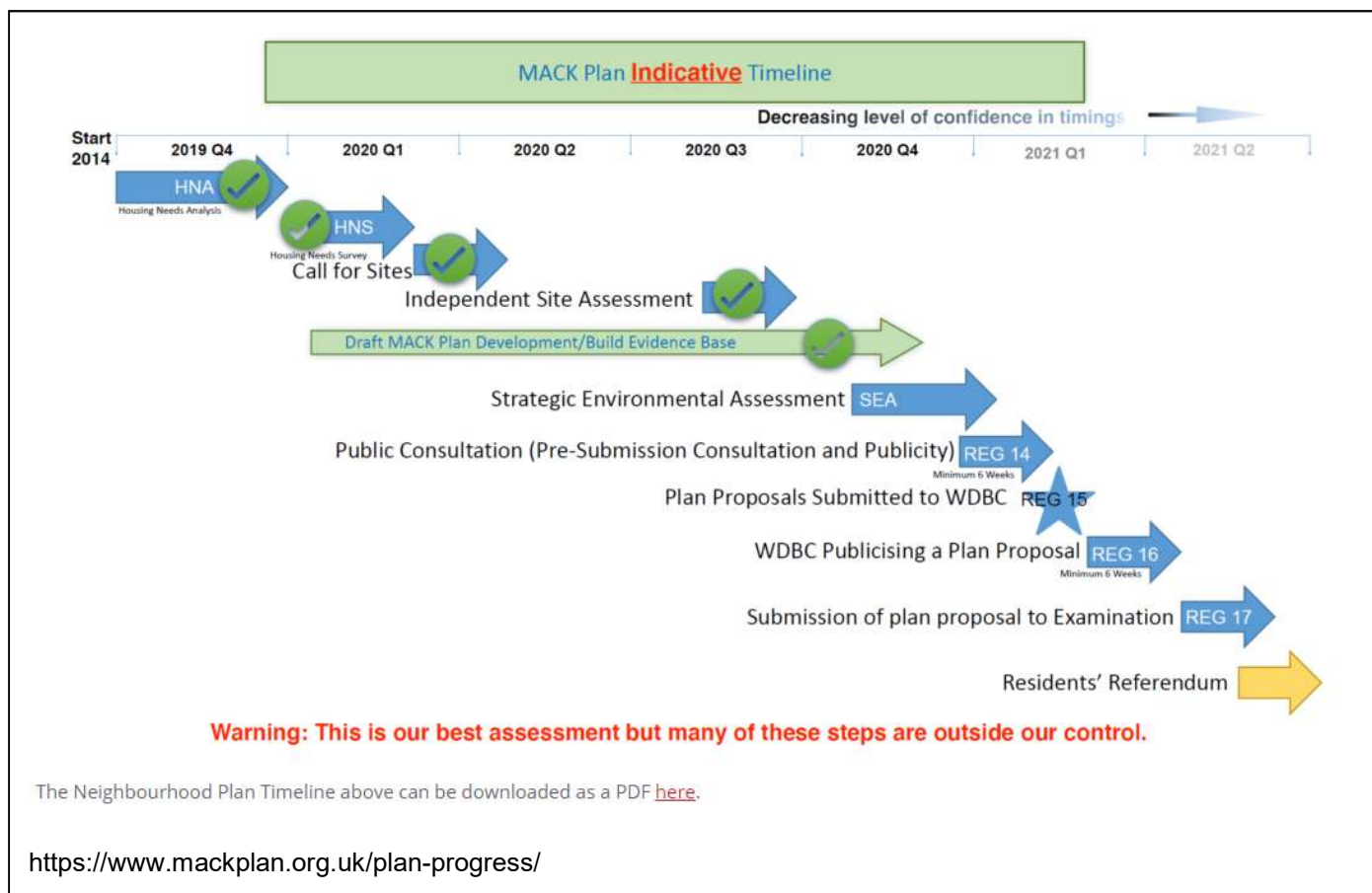
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft 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 on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

The MACKNP is still at a fairly early stage, having just completed its Reg 14 consultation (see chart on next page for the stages) and responses to that are being examined. It cannot therefore be said to be advanced, and in line with the advice above from central Government, it cannot yet be given great weight. What is clear is that there is an overwhelming rejection of this application site in the Plan, albeit it is recognised the site put forward was larger than that now under consideration.

Officers do consider though that it can be given some weight, and that is supported by a recent appeal decision in Lamerton, under application 3404/19/OPA appeal ref: Q1153/W/20/3248731. This was an outline application, also for 5 dwellings and the Lamerton NP was at Reg 14 stage. The Inspector dismissed the appeal, noting that whilst the application

was in conflict with the emerging neighbourhood plan, the plan was not at an advanced stage and carried only limited weight.



A more recent appeal, dated September 2020, also involved the Lamerton NP. The inspector noted the development “wold not accord with the emerging NP...” and that whilst at Reg 14 stage and not adopted, “...its intentions still carry weight in the decision.” (APP/Q1153/W/20/3253445 Application 2291/19/FUL).

