

OFFICER'S REPORT

Case Officer:	Lucy Hall		
Parish:	Bere Ferrers	Ward:	Bere Ferrers
Application No:	2435/23/FUL		
Applicant:	Burrington Estates Winslade House Winslade Park Exeter, Devon EX5 1FY	Agent:	Mr Simon Coles - CarneySweeney Ltd Broadwalk House Southernhay West Exeter EX1 1TS
Site Address:	Land At Sx 453 669, Bere Alston		
Development:	31no new dwellings, associated access road, pedestrian link, landscaping, public open space & drainage		



Reason for taking application to committee: At the request of Cllr Saxby on the basis *It is a large application and deserves thought from a number of people. The key planning reason is Policy H2. Development considerations for Land to North of Woolacombe Road in the Bere Alston in the Bere Peninsula Community and Neighbourhood Plan.*

Recommendation: Conditional approval

Conditions:

1. Standard three year time limit
2. Development to accord with approved plans
3. Materials schedule
4. Landscaping for public open space
5. Written scheme of investigation (pre commencement)
6. Unsuspected contamination
7. Highway Infrastructure (pre commencement)
8. Highway infrastructure (pre commencement)
9. Highway infrastructure to be kept free from obstruction
10. Method of Construction Statement (pre commencement)
11. Surface water drainage
12. Waste collection strategy
13. Landscaping scheme to be implemented
14. Construction management plan
15. Removal of PD rights
16. Details of rear garden gates to be submitted
17. Pedestrian route to the Down and Bowling club to be completed prior to occupation of plots 17, 22 and 23.
18. Provision of Devon hedge at entrance to site
19. Open space to be retained in perpetuity
20. Protection zone to secure existing hedging
21. No harm to existing hedgerows
22. Details of boundary treatment to be provided
23. Landscape and ecological management plan
24. Renewable energy technologies to be provided
25. Lighting strategy
26. Construction and environmental management plan
27. Development in accordance with ecological impact assessment
28. Biodiversity net plan to be provided

Section 106

- £5,000 towards the investigation, consideration and, if approved, installation of an extended 30 m.p.h. speed limit together with any necessary alterations to signage and street lighting.
- Public access and on-going management and maintenance of the on-site public open space, including any play provision, in accordance with an approved Management Plan in perpetuity.
- On-site LAP with a minimum of three items of play equipment (or equivalent play value), minimum 100m² activity zone and minimum 10m buffer from boundary of adjacent dwellings.
- Off-site play contribution of £20,073.60 towards “improvements to, and on-going maintenance of, play facilities at the Down Recreation Ground and/or Bere Alston Parish Hall and/or Underways”.
- Off-site sports contribution of £25,835 towards “improvements to, and on-going maintenance of, the changing rooms at Down Recreation Ground and/or static exercise equipment in the village of Bere Alston and/or improvements to the basketball area behind Bere Alston Village Hall”
- £24,133.00 towards secondary school transport (being £5.84 x 190 days in the academic year x 5 years at secondary school x 4.35 secondary pupils).

- Affordable Housing to be social rent tenure, and retained in perpetuity. AH to include local connection criteria to the parish of Bere Ferrers in line with our local allocations policy.
- Financial contribution to provide for the shortfall in AH provision to ensure 30%.
- Financial contribution towards Tamar EMS.
- Contribution towards provision of public art to be agreed with Local Planning Authority on the highway verge.
- Off site BNG

Informative

1 x public right of way, 2 x highways, 1x Police

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. 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 residential development of 16 semi-detached 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 four bungalows are served which lie on the opposite side of Woolacombe Road.

The whole site lies within the Tamar Valley National Landscape (AONB).

The Proposal:

The application seeks full planning permission for the construction of 31 dwellings, together with associated works including an access road, pedestrian link, landscaping, public open space and drainage and carbon reduction measures.

