

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Marldon **Ward:** Marldon and Littlehempston

Application No: 1548/19/OPA

Agent/Applicant:

Mr. D. G. Webber,
Westerland Dale
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Marldon
Devon.
TQ3 1RU

Applicant:

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Site Address: Land adjoining Westerland Dale, Westerland, Marldon, Devon, TQ3 1RU

Development: Outline application (all matters reserved) for construction of a single storey dwelling with garage, and alterations to existing vehicular access

Reason item is being put before Committee

Called to Committee by Cllr Pennington who considers the site is accessible to the services and facilities within Marldon and so is a sustainable location.



Recommendation:

Refusal

Reasons for refusal

1. The proposal would result in unessential, unsustainable development in the countryside, inaccessible from local services, without demonstrable justification contrary to policies SPT1, SPT2, TTV1, TTV26 of the Joint Local Plan 2019 and paragraphs 108(a) of the National Planning Policy Framework 2019.
2. The proposed development would result in an increase in the volume of traffic entering and leaving the Class C County Road through a junction, which does not provide safe and

satisfactory vehicular access to the site, contrary to policy DEV29 of the Joint Local Plan 2019 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

3. The proposed dwelling, by reason of the level difference between road and the site, would result in substantial earthworks that would harm the rural character of the lane contrary to policies TTV26 and DEV23 of the Joint Local Plan 2019 and paragraphs 170 of the National Planning Policy Framework 2019.
4. Insufficient information has been submitted to make an assessment of potential contamination of the site, contrary to policy DEV2 from the Joint Local Plan 2019 and paragraphs 170(f) and 178 of the National Planning Policy Framework 2019.

Key issues for consideration:

Principle, landscape, highways, drainage.

Site Description:

Site located on the east side of Westerland Lane, to the south of Westerland Cross and further south of the settlement of Marldon. The parcel of land, currently defined as agricultural field although stated as used as amenity land associated with Westerland Dale, is sited between the dwellings of High House to the north and Westerland Dale to the south. Landscape character defined as 3A 'Upper farmed and wooded valley slopes' and Good to moderate agricultural land.

Within Horseshoe Bat SAC Cirl Bunting buffer zone.

The Proposal:

Outline application (with all matters reserved) for a dwelling.

It is indicated the dwelling would be single storey with garage under and alterations to existing vehicular access. These matters are indicative only as all reserved so not for consideration at this stage.

Consultations:

- County Highways Authority: Objection

The likelihood is the proposals will undoubtedly increase traffic using the substandard junction which leads onto the C11 Road where Westerland Lane meets the C11 road. It is considered the C11 road is the more likely route for occupants of this proposal as the distance to the main two way road network (C11) is much shorter from the site. I.e. It is 340m to the C11 road, rather than 760m if heading towards Torbay and the A380, which is an option from the site also. It is noted the roads are narrow and poorly aligned for drivers travelling in the Torbay direction, which is inevitably likely to make using the C11 junction more attractive.

It is noted the junction of the C11/Westerland Lane offers in the region of 20m 'y' distance (measured in the summer months) x 2.4m 'x' distance x 1.05m height visibility to the right for drivers exiting the side road onto the main C11 Road. It is estimated 85th percentile vehicle speeds on the C11 road are in the region of 33mph at the point the junction intercepts the C11 road and therefore it would be reasonable to expect the junction to provide in the region of 50m x 2.4m x 1.05m height splays at this point.

The C11 Road is a district distributor road between Torbay and Totnes and also functions as an alternative route for residents of Torbay to get to and from the A38 trunk road via Totnes. The C11 Road is also subject to a 30mph speed limit. The C11 Road carries around 6000 –7000 vehicles

per day. Recent accident data reported to the Police has revealed one slight injury accident at the junction of Westerland Lane with the C11.

The details of this accident are as follows – Vehicle 2 was travelling straight on and Vehicle 1 was waiting to turn right out of a smaller side road. Driver of Vehicle 1 states he started to pull out and Vehicle 2 came over the brow of the hill at speed and hit the side of Vehicle 1. Rider of Vehicle 2 stated he was not travelling at speed and Vehicle 1 pulled straight out in front of him giving no time to stop.

It is considered by allowing the change in use the proposals would likely create an undesirable precedent in the area. Therefore the Highway Authority is unable to support the proposals.

- Environmental Health Section: No contamination report submitted, so objection on potential contamination risks not being investigated.
- Town/Parish Council: Support
- Drainage specialists: Standing advice

Representations:

5 letters of support, on the following grounds:

- Design and layout in keeping
- It would free up a larger property and allow the applicant to remain living in the area
- Accessible location can walk up Leader Lane that has no traffic
- Support spoil to be used to create Devon banks
- Multiple houses created at Westerland Barns
- Local Budgen shop and bus stop within 5 mins walk of site

Relevant Planning History

- 0688/18/OPA: Outline application (with all matters reserved) for construction of single storey dwelling with garage under and alterations to existing vehicular access. Refused May 2018
- 34/0493/14/PREMIN: Pre application - No Officer support given: Mar 14
- 34/0807/07/F: Erection of dwelling. Withdrawn Jul 07
- 34/0534/83/3: Site for dwelling. Appeal dismissed Apr 84

ANALYSIS

Principle of Development/Sustainability:

The proposal is sited within an agricultural field to the south of the village envelope of Marldon which is identified as a sustainable village within policy TTV1. While it is noted dwellings known as High House and Westerland Dale are located to the north and south of the site, the surrounding land is primarily agricultural and so the proposal is considered to be defined as 'countryside'.

