

PLANNING APPLICATION REPORT

Case Officer: Rob Heard

Parish: Meeth **Ward:** Hatherleigh

Application No: 1084/19/OPA

Agent/Applicant:

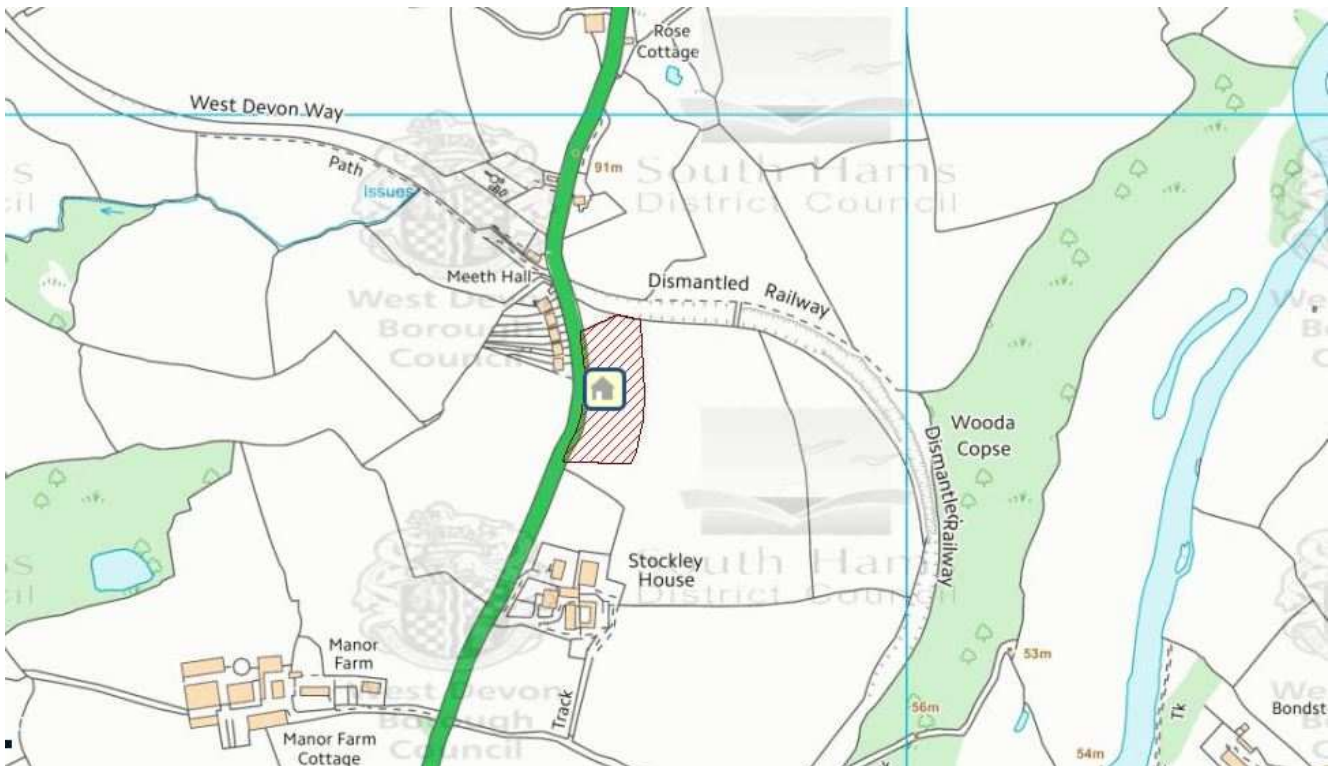
Mr John Blaney - John Blaney Ltd
Culver Lodge
Rectory Lane
Parkham
Devon
EX39 5PL

Applicant:

Mr Angus Howie
Manor Farm
Road From Friars Hele Cross To Bourn
Farm
Meeth
Devon
EX20 3QB

Site Address: Woody Lane Field, Station Road, Meeth, EX20 3QB

Development: Application for Outline Planning Permission with all matters reserved for residential development, village hall, village green access, parking, landscaping and drainage arrangements



Reason item is being put before Committee

At the request of Cllr Kimber, due to the application containing community benefits and affordable housing.

Recommendation:

Planning Permission Refused

Reasons for refusal

1. Principle of Development
2. Highway Safety

Key issues for consideration:

- Principle of Development
 - Accessibility
 - Highway Safety
 - Design
 - Residential Amenity
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Site Description:

The site, which currently has an agricultural use, is located to the south of the settlement of Meeth, measuring approximately 2.4 hectares in size. It is accessed from Station Road, opposite a string of 10 semi-detached post war railway cottages.

Meeth is a small village with a population of approximately 200 people and a limited range of services and amenities. The site occupies a countryside location that is divorced from the village with no footpath links that would provide access to Meeth for pedestrians.