The proposal includes a mix of 1, 2, 3 and 4 bed dwellings, with 9 (29%) of these homes proposed as affordable. Plots 13 and 24 – 31 would be affordable and comprise an equal mix of 1, 2 and 3 beds. The remaining 21 units would be open market and comprise a mix of 2, 3 and 4 bed units.

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, stone clad, slate roofs and slate hanging.

The proposed development is very similar to a scheme which was submitted to the Council in 2019 – 3424/19/FUL.

Consultations:

Bere Ferrers Parish Council (attached as appendix 1)
Objection

National Highways
No objection

Tamar AONB Unit
Objection (largely addressed, discussed within report)

Waste (WDBC)
Request further information although confirmed it can be secured via planning condition.

Ecology (DCC)
No objection conditions recommended

Rights of Way (DCC)
No objection

Environmental Health (WDBC)
No objections, Conditions recommended.

Highway Authority (DCC)
No objections, conditions and financial contribution recommended.

Open Space, Sport and Recreation
No objection, conditions and s106 clauses recommended

Trees (WDBC)
No objection, condition recommended

Education (DCC)
No objection but request financial contribution towards secondary school transport

Devon & Cornwall Police
Overall no objection, some concerns raised regarding some rear boundaries

Landscape (WDBC)
No objection

Local Lead Flood Authority
No objection subject to condition

Affordable Housing (WDBC)
No objection subject to legal agreement

Representations:

The Council has received approx. 26 letters of representation from third parties, all objecting to the proposal. The comments can be seen in full on the Councils website but are summarised here as follows: -

- Is there a need for additional housing? Any additional housing should be provided within the village. Planning committee unanimously rejected the previous proposal.
- Well known drainage issues within the village and additional housing will exacerbate it. Infrastructure cannot cope as confirmed by a Govt inspector in 2007.

- Proposed access road goes over the public right of way. Not safe for pedestrians using the right of way through the site to the bowling club.
- Proposal will push light pollution beyond village boundaries causing harm to wildlife and surrounding properties.
- Woolacombe Road is well used by walkers, horse riders and agricultural vehicles. 20 homes have been approved in the adjoining field.
- If approval is forthcoming, Council should impose a one way system along Woolacombe Road. This would reduce potential for accidents at the cross roads.
- Hedge along the proposed development boundary is a valuable natural asset.
- Access to the site, from Woolacombe Road or B3257, would be dangerous. Woolacombe Road is too narrow to cope with additional traffic and is devoid of footpaths.
- Proposal would have adverse impact on the Tamar Valley National Landscape and undermine the green belt.
- The issues raised by the inspector have not been adequately addressed. Site should be accessed from B3257.
- Why will the Highway Authority not reduce the speed limit along the B3257?
- Proposed design is ill-conceived, cramped and replicates generic house types.
- Proposal is dominated by vehicle hardstanding.
- Proposed housing density conflicts with NP policy H6 which restricts
- Noise impact should be assessed based on current daytime and night time levels.
- Parking is proposed but it is inevitable more cars will use the 'Woolacombe Cross' cross-roads, a dangerous junction.
- Many of the garden sizes fall to comply with requirements set out in policy DEV10 and the SPD.
- Gateway site into the village and the design of the houses is out of keeping with the prevailing character in the village.

Relevant Planning History

- 3424/19/FUL Application for 31no. new dwellings and associated access road and pedestrian link – refused, appeal dismissed

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 The application site is allocated for residential development in both the adopted Plymouth and South West Devon Joint Local Plan (JLP) and the Made Bere Peninsula Neighbourhood Plan (NP). The relevant policies are set out below.

JLP TTV.24 (1) Woolacombe Road, Bere Alston, 30 homes, Main policy considerations/things to be provided for by the development: -

- a. Layout, design and location of structural landscaping to be guided by landscape assessment.*
- b. Mitigation of recreational impact on SAC.*
- c. Contribution towards rail link between Tavistock and Bere Alston.*
- d. Ensuring that proposals are well integrated with the existing development.*

Bere Peninsula Neighbourhood Plan

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 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.*

1.2 On the basis the site is allocated for development, the principle of residential development is supported. Careful consideration of the proposal is required to ensure it accords with the provisions set out within the allocation policies, as well as other relevant policy considerations.