In any event, it is worth noting that whilst the MACKNP has proposed to allocate sites for housing development, the site subject to this application is not one of those. It was proposed and is discussed in the MACKNP as “MA Site D: Land to the North of Edgcumbe Terrace and Higher Edgcumbe Lane.” The site put forward is larger than the current application site, containing other land also owned by the applicant to the north. The MACKNP notes:

“Assessment of the proposal against the defined housing needs and design intent is difficult as the proposer has stated that “At this stage it is not clear how the site would be developed”. However, the submission suggests that the site could provide for 30 dwellings.

Compliance to any of the community’s aspirations or legislative requirements is simply addressed by the statement “The site would assist in delivering the required number of homes in the plan area and as required by the Joint Local Plan. The delivery of this site will in meeting the required mix of housing required in relation to the relevant ONS data and Housing needs survey relating to the plan area”.

The consultants responsible for the MACKNP, AECOM, have summarised the site as:

Major constraints to development at this location include landscape and visual sensitivities, flood risk concerns, impacts to residential amenity, the potential for adverse impacts to the setting of heritage assets, access concerns, and potential impacts to the spring-fed water supply and existing utilities infrastructure. In this respect, the site is not suitable to take forward for the purposes of the MACK Plan.

- *Access; Safe access for cars to this site is a major concern and would represent hazards to those wishing to access basic services. It is difficult to see how safe access can be provided to this site and so any development would increase the dangers to road users.*
- *Landscape and Ecology; The site is raised above the village and the AONB. Any development would have a negative impact on views from the AONB towards the village and its setting.*
- *Heritage and Archaeology; With the position of the site being above the village any development will have negative impact on the historic buildings within the village conservation area.*
- *Flood Risk, Water Quality and Drainage; As pointed out in the MAGPC response to the current planning application there has been flooding of buildings adjacent to this land from water running off this site. There is potential risk that this could be exacerbated by development of this site.*
- *Contamination and Environmental Health; This land includes or is adjacent to spring water supplies to the village and so there is a significant risk to the health of those residents' dependent on these supplies.*

The MACKNP goes on to discuss the current application, noting the Parish Council have raised objections including;

- *There appears to be a question about the legal right to the access shown on the plans – this needs to be fully resolved. This issue has also been raised by the County Council Highway Management assessment (Consultation response - External - Highways - 24/01/2020).*
- *Edgcumbe Lane is a busy road with no pavements – a further increase in traffic both during construction and after is a danger.*
- *The site is currently one of 10 submitted for the draft Neighbourhood Plan. These are currently being independently assessed to identify which sites best meet the local need. This application should at least be postponed until residents have had a chance to vote on the Neighbourhood plan and its recommended sites.*
- *The plans show the plots well within the mandated four meter clearance from current spring water that flows on the land, where there needs to be an absolute minimum of four meters of clearance.*
- *There has been recent flooding of the pub and housing along Edgcumbe Terrace/Lane due to a recent altered water course and drainage issues of the field considered for building.*
- *The plans, plots and size of housing does not meet the needs of the village, as highlighted within phase 1 of the MACK Plan survey.*

The main points to note are

- *That the housing is not in keeping with the current architecture of the village and*
- *There is no mention of affordable housing which a key objective on the council core aims of new development.*

Formal comment has also been received from the Inspector of Historic Buildings and Areas “Historic England has concerns regarding the application on heritage grounds. These concerns relate to the outline nature of the planning application and the consequential lack of ability of your authority to make a proper assessment of impact on nearby heritage assets”.

Community Feedback

In excess of 100 objections have been raised on the current application by the community. Issues raised include (but are not limited to):

The MACK Neighbourhood Plan – Shaping Our Community, Our Future

- *Access*
- *Affordable homes*

- Topography
- Over dominance
- Private water supply
- Flood risk
- Established rights of way
- Historical environmental and assets
- Meeting the defined housing need for 1, 2 and 3 bedroom houses.

The MACKNP concluded:

Given that this is a community led endeavour, the significant objections against development of this site by local residents supported by the independent views of AECOM, this site is not suitable to take forward for the purposes of the MACK Plan.

It is therefore clear that this site is not supported by the emerging MACKNP, nor by the local community given the significant number of objections on file.

JLP Policy TTV2 supports sustainable development in the TTV Policy area, which reinforces the settlement hierarchy in TTV1 and delivers a sustainable pattern of development. The principles of SPT1 and SPT2 should also be met.

Specific elements of TTV2 relating to housing provision to be delivered include locating housing where it enhances or maintains the vitality of rural communities and the delivery of affordable homes.

Policy TTV25 concerns development in sustainable villages. The JLP seeks 550 homes from these villages as part of the overall housing supply for the TTV Policy Area; neighbourhood plans are seen as the key to identifying needs. TTV25 identifies that the settlement is able to accommodate 20 dwellings, which should be provided through a neighbourhood plan. Where there is no neighbourhood plan, the Local Planning Authority is still able to support development which meets the identified need of local communities and which responds positively to the indicative figures set out in the policy.

The supporting text to TTV25, at 5.161, notes it is important to strike a balance between maintaining viability of a village but that any development must also respect the character of the village and important designations such as AONBs, whilst being at an appropriate scale to meet the needs of local people.