Policy TTV26 protects the special characteristics and role of the countryside and gives provisions for some forms of development that may be supported in these rural locations. In terms of these exceptions, the dwelling is not considered isolated so the first provisions do not apply. In terms of the second part of TTV26, the dwelling is not to meet an essential need of a rural worker and neither would it reuse an existing traditional building.

Policy TTV1 states that in the countryside development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities. SPT1 and SPT2 are looking to support sustainable development, in particular ensuring that new development is accessible to services and facilities within a sustainable settlement. It is noted the application site lies just over 200m from the public footpath known as Leaders Lane. While this is considered a comfortable walking distances, it is noted the village store would be 750m away, and the

primary school, pub and village hall over 800m which are considered on the upper limit of a walkable distance according to table 3.2 of indicative distances set out supporting policy SPT2. It is noted however that Leader lane is an unlit, untarmacked footpath lacking in any natural surveillance so is not considered an acceptable walking route into the facilities within Marldon as it would be unlikely to be used after dark or by mobility impaired users. Furthermore the 200m before reaching Leaders Lane are also along a unlit single track road. The alternative walking route along Westerland Lane would be a similar distance to using Leader lane, however this is unlit single track road which also for the most part lacks natural surveillance so again does not provide an adequate walking route into Marldon. It is considered that the site is on the outer limits of an acceptable walking distance to the facilities within Marldon and the poor walking route renders the site unsustainable and so it is contrary to policies SPT1 and SPT2.

Design/Landscape:

In terms of the character of the area, it is noted that beyond the junction with Westerland Lane, opposite Pennystone farm the road becomes very rural in character with high hedges and glimpses up to the dwelling of High House that is located to the north of the site. The landscape character of the area is defined as 'Upper farmed and wooded valleys' with valued attributes comprising wide Devon hedges with low, species-rich hedgerows. While the site would have limited visibility from the wider landscape, due to the level difference between the road and the application site it would require a high sided cutting into the field to achieve an acceptable drive gradient. It is noted the access may also need to be widened from that existing to ensure acceptable visibility splays are achieved to comply with Highways guidance. An example of this is clearly evident on the entrance to the adjoining property to the south, Westerland Dale.

The application is in outline with all matters reserved, however the necessary cutting to achieve a satisfactory access is considered to introduce harmful suburban development outside of the village envelope of Marldon to the detriment of the intrinsic countryside character of the site.

Neighbour Amenity:

The site is considered sufficiently sized so that a sensitively designed single-storey dwelling would not have a harmful impact of the adjoining neighbours of High House or Westerland Dale, in accordance with policy DEV1.

Highways/Access:

The Highways Authority has raised an objection to the proposal given the additional traffic the dwelling would generate and the poor junction visibility at the junction of Westerland Lane and Totnes Road. This road is a C11 district distributor road between Totnes and Torbay, and it is noted that this road functions as an alternative route for residents of Torbay to get to and from the A38 trunk road via Totnes. The Highways Authority have stated that given the average speeds of vehicles passing this junction and visibility distance of 50m is required, where currently only 20m exists. It is also noted that there has been one traffic accident reported at this junction where a vehicle was pulling out and was hit by a car travelling on Totnes Road.

It is noted that when the barns to the south east of the site at Lower Westerland were approved in 2005 (ref: 34/0633/05/F) the decision included a legal agreement to secure junction improvements at the Totnes Road/Westerland Lane junction to improve visibility. This legal agreement was later superseded by application 34/2003/09/F for revised junction improvements. Rather than physical works to the junction itself, the improvements included provision of rumble strips, new advanced warnings, new 30mph signs, realigned white markings on the junction, new hatched road markings and trimming back hedges overhanging the highway. The Highways Authority have confirmed these works appear to have been implemented, however they have not achieved the improvements necessary as the visibility is still a concern at the junction.

It is noted and regrettable that these highway concerns were not raised on the previous application on this site last year. However, now they have been raised they need to be given due consideration given the junction safety concerns raised. The proposed development would therefore result in an

increase in the volume of traffic entering and leaving the Class C County Road through a junction, which does not provide safe and satisfactory vehicular access to the site, contrary policy DEV29 of the Joint Local Plan 2019 and paragraphs 108 and 109 of the National Planning Policy Framework 2019

Other Matters:

It is noted that the application has not been submitted with a contamination statement to confirm that there is no potential contamination of the site. This document is required as per the Validation List, so it is regrettable this was not requested before the application proceeded, but the absence of this document does not prevent the determination of the application.

Drainage: The applicant has shown that surface water will be taken by a gravity fed pipe to an existing watercourse to the south-east of the site. While this is acceptable as an in principle scheme, any future application would need to be submitted with percolation testing to demonstrate a more sustainable form of drainage can be discounted. In terms of foul drainage, the proposal is to be managed by a Sewage Treatment Plant, as the nearest public sewer is 150m away. If permission were granted details of the treatment plant would be required by condition.

Ecology: It is noted the previous reason for refusal on lack of information on ecology is no longer relevant to this application as the site area has reduced below the threshold requiring a Preliminary Ecological Assessment.

Policies DEV32 on low carbon development and DEV8 of housing need have not been considered in this application, as they would be addressed as a reserved matter if the scheme were to be approved.

Conclusion

This is considered an unsustainable site on account of the unlit single track routes that would be needed to access the facilities within the village of Marldon so inappropriate pedestrian and cycle links that would result in reliance on private motor vehicle. In addition, the proposed dwelling would require significant access works that would result in an incongruous addition harmful to the rural character of the lane. Furthermore, the proposal would generate additional traffic using an unsafe junction with a distributor road. Insufficient evidence has been submitted in relation to contamination.

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 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
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
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Marldon Neighbourhood Plan – at Regulation 7 so currently given very limited weight.

NPPF paras: 108, 109, 170, 178

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.