1.3 The proposal constitutes major development within the National Landscape and due regard therefore needs to be paid to the tests set out within the National Planning Policy Framework (NPPF). The following extract is from the previous report.

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.”

1.4 On the basis the Neighbourhood Plan process assessed the development allocations against the 3 tests for major development in the NPPF, Officers do not consider it is necessary to assess the development further against the NPPF requirements. It is noted that the NPPF has been amended since the previous report was written. The tests remain the same but they are now set out in paragraph 183.

1.5 The balance of housing need, landscape quality, public benefit, highways matters and a range of other considerations will be assessed throughout this report.

2.0 Access into the Site – B3257 or Woolacombe Road

2.1 NP policies H2 states

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

2.3 NP policy T3 states

Any proposals for residential development of the North Woolacombe Road site (ref WD-48-19-08/14) should consider incorporating a new, combined residential and bowling club access junction on the B3257 to avoid multiple access points on to the B3257, financed by S106 levy. This would also avoid the need for site construction traffic to use existing roads within the recent, adjacent development with the associated safety risks for residents, particularly children. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.

2.4 Planning permission was sought in 2019 (ref 3424/19/FUL) to bring forward the allocation, with access off Woolacombe Road. The application was refused for the following reason.

Policies H2 and T3 in the Bere Peninsula Neighbourhood Plan identify a preference for the access to this allocated site being off the B3257 road. The application has not sufficiently demonstrated that the use of the preferred access is not feasible, and the proposal is therefore in contravention of Policies H2 and T3 of the Plan. The proposal also

fails to meet Policy DEV29.1 and DEV29.2 in the Plymouth and South West Devon Joint Local Plan.

- 2.5 An appeal was lodged, ref APP/Q1153/W/21/3283705. The appeal was dismissed on the basis the Inspector was not satisfied the applicants had demonstrated it wasn't feasible to provide an access off the B3257. Paragraph 19 states *'Therefore in the absence of substantive evidence that an access from the B3257 is not feasible, I find that the proposal is contrary to Policies H2 and T3 of the NP, the requirements of which are set out above.'*
- 2.6 Following the appeal, the applicants explored whether it would be feasible to provide the access off the B3257, possibly shared with the bowling club, and engaged with planning officers and the Highway Authority in pre application discussions. As part of pre application submission, drawings showing the extent of visibility splays required if access was provided off the B3257, and a letter from the Bowling Club was provided.
- 2.7 Based on the information provided Officers were satisfied that it was sufficient to demonstrate access off the B3257 wasn't feasible and a shared access point with the Bowling Club also wasn't feasible. The following is an extract from the pre application response.

The 30mph speed restriction sign is located to the west of the site, just north of Down View. I understand from correspondence received from the Highway Authority during the course of the pre application enquiry that any proposal to move the 30mph sign west is unlikely to be supported as it would not comply with the County Council's strict criteria and policies for 30mph speed limits. This means that the visibility splay will need to be designed in accordance with the recorded 85 percentile speeds (116 metres in the trailing traffic direction and 93 metres in the leading traffic direction). The Highway Authority have confirmed that they 'would be prepared to accept the sight line in the trailing traffic direction measured to the centre line of the road, rather than the same side of the road, but the leading traffic direction one must be measured to the same side of the to the notional running edge of the carriageway.' In order to provide the required visibility splay third party land will be required. I understand you have contacted the owners of adjoining housing development whose land you would require and they have confirmed they would not be prepared to transfer any land. I have seen the exchange of emails between the respective parties. On this basis Officers are satisfied you have demonstrated it is not feasible to provide an access off the B3257, a requirement of NP policy H2.

The bowling club have provided a letter advising that they would not be prepared to consider a shared access on the basis it could have a detrimental impact on the club. I have seen a copy of this letter and am satisfied it demonstrates it is not feasible to provide a shared access, a requirement of NP policy T3.