DEV10 seeks to deliver high quality housing, and whilst relates largely to design and adequate space to achieve good living standards, it also requires developments to integrate with adjacent developments and not appear as unrelated additions.

DEV20 relates to place shaping and the quality of the built environment. It is applicable to rural areas, and relevant points states that:

Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment.

DEV20.2 Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.

DEV20.3 achieving a good quality sense of place and character through good utilisation of existing assets....

DEV20.4 Delivering locally distinctive design

The supporting text, at 6.80, notes it is important to maintain the distinctiveness of rural settlements. Paragraph 6.81 elaborates further in that it is not just the architecture of buildings but "...also about the spaces within which the development sits, the quality of the relationships between the development and surrounding areas...."

The delivery of 5 dwellings can be seen to make a positive contribution towards meeting the aspirations of TTV25 and maintaining the vitality of the village, which carries weight in favour of the development. However, the application includes layout as one of the matters under consideration and when assessing the proposal against the pattern of development in the village, there is a clear conflict with DEV20 and also elements of SPT1, which requires development to maintain local distinctiveness and sense of place.

The centre of the village is the older core, with more recent development on the edges. The Majority of dwellings either front the main roads through the village, face side roads, or are of cul-de-sac form, with some infill development. The layout submitted shows a linear form of tandem/backland development which is at odds with the overall village development pattern. The proposed dwellings will not be seen as infill development. It does, to a degree, respect the linear form of Edcombe Terrace, although turns it back towards the Terrace, but does not respect the wider pattern of the village. This is considered important in such a small settlement, where a smaller development can have a greater impact than would be seen in a larger settlement or town.

Furthermore, an additional hedgerow boundary is to be created to the rear of the parking areas for the dwellings, leaving the original hedgerow boundaries, again, creating a development and landscape feature that is out of character.

Also of consideration is DEV8, which seeks an appropriate housing mix based on identified local needs or to address any imbalance. In this case, the most recent data for the village is provided by the ONS data, which indicates that there is an oversupply of 3 and particularly 4 bedroom houses and an under provision of 1 and 2 bedroom properties. In addition, a shortage of terraced housing and an oversupply of semi-detached and a slight oversupply of detached houses.

As the appearance and scale of the proposed dwellings is not being fixed at this stage, the bedroom provision is not being agreed. The layout is being fixed and does show the dwellings to be smaller than those originally shown. Given the terraced form, it is reasonable to assess the application on the basis that smaller dwellings will be provided; this is reflected by the parking provision, which is stated to be 2 spaces per dwelling, which equates to 2 and 3 bed properties as set out in the SPD under DEV29.3. Subject to a condition on any approval requiring the reserved matters application to demonstrate it meets the need in line with DEV8, there is not considered to be a conflict with this policy. If the reserved matters scheme did not provide an appropriate mix or sufficient parking, it would most likely be refused.

Setting aside the concerns discussed above, the site is large enough to accommodate the 5 proposed dwellings and provide each with more than adequate amenity area to conform to the figures set in the Supplementary Planning Document (SPD).

Objectors note that no affordable housing is provided. Policy DEV8 also sets the threshold for when a site needs to provide affordable housing. DEV8.2 identifies that in designated rural areas developments of between 6 and 10 are required to provide a commuted sum for affordable housing off site. The objecting comments are noted, but as this proposal is for 5 dwellings the development does not need to provide affordable housing either in the form of a commuted sum or on site. The development does, however, still need to provide an appropriate mix of dwelling types.

Furthermore, DEV9 requires consideration is given to the range and mix of housing. DEV9.4 requires that at least 20% of the 5 dwellings, where practicable, meet national standards for accessibility and adaptability under Category M4(2) of Building Regulations. This could also be addressed by condition, to be secured at reserved matters stage, and there is no reason to indicate it cannot be achieved.

Development is also expected to meet sustainability aims in relation to DEV32 and waste management through DEV31. Given the outline nature of the proposal, it is considered these could also be addressed at reserved matters stage, and secured by condition.

In light of the above, whilst there are elements weighing in support of the development and that the MACKNP only carries limited weight at this stage, for the reasons set out above, it is considered the proposal fails to have proper regard to local character and the development context of the village, contrary to the good design aims of the NPPF, JLP Policies SPT1, TTV2, TTV25, DEV10 and DEV20, and the SPD.

Heritage impacts:

The application site lies immediately to the north of the Milton Abbott conservation area, the boundary being the rear of the dwellings in Edgumbe Terrace, the special character and appearance of which it is desirable to preserve or enhance; the setting of the conservation area is also a consideration. Within the conservation area there are a number of listed buildings, the most significant of which is the Church of St Constantine, to the south, which is Grade I listed.

This application site is set behind existing properties. The site layout is being fixed and shows the dwellings set towards the north of the plot.

The land slopes up to the north and the higher parts of the site are both more sensitive within the landscape and have a greater opportunity to impact upon designated heritage assets. As a result, additional information was requested to support the application and this resulted in additional layout drawing, together with a Heritage Impact Assessment being submitted. As a result of these, an additional round of public consultation was undertaken including with Historic England and the WDBC Conservation Specialist.