The Proposal:

This application is made in outline only with all matters reserved for future consideration. It is for residential development and includes proposals for a new village hall, access to a village green with ancillary car parking and landscaping.

Consultations:

- County Highways Authority – recommend refusal on ground of highway safety.
- Parish Council – support.
- Drainage Engineer – support subject to conditions.

Representations:

Representations from Residents

Four letters of objection received and covering the following points:

- The application seeks to use an emerging Parish Plan to justify a departure from the Development Plan. However, no Draft Parish Plan has been published or consulted upon. The plan is at an evidence gathering stage and therefore should carry no weight.

The applicant uses evidence from a questionnaire survey indicating that affordable housing is required in the village but then proposes no affordable housing on site and provides no evidence that there are defined sites for affordable housing in the village toward which a proposed commuted sum could contribute.

- The site is located on the Southern fringe of the village with no footpath between it and the existing village centre. It will therefore not support the existing services within the village centre without generating additional traffic movements. The proposal does not address the lack of car parking in the existing village centre.
- The applicant is proposing providing a new Village Hall and Green as part of the development. This will result in the creation of two competing Village Centres in a very small settlement. These two centres will not be connected by footpaths and will therefore generate additional traffic movements.
- No information is provided as to the purpose of the new Village Hall, the facilities it would provide or how it would be maintained and at who's expense. Furthermore, the applicant does not address the future of the existing village hall in the existing centre.
- The applicant seeks to use the lack of housing land supply in the District as a reason for development. This pre-empts the District Council's emerging planning policy, which will show sufficient supply. That notwithstanding, if land were required for housing within Meeth, a call for sites should be undertaken as part of the emerging Parish Plan process.
- I have a piece of land next to the apposted site, next to where the lagoon is going to be I am concerned that with building and the lagoon it will make my land extremely wet when there is a bad drainage problem on the drain already. We need affordable housing but I'm not sure 3 to 4 bedroomed houses are affordable?
- Highway Safety. The general speed of traffic on this section of the A386 is nearer 45/50 mph. You would have to live here to appreciate the constant danger of near collisions mainly by the lorries, coaches and tractors meeting on the bends. It is an accident waiting to happen and another entrance off the road will not help the situation.
- Local Drainage. I have concerns that the Waste Water Lagoon should be enclosed for the safety of children and wildlife.
- Other. I believe that there should be two affordable homes included on this site. The local community of Meeth cannot find anywhere within the village to build the two affordable homes that are mentioned in relation to the Neighbourhood Plan in the Affordable Housing Statment by Groupwest dated 22/3/19.
- Also the development proposed will still be separate from the main village of Meeth with no safe footpath between the two which would then mean extra traffic on the road.

Two letters of support received and covering the following points:

- I would therefore, with some reservations about location, cautiously support this outline planning application subject to:
 - A minimum of two affordable houses on site;
 - One affordable house to be for rent;
 - A local person covenant to be placed on both affordable houses;
 - Both affordable houses to be built and made available before the market houses can be occupied; and
 - That the land designated for a village hall be either given over to public green space or used to provide garden space for the affordable housing. I would suggest a S106 contribution from the application towards improvements to the existing Village Hall could also be provided.

Subject to the above, I would consider the application to be a justified departure from planning policy in order to address a local need. I would also suggest that the objections of the Local Highways Authority could be dealt with by a traffic calming scheme, which would help to address a long-standing issue in the village. This could incorporate a pedestrian crossing giving access from the new development to the footpath on the opposite side of the A386, which leads to the Tarka Trail and Meeth Quarry Nature Reserve.

- I support this application for development in Meeth as feel a small amount of housing will help to support the community and its businesses. I think low cost housing also needs to be addressed for locals. I own an area of land in the centre of the village and when enquiries were made a short while ago re planning, I understood that a pathway would be required from Station Road to the centre of the village to satisfy the highway department. I assume this site would also fall under the same criteria?

One undecided, but raising the following points:

- Whilst we support, in principle, a small development of properties in our village at Meeth, we and many others, feel very strongly that there is a need for first time buyer/family homes, to fill the requirements of local young people, wishing to continue living and working in our village and help our village life to grow. This need must be provided within this development, which currently does not have any affordable housing.

Relevant Planning History

No relevant history.

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy supports development which accords with the Council's settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1.

The site is approximately 500 metres to the south of the settlement of Meeth. Meeth is not identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area. Consequently, for the purposes of Policy TTV1 of the JLP, the settlement is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside.

There is no expectation that housing is required to be built in these locations to meet the identified housing needs of the plan. Furthermore, across the plan area there is a demonstrable 5-year supply of housing sites to meet identified needs, and as such the spatial

strategy and settlement hierarchy should be applied with full weight, therefore the proposals are not acceptable in principle in this location.