JLP Policy DEV21 identifies that development proposals will need to sustain the local character and distinctiveness of the area by conserving, and where appropriate, enhancing the historic environment; great weight will be given to the conservation of designated and non-designated heritage assets, and their settings. The following apply;

1. The significance, character, setting and local distinctiveness of heritage assets should be considered within an appropriate assessment to determine impact

2. Where development proposals lead to any harm to the significance of a designated heritage, asset they must be fully justified against:

i. The public benefits of the development, and whether there are substantial public benefits in cases where there would be substantial harm.

ii. Whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of the harm to the assets significance and if the work is minimum to secure its long term use.

Any harm to non-designated heritage assets must be fully justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraphs 193 and 196 of the NPPF require the harm to designated heritage assets to be balanced against the public benefits, and great weight needs to be given to their conservation.

Historic England (HE) have been consulted on this application given the site's relationship with the Grade I listed church and the conservation area, both of which are designated heritage assets. HE have advised that housing on this site will have a greater impact on long views into the village conservation area and towards the site. HE have also commented that the position of the road in the landscape is relatively high level, with broad views into the village and have advised that their concern relates to the visibility of the field and creating a linear development which in combination with the existing terrace will be a distracting feature with the church.

Furthermore HE have advised that the outline nature of the application makes it difficult to properly understand the potential impacts. They maintain their concerns, but do agree with the conclusions of the submitted Heritage Impact Assessment, in that the any harm would be less than substantial.

As discussed above' this is an application at outline level only but layout has been included, along with access. A revised site layout was submitted showing a liner development in 2 blocks comprising a pair of semi-detached buildings and a terrace of 3. Whilst further details will be required at reserved matters stage in terms of scale and appearance, as well as landscaping, the LPA must assess the layout as shown and make a judgment whether that would be likely to result in harm to heritage assets.

The Council's Conservation Specialist has viewed the proposals and has supported HE in their concerns, noting that the main heritage issues are the effect on the setting of the adjacent conservation area and the setting of the Church of St Constantine.

Key views of the site are from the important PRow south of the village and from the village entrance to the east; the former is considered to be underplayed in the otherwise thorough and informative Heritage Appraisal.

The prospect of any development spreading too far up the hillside is a concern as the village remains well contained on the northern side and the backdrop of the village remains strongly agricultural in views from the south. The form of development now presented has more connection to the form of development in the conservation area than the 5 detached dwellings previously suggested.

Concerns are also noted over the indicative dwelling elevations, in that the south facing gables that would be an assertive visual feature in the distant views. Development of a very high quality could achieve a neutral result in this location purely from a heritage viewpoint, but the Conservation Specialist does not feel the application demonstrates that with the layout being fixed.

Further difficulties arise due to the nature of this outline proposal where topographic detail is lacking and no accurate representations are possible from key vantage points; it is therefore necessary to take a precautionary approach. The development, as proposed, fails to convincingly show that there is no harm to the setting of heritage assets or that a very low level of harm is outweighed by demonstrable public benefit. That is not the case and the proposal is considered to conflict the NPPF, particularly paragraphs 193, 194, 195 and 196 and JLP DEV21.

Landscape:

In terms of the landscape the site is not located within the Tamar Valley AONB (TVAONB), the boundary of which lies approximately 0.3km from the centre of the site, on the southern edge of the village. There is therefore the potential for the development to affect the setting of the AONB.

Policy DEV25 requires proposals that are located within the setting of designated landscapes to conserve and enhance the natural beauty.

Also applicable is DEV23 which relates to landscape character and requires development to respect scenic quality, conserve and enhance characteristics and views of the area, maintain dark landscapes and mitigate any impacts where appropriate.

The site is generally well contained, screened from view behind existing dwellings and hedgerbanks from much of the village and its surroundings. In terms of landscape impacts, it is considered that some development in this location could be assimilated into the village. The Landscape Specialist notes that building on the higher ground of the site should be avoided, as any structures close to the north-east boundary would be more prominent when viewed from public vantage points.

The site is visible as part of the village from the B3362 road when approaching from the west and from the unnamed lane leading to Bridleway number 3 to the south (which is part of the Tamar Valley Trail), leading towards Endsleigh. There are impressive views of Milton Abbot within the wider landscape from this elevated land.

In addition to these visual effects, the proposal would result in the development on a historic field, affecting some lengths of hedge banks, which are key characteristics of the LCT 3G: River Valley Slopes and Combes.

In assessing the wider the landscape character and visual amenity, the overall position is conserved, but it is acknowledged that at a local level, changes will occur from a loss of a small area of pasture land adjacent to the existing settlement. The long views across the landscape to and from TVAONB will be protected and largely unaffected by the proposals as set out in the outline.

The majority of site hedgerows will be retained. The north-eastern hedged boundary is a particularly strong and important feature that visually contains the site, and that will provide some screening of the proposed development from more elevated vantage points to the north-east of the site (such as the Public Right of Way Milton Abbot Footpath 2, part of the Tamar Valley Trail).

The existing oak tree in the hedge line to the south-east is a prominent landscape feature, and its retention within the scheme is noted and welcomed. The proposed new bank along the south-eastern boundary of the site should match the form and materials of the existing banks around the field, which should be conserved and enhanced as part of a comprehensive landscape scheme, to be addressed at Reserved Matters stage.

Development within the site should be limited in scale, addressed through reduced building heights, and should avoid the higher land to the north of the site. Whilst the design and scale is not being agreed at this stage, there will be opportunities to mitigate at reserved matters stage by controlling the mass and form of the dwellings, to ensure that the development will conserve and enhance the conservation area setting and emulate the local character. Concerns are noted however, that an appropriate design might not be possible based on the layout being fixed.

Subject to securing appropriate details and a comprehensive landscape scheme to be informed by a Landscape and Visual Impact Assessment at reserved matters stage, it is considered this outline application has demonstrated that the site can be developed without significant detrimental impacts to the character of the immediate landscape and wider TVAONB, in accordance with JLP policies DEV23 and DEV25.

Neighbour Amenity:

Policy DEV1 is the key consideration relating to residential amenity;

Development proposals will be required to safeguard the health and the amenity of local communities. In addition to measures set out in other policies of the plan, this will be through appropriate:

1. Ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy...for both new and existing residents...Unacceptable impacts will be judged against the level of amenity generally in the locality.

This is emphasized in the Supplementary Planning Document (SPD) *3.7 Developers will need to demonstrate through the application process that these points have been considered.*

JLP policy DEV10 requires high quality housing which should be designed to be integrated with adjacent developments and not appear to be an unrelated addition to the rest of the ...village.

DEV20 is also considered to be applicable in that it requires development to have proper regard to local development patterns, including siting, layout and orientation.

As discussed above, the proposal is backland development, of a linear form set behind, and turning its back to, the existing dwellings of Edgcumbe Terrace. There is a clear conflict with the aforementioned policies in this regard.

The revised drawing details that a 24 m back-to-back distance can be achieved between the development and the boundary of the neighbours at Edgcumbe Terrace. This separation distance shown indicatively complies with the guidance in the SPD if the site were level; 21 m is the minimum distance between habitable rooms. However the site does slope northwards. The SPD notes that levels of privacy to be expected from residential development will differ depending on the location; privacy in densely built up areas may be expected to be less than lower-density areas.

For a sloping site, the SPD suggests 28 m where there is a drop in levels and where there is a difference in ground levels, the distance should normally be increased by an extra 3 m for every 2 m increase in height.

Were layout not being fixed, this could be left to the detailed designed at reserved matters stage, and potentially a reorientation of adjustment to the siting. However, layout is being fixed so it is appropriate to give consideration to neighbour amenity at this point.

The applicant's agent has put forward that the SPD is silent in so far as distances relating to new dwellings, and this it only relates to extensions and alterations to existing dwellings. Officers consider the guidance is equally applicable to new dwellings, and perhaps even more so, given the significant change resulting from a new dwelling compared to an addition to one that already exists.

The application has not been accompanied by any drawings showing existing or proposed levels, nor will any cross sections to show the relationship be acceptable. The application has therefore been assessed through a visit to site and based on the Council's OS based mapping system.

The difference in levels is approximately 4 metres across the site; the applicant's agent has indicated 3 to 5 m. Therefore the minimum 21 m distance should be increased by around 6m (3m for every 2 m height difference), giving a back-to-back distance of 27m. Screening could undoubtedly be provided on the boundaries of the new dwellings, however, given these are effectively the rear boundaries of the existing dwellings, that they sit much lower and their rear elevations look out directly onto the site, it is not considered this could be achieved without detriment to the outlook and living conditions of the existing properties.

Consideration could be given at reserved matters stage to fitting obscure glazing in the rear elevations of the proposed dwellings, but it is likely this would then not result in a good quality living environment for residents of the new dwellings.

The provision of bungalows on site would go some way to addressing the identified conflict, but based on the submitted layout and indicative elevations, bungalows are not being proposed; the dwellings are stated to be 1 ½ storey, but measure at standard 2 storey height (around 8m). In any event, bungalows would be very much out of character with the development pattern.

In terms of vehicular movements, the access drive was re-routed to the rear of the site, away from Edgcumbe Terrace. It is not considered that the traffic that would be generated by 5 dwellings would be so detrimental to the properties at either side of the access point to be unneighbourly, particularly when considering vehicles already use it to access their garages.

The proposal is considered to be an unneighbourly form of development, likely to result in a loss of privacy and overlooking to the existing dwellings in Edgcumbe Terrace, contrary to the aims of the NPPF in relation to good design, particularly (but not limited to) section 12, DEV1, DEV10, DEV20 and Appendix 1 of the SPD.

Highways/Access:

Access is under consideration as part of this outline application. There have been a number of representations that have identified areas of dispute with regards to the access. It is understood there has also been a land owner dispute about access.

During the course of the application revised plans have been received and reviewed by the Local Highway Authority, and their observations are based on the content of those plans.