In respect of development within the Smaller Villages, Hamlets and the Countryside, Policy TTV1 (4) states that 'development will be permitted only if can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27'.

The site is physically removed from the built form of the village, with no safe or secure pedestrian access to local facilities. Development in this location would therefore result in a sporadic pattern of development that is poorly related to the nucleus of Meeth, which is characterised by a consolidated built form around a pub and the village centre.

Access to the village would appear to require a 500m walk along the A386, including along stretches of road with no footways and poor visibility. There are no street lights along this section of road, which is narrow for long parts with high hedges. Given the distance between the site and Meeth and the aforementioned road conditions, even if vehicle speeds were slow, the use of the road by the occupiers of the proposed dwellings and users of the community centre, especially during the winter months where daylight hours are limited, to walk to the limited local services and facilities at Meeth, would not be an attractive alternative to the use of the private motor vehicle for most journeys.

Whilst the inclusion of a village hall and any other community facilities does weigh in favour of the proposals, this element of the application is not considered to generate additional benefit to the proposals because of how poorly related the site is to the community that it will purport to benefit. Any community facility in this location will inevitably generate additional traffic movements by private car. These journeys will most likely be of short distance, which are the most damaging type of traffic movement in terms of air quality and impact on health and wellbeing.

The application originally included an offer to provide an off-site contribution towards the provision of affordable housing. However, during the consideration process the applicant changed this approach and the application now includes two properties offered as discount market units, which is a form of privately owned affordable housing. Whilst the application is in outline so specific details of mix and type are not available at this time, the offer is considered to be a positive element of the proposals. However, the provision of a form of affordable housing at the site would not outweigh the problems already identified above in relation to the sites isolation from local services and amenities with poor levels of pedestrian connectivity, and therefore whilst on balance this element of the proposals is positive this does not overcome the overriding conflict with the Councils spatial strategy and policy framework.

In conclusion, the proposal would conflict with the Council's spatial development strategy for residential development and if allowed would undermine the local spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity would result in over reliance on the private motor car and cause potential conflict between pedestrians and car users along a busy A road.

Consequently, the proposal would not accord with Policies SPT1, SPT2, TTV1, TTV2 and TTV27 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019, which

supports housing developments that reflect local needs and promote sustainable development in rural areas.

Design/Landscape:

Due to the proposals being made in outline only it is not possible to provide an assessment of their impact upon the character and appearance of the area and surrounding landscape. However, the site is not constrained by any policy or land use designations and it is considered that an appropriate design could be achieved at the site. The site is a sufficient size to accommodate the quantum of development proposed and issues of layout, scale, massing and design would be picked up at reserved matters stage. It is therefore considered that the proposals do not conflict with policy DEV23 (Landscape character) of the JLP.

Neighbour Amenity:

Whilst the exact layout and scale of the proposals are unknown at this stage, the site is relatively self-contained and the development is unlikely to result in significant amenity harm to the existing dwellings on the opposite side of Station Road (A386). Whilst some impact upon the amenities of these properties is inevitable due to the development of the site and increased use of the existing access which is positioned across the road from the existing dwellings, this would not be over bearing or significant. Due to the separation distance between the existing dwellings and the site no overlooking or overshadowing would be created and the application does not conflict with policy DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

Whilst all matters are reserved for future consideration, the proposals seek to improve and upgrade an existing access at the site in order to provide vehicular access to the proposed dwellings and community centre. The County Highways Officer has been consulted and provided the following comments:

The application is supported by a Transport Statement (TS) prepared by David Tucker Associates which was apparently without prior discussions with the highway authority. Unfortunately, there are some inaccuracies produced in the TS, some of which the highway authority has corrected in the following observations.

The A386 (not A428) which serves the site is a County Primary Route (not a trunk road) and is between 6 and 6.5 metres wide in the vicinity of the site with central 'hazard' road markings. On the western side of the road there is a group of semi-detached houses on the western side of the road, most of which do not have a vehicular access. On the eastern side of the road there are some contiguous widening areas which accommodate some off-street parallel parking spaces for the properties opposite.

The road is subject to a speed limit of 30 m.p.h. in the immediate vicinity of the site access and, contrary to the comment in the TS, there is a system of street lighting and a length of footway in front of the properties opposite the application site. There is no footway on the eastern side of the road and there are no footways to the north of the Tarka Trail access

opposite (shown on the application drawings) towards the village centre some 400 metres further to the north.

The County Council's collision data recording system shows a single accident from September 2015 between the site and the village which was categorised as 'serious'. This report is included for information only.