It is considered that the number of proposed dwellings is the maximum number that can be suitably served by a private access. Noting the garages in third party ownership that sit alongside the access, it is not considered there would be any conflicts arising through their use; access to them will still be maintained.

A turning area is shown on site, along with 10 parking spaces.

Objections refer to poor visibility to/from the access and that the resultant increase in traffic would be dangerous to highway and pedestrian safety. The Highways Authority consider the access arrangements to be acceptable, subject to conditions on any approval. It is not considered that the traffic this development would generate would be so significant to warrant refusal on highway safety grounds.

In so far as ownership of the access and visibility splays, it is clear there is a dispute over this. The applicant has supplied Land Registry deeds to show they own the necessary land. Were this not the case, it would become a civil/legal matter for the applicant to resolve.

It is worth noting that the development is proposing a link to the centre of the village through a new pedestrian access to the south. This will improve the permeability of the site and link the site to the village centre off road. However, this is not within the red line application site boundary and cannot be given much weight in favour of the proposal. The Highway Authority are not insisting it is a requirement and it has not featured in their considerations.

The development is therefore considered acceptable in relation to highway safety, in accordance with DEV29 which requires safe and satisfactory traffic movements and access to and within the site.

Drainage:

JLP policy DEV35 requires development to incorporate sustainable drainage measures to minimise water run-off and ensure it does not increase flood risk or water quality impacts elsewhere; drainage should follow national SuDS standards.

The development proposes to connect to the existing mains foul system. It does not appear that confirmation has been provided that the system has capacity, but in light of the MACKNP

allocating sites for housing, it is reasonable to reach that conclusion. In light of the identified policy conflicts, this has not been pursued.

Little detail has been provided in relation to surface water, only some percolation tests and a statement that soakaways would be used; given the site layout and lie of the land, it is reasonable to conclude these would be located in the rear gardens of the proposed dwellings. It would be expected, even at outline stage, and especially where layout is being fixed, for an indicative plan to be submitted.

The Council's Drainage Specialist has assessed the proposal and raised an objection over insufficient information, noting the soakaway testing shows that the infiltration rate is very low and the only suitable area is behind the existing houses, TP1-3. There is a water course at the top of the site but closer to it, the infiltration rates worsen; it has even failed in the adjacent field which demonstrates how variable the soil in the area is.

No topographic information has been provided to show if the watercourse at the top of the site may offer a fall back. Given the sloping site, placing soakaways in the rear gardens, close to the existing properties could result in some down slope re-emergence of the water; this would be particularly problematic given those properties sit as a lower level.

A further concern was highlighted in that the access is to remain as private but it will still need to be drained. The revised site plan has reduced the area available for soakaways or drainage solutions.

The Drainage Specialist considers that given the above concerns, there needs to be a worst case drainage scheme (controlled discharge to a watercourse or sewer) proposed to demonstrate that the site can be suitably drained. The site is too steep and limited infiltration to be able to deal with the drainage by condition.

Therefore the proposal is in conflict with JLP Policy DEV 35 and the NPPF.

Biodiversity:

The application has been submitted with a preliminary ecological survey, dated January 2019, which concludes that subject to mitigation, there is potential for biodiversity gain; mitigation comprises of native species in the landscaping and the provision of bat and bird boxes on the dwellings.

Given the scale of development, if secured by condition, this would be seen to be acceptable and accord to DEV26. However, it should be noted the survey states "If no action or development of this land takes place within twelve months of the date of this survey, then the findings of this survey will no longer be considered reliable and should be repeated. The survey is now over 24 months old, and was 12 months old at the point of the application submission.

The site falls within the Tamar European Marine Site Zone of Influence (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site would be needed and secured by legal obligation. No legal obligation has been submitted and therefore it cannot be concluded the development would not have significant in combination effect upon the integrity of the European Site.

The proposal is therefore in conflict with JLP DEV26, the SPD, the aims of the NPPF in section 15 (paragraphs 170d, 175 and 177), the NERC Act 2006 and the Conservation of Habitats and Species Regulations 2017.

S106 Contributions:

A S106 would need to be in place to secure the habitat contributions, together with maintenance and management of all communal areas and drainage. Nothing has been submitted.

Given the policy conflicts identified above, the Case Officer has not pursued this in order to not incur wasted legal expenses for the applicant.

Therefore the development fails to contribute towards the necessary infrastructure and JLP policy requirements under DEV26 and DEL1.

Other Matters:

A number of residents have raised a concern about the supply of water to the village and the impact that this development would have on this supply. The applicant has provided a report and this has been reviewed by the Council's Environmental Health Officer. It is considered that the assumptions within the report are reasonable and that the development would not result in an interruption of the supply; the supply pipe is shown on the site plan running between the pair of semi-detached dwellings and the end of the terrace (plots 2 and 3). A buffer would need to be maintained either side of water supply pipes. However, essentially, this would be a civil issue to address between the parties.

DEV2 does refer to water quality, but it would not be applicable to use this to protect a private water supply. A condition could be used to secure a scheme of construction detailing how that supply would be protected, as suggested by the Environmental Health Officer.