The TS makes reference to a speed survey undertaken in 2017 but gives no details of the survey and refers to a 'maximum 85th percentile speed' (upon which sight lines and visibility splays are derived) but does not clarify whether these speeds are dry weather spot speeds or wet weather journey speeds, where exactly they were taken, or what sort of sample was measured to comply with TA 22/81. As a result, the highway authority did their own observations of vehicle speeds. Observations by the highway authority record vehicle speeds of about 35 m.p.h. southbound, but in excess of 40 m.p.h. northbound approaching the point of the proposed access.

Although it is accepted that exiting visibility from the access is acceptable, due to the location of the proposed access on the outside of the gradual bend, the forward visibility of vehicles turning right into the site access is seriously restricted (to only 50 metres, measured at 1 metre off the centre line). This is only 55% of the minimum forward visibility requirement for speeds of up to 43 m.p.h. Vehicles turning right into the site access, held up by approaching traffic, will therefore not be able to be observed from a suitable distance having regard to the approach speed of vehicles from that direction.

The TS has made no reference to the potential pedestrian trip generation from the application site, particularly the village hall element, which is unfortunate. As mentioned earlier, there are no footways beside the A386 County Primary Route between the site and the remainder of the village to the north. It is highly likely that the village hall will have the potential to generate pedestrian movements between the village and the site and the lack of footways to accommodate those additional pedestrian movements will be prejudicial to highway safety.

Further observations following receipt of plan HOW Rev 8

The issues concerning visibility at the proposed access raised in the highway authority's original observations have now been addressed by the substitution of the amended plan so one of the original recommended reasons for refusal has now been addressed. It is still recommended that the application is refused on the grounds that there are no adequate footway facilities in the area as outlined above and in the following recommended reason for refusal.

If the planning authority are nevertheless minded to approve the planning application as submitted it is requested that the highway authority are consulted again so that they may appropriate conditions can be imposed on any planning permission granted

Reason for refusal:

The proposed development will lead to additional pedestrian movements between the site and Meeth village, some 400 metres to the north, along a County Primary Route with no footways which will be prejudicial to pedestrian safety specifically and highway safety generally which will be contrary to the National Planning Policy Framework published 2019, particularly paragraphs 108 (b) and 109.

It is considered by officers that the above concerns regarding pedestrian safety and the lack of footways in the area and serving the site are important material planning considerations, and despite the application reserving access for future consideration there is only really one way of accessing the site and that is shown on the drawings provided within the application. For these reasons and the lack of pedestrian connectivity the proposals are contrary to policy DEV29 (Specific provisions relating to transport) of the JLP and the NPPF as identified by the County Highways Officer.

Letters of representation:

The letters of objection received do raise some material planning issues such as the suitability of the site for a community use given that its location is divorced from the main settlement, the fact the Council now has a 5 year housing land supply so doesn't have to consider applications for residential development that are not policy compliant, and the associated highways safety issues and over reliance on the private motor car. There are also letters of support that refer to the provision of affordable housing as a positive element of the application. These issues are all addressed in detail in the main Analysis section of the report (above).

Other Matters:

Some information in relation to drainage has been submitted and this is considered acceptable. The Council's Drainage Engineer is supportive of the application subject to conditions. Ecology and renewable energy issues would be addressed at reserved matters stage. The application is considered to be in accordance with policies DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and Water Quality Impacts).

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

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
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
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
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

Neighbourhood Plan

The Meeth Neighbourhood Plan is not sufficiently advanced in its preparation and is not therefore given any weight in the consideration process at present.

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.

Conclusion

The proposals are in outline only, for 8 new dwellings, a community centre and associated parking. The site lies outside of the settlement of Meeth, which itself is not identified in the settlement hierarchy as a location for new development, and is not well connected to the existing settlement, being linked by a busy road with no pavements and no street lighting.

It is considered that the proposal would conflict with the Council's spatial development strategy for residential development and if allowed would undermine the local spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity would result in over reliance on the private motor car.

Furthermore, it is likely that the proposals would lead to increased pedestrian movements on a busy A road that has no footways or street lighting, which would be prejudicial to pedestrian and highway safety. The application is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV27 and DEV29 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019.

The application is recommend for refusal.

Reasons for Refusal

1. The proposal would conflict with the Council's spatial development strategy for residential development by providing new development in an unsustainable location that is divorced from the nearest settlement and if allowed would undermine the spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to the lack of adequate footways and poor connectivity, would result in over reliance on the private motor car and cause potential conflict between pedestrians and car users along a busy A road. It is therefore contrary to policies SPT1, SPT2, TTV1, TTV2 and TTV27 of the JLP. In addition to the above, the proposal would be inconsistent with the objectives of paragraphs 78 and 79 of the National Planning Policy Framework 2019
2. The proposed development will lead to additional pedestrian movements between the site and Meeth village, some 400 metres to the north, along a County Primary Route with no footways which will be prejudicial to pedestrian safety specifically and highway safety generally which will be contrary to the National Planning Policy Framework published 2019, particularly paragraphs 108 (b) and 109.