Planning Balance:

As discussed above, there are some elements weighing in favour of this proposal, namely the provision of 5 dwellings which will contribute towards meeting the JLP targets and enhancing the vitality of the village. However, this should be taken into consideration with the identified policy conflicts, the fact the site is not proposed to be allocated in the emerging MACKNP, the proposed inclusion of which has received significant objection, and that the Council can identify a 5 Year Housing Land Supply. There is therefore no requirement or need to deliver additional sites or windfall housing such as this.

There is limited landscape harm, however, heritage harm has been identified.

As identified in this report the development fails to have proposer regard to local character and the development context of the village, has not demonstrated an appropriate method of surface water drainage and has not addressed the need to provide mitigation towards the Tamar Marine Estuary.

Therefore this application is recommended refusal for the reasons as set out above.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

- SPT1 Delivering sustainable development
- SPT2 Sustainable linked neighbourhoods and sustainable rural communities
- SPT3 Provision for new homes
- SPT11 Strategic approach to the Historic environment
- SPT12 Strategic approach to the natural environment
- SPT14 European Protected Sites – mitigation of recreational impacts from development
- TTV1 Prioritising growth through a hierarchy of sustainable settlements
- TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
- TTV25 Development in the Sustainable Villages
- DEV1 Protecting health and amenity
- DEV2 Air, water, soil, noise, land and light
- DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
- DEV9 Meeting local housing need in the Plan Area
- DEV10 Delivering high quality housing
- DEV15 Supporting the rural economy
- DEV20 Place shaping and the quality of the built environment
- DEV21 Development affecting the historic environment
- DEV23 Landscape character
- DEV25 Nationally protected landscapes
- DEV26 Protecting and enhancing biodiversity and geological conservation
- DEV28 Trees, woodlands and hedgerows
- DEV29 Specific provisions relating to transport

DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management

DEV32 Delivering low carbon development

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

In terms of the status of the MACK Neighbourhood Plan, the Regulation 14 consultation has now ended and the responses being reviewed. At this stage, it carries limited weight.

Other material considerations include the policies of the National Planning Policy Framework, guidance in Planning Practice Guidance and the JLP Supplementary Planning Document.

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.

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West Devon Borough Council Agenda Item 6

PLANNING AND LICENSING COMMITTEE 23-Mar-21

Appeals Update from 3-Feb-21 to 4-Mar-21

Ward Dartmoor

APPLICATION NUMBER : **0188/20/OPA** APP/Q1153/W/20/3259659
APPELLANT NAME: Ms C & J Blackburn
PROPOSAL : Outline application with some matters reserved for 5 dwellings including 1 bungalow
LOCATION : Land Adjacent To Rowan Heights Grenofen Officer delegated
APPEAL STATUS : Appeal decided
APPEAL START DATE: 02-November-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 03-March-2021

Ward Exbourne

APPLICATION NUMBER : **2961/20/OPA** APP/Q1153/W/20/3265247
APPELLANT NAME: Mr Roger Brentnall
PROPOSAL : Outline application with all matters reserved for siting of seven glamping pods in rear garden and associated access track and utilities to service the pods
LOCATION : The Countryman Sampford Courtenay EX20 2SA Officer member delegated
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 03-February-2021
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3126/20/FUL** APP/Q1153/W/21/3266399
APPELLANT NAME: Mr Jon Clark
PROPOSAL : Construction of five new dwellings with associated parking and infrastructure (Resubmission of 4033/19/FUL)
LOCATION : Highcroft Broadwoodkelly EX19 8EL Officer delegated
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 04-February-2021
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Hatherleigh

APPLICATION NUMBER : **1437/20/FUL** APP/Q1153/W/21/3267701
APPELLANT NAME: Mr Martyn Bowman
PROPOSAL : Construction of two dwellings and associated works (resubmission of 2178/19/FUL)
LOCATION : Oak Tree Cottage Holsworthy Road Hatherleigh EX20 3LE Officer member delegated
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 22-February-2021
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3983/18/CLE** APP/Q1153/X/19/3228379
APPELLANT NAME: Mr Trevor Griffin
PROPOSAL : Certificate of Lawfulness for the existing use of a single dwellinghouse (Class C3) within part of the existing goat house
LOCATION : 3 Meadows Old Goat Barns Highampton Officer delegated
APPEAL STATUS : Appeal decided
APPEAL START DATE: 19-May-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 10-February-2021

Ward Milton Ford

APPLICATION NUMBER : **2529/20/CLP** APP/Q1153/X/20/3265597
APPELLANT NAME: Fado Ltd
PROPOSAL : Certificate of lawfulness for proposed erection of a curtilage building (resubmission of 1444/20/CLP)
LOCATION : The Old Shippon Lamerton PL19 8RR Officer delegated
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 10-February-2021

APPEAL DECISION:

APPEAL DECISION DATE:

Development Management & Licensing Committee 23 Mar 2021

Undetermined Major applications as at 11 Mar 2021

	Valid Date	Target Date	EoT Date
2391/19/VAR Nicola Glanville	19-Jul-19	18-Oct-19	20-Jan-21
5 The Market Fore Street North Tawton Devon EX20 2GT Variation of condition 2 of planning consent 13457/2009/OKE to Amend boundary line and change pedestrian access into the site.			

Comment: Under consideration by officer

	Valid Date	Target Date	EoT Date
3424/19/FUL Jacqueline Houslander	22-Oct-19	21-Jan-20	23-Dec-20
Field at Sx 453 669, Adjacent to Woolacombe Road Alston PL20 7HH Bere READVERTISEMENT (Revised Plans Received) Application for 31no. new dwellings and associated access road and pedestrian link			

Comment: Application presented to this committee.

	Valid Date	Target Date	EoT Date
2915/19/FUL Anna Henderson-Smith	18-Dec-19	18-Mar-20	31-Mar-20
Wool Grading Centre Fore Street North Tawton READVERTISEMENT (Revised description and plans received) Conversion of existing Grade II listed mill buildings (A and B) into 7 open market townhouses, conversion of building C into 9 open market flats redevelopment of building D for B1 office use, 4 open market dwellings in G and L and building F restored			

Comment: Agent has advised that they have submitted a non-determination appeal

	Valid Date	Target Date	EoT Date
1618/20/FUL Oliver Gibbins	5-Jun-20	4-Sep-20	24-Mar-21
Court Cottage Farm Lamerton Tavistock PL19 8RW READVERTISEMENT (Revised Plans received and amended development description) Demolition of redundant farm buildings and erection of 15no. homes (including 4no. affordable) with new access, parking and car port and new community recreation area			

Comment: Amended Plans have been re-advertised and re-consulted.

	Valid Date	Target Date	EoT Date
2847/19/FUL Oliver Gibbins	24-Jun-20	23-Sep-20	
Land North of the Old Rectory Bratton Clovelly Okehampton EX20 4LA Erection of 10 houses (including 4 affordable houses for local residents); the provision of new access, road and associated Landscaping			

Comment: Discussions continuing between officer and agent.

	Valid Date	Target Date	EoT Date
2536/20/OPA Claire Boobier	20-Oct-20	19-Jan-21	26-Mar-21
Land south of Fore Street Fore Street Lifton PL16 0BT READVERTISEMENT (Revised plans received) Outline application for up to 68 dwellings with POS, landscaping and sustainable drainage system, with vehicular access through the approved access for the adjacent development (2353/18/OPA) - all matters reserved except access			

Comment: Under consideration by officer.

	Valid Date	Target Date	EoT Date
3652/20/FUL Bryn Kitching	18-Nov-20	17-Feb-21	
Land to the South of Plymouth Road Tavistock			Hybrid application comprising full planning application for erection of 45 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and outline planning application for extra care facility for up to 60 units with all matters reserved, except means of access

Comment – Consultation period for application has finished that has raised a number of questions and issues that the Case Officer is considering.

	Valid Date	Target Date	EoT Date
4073/20/VAR Cheryl Stansbury	14-Dec-20	15-Mar-21	
Hatherleigh Market Hatherleigh EX20 3HT			Application for variation of conditions 2, 3, 5, 6, 7, 17, 18, 19, 22,26, 28, 29, 30 and 37 of planning consent 1794/18/FUL to realign road, amend layout and house types

Comment – Recently submitted application within consultation period.

	Valid Date	Target Date	EoT Date
0158/21/FUL Anna Henderson-Smith	18-Jan-21	19-Apr-21	
South Hooe Peninsula Tamar Estuary Bere Alston PL20 7BW			The creation of an area of intertidal habitat at South Hooe (Tamar Banks) and the construction of a new earth bund to facilitate a wetland habitat area, consisting of breaching the existing tidal embankment; the closure of the existing drainage outfall in the embankment; associated drainage outlet to facilitate the wetland habitat area; the formation of two borrow pits to provide site won material for the bund; and the diversion of a small section of track

Comment – Recently submitted application within consultation period.

	Valid Date	Target Date	EoT Date
0024/21/VAR Paul Rossington	27-Jan-21	28-Apr-21	
Land At Sx 677 957 South Tawton Devon EX17 5AY			Application for variation of condition 6 of planning application 0362/20/FUL

Comment – Recently submitted application within consultation period.

	Valid Date	Target Date	EoT Date
4257/20/OPA Paul Rossington	19-Feb-21	21-May-21	
Land Opposite Wilminstone Industrial Est at NGR: SX 4918 7541 Old Exeter Road Tavistock			Outline application with all matters reserved for erection of 10 dwellings

Comment – Recently submitted application within consultation period

	Valid Date	Target Date	EoT Date
0136/21/ARM Anna Henderson-Smith	19-Feb-21	21-May-21	
Land at SX 603 953 Exeter Road Okehampton			Application for approval of reserved matters following outline approval 0032/18/OPA for 50 No. dwellings, including 40% affordable

Comment – Recently submitted application within consultation period

	Valid Date	Target Date	EoT Date
4183/20/VAR Verity Clark	26-Feb-21	28-May-21	
Land to the rear of Rowan Cottages Lewdown			Application for variation of condition 12 (drainage details) on approved application 0825/16/FUL

Comment – Recently submitted application within consultation period