- 2.8 The application has attracted a lot of local opposition, with many concerned that the reasons the appeal was dismissed have not been adequately addressed, and questioning whether accurate information was presented as part of the pre application enquiry. The Parish Council have also strongly objected to the application on the basis the previous reason for refusal hasn't been addressed.
- 2.9 Officers remain satisfied that adequate information was provided at the pre application stage and supported by comments from the Highway Authority, consider it has been demonstrated access from the B3257 isn't feasible. In their latest comments on an undetermined application to the north of the site for a proposed 'retail store' (co-op) (ref 2215/22/FUL) the Highway Authority provided the following comments regarding a proposed 30mph limit.

'The assessment of need for a speed limit change in relation to this application is aligned with the considerations for the proposed adjacent housing development. Whilst our Policy

would consider the supermarket as a frontage, it remains the fact that the frontage activity in this location does not satisfy the requirements of the County's speed limit Policy, nor National Guidance, for the introduction of a 30 mph speed limit or the extension of the existing one.

Nonetheless within the County's Policy there is scope for departure where there is a compelling case.

The views of the community have been noted, as is the offer from the developer to fund any change to speed limit through the Section 106 process. Therefore the highway authority would accept, in this instance, a proposal from the developer for such a change along with any engineering their consultants feel appropriate to ensure compliance with that change in speed limit.

It must be noted that reviewing through the departure process cannot provide a guaranteed outcome but it is correct this is reviewed following significant public interest.'

- 2.10 While the Highway Authority is prepared to consider a review of the speed limit, at this stage there is no certainty on when this review would occur or any guarantee it will be supported and if it is supported, there is no certainty on when the revised speed limit would be introduced. Furthermore, as the applicants have demonstrated to Officers, even with a reduced speed limit, access from the B3257 would still rely on visibility splays which cross third party land.

3.0 Affordable housing provision

- 3.1 JLP policy DEV8.3 requires at least 30% on-site affordable housing provision for all schemes proposing 11 or more units. On this scheme that equates to 9.3 units on this site. The proposal is offering 9 affordable dwellings, 2x 1 bed flats: 3x 2 bed houses and 4x 3 bed houses. The Council's Affordable Housing Officer has confirmed that the size of the proposed affordable units reflects the housing need in the Bere Alston/Bere Ferrers area through the Housing Needs Survey and Devon Home Choice register. A S106 planning obligation is required to ensure the homes remain affordable in perpetuity, and occupation is restricted to those with a local connection criterion to the parish of Bere Ferrers.

- 3.2 With only 9 affordable housing units being provided on site, there will be a shortfall below the policy requirement. The Council's Affordable Housing Officer recommends a financial contribution to make up the full allocation of 30%, secured through a S106 planning obligation.

4.0 Housing Mix

- 4.1 JLP policy SPT2 defines sustainable linked neighbourhoods and sustainable rural communities as places which, amongst a number of other criteria *'have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.'* The Council's housing mix policy 'DEV8' requires *'a mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents.'*
- 4.2 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.

- 4.3 The open market housing mix comprises 2x 2bed; 9x 3 bed and 11x 4 bed, which is similar to that which was proposed in 2019, which Officers deemed to be acceptable. The following is an extract from that report.

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.

- 4.4 For the reasons set out above Officers are satisfied that the proposed open-market mix remains acceptable.

5.0 Landscape:

- 5.1 The site lies within the Tamar Valley National Landscape (NL). NLS are a national designation and afforded the highest status of protection within the NPPF where great weight is to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 which requires that:

"...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".

- 5.2 This legal duty is another material consideration, as opposed to forming part of the development plan.

- 5.3 The need to conserve and enhance the NL is reinforced within JLP policies DEV23 and DEV25 and throughout the NP including within policy E1. In addition to the Development Plan, the following legislation, policies and guidance are of relevance;

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- The National Planning Policy Framework
- The National Planning Practice Guidance on Landscape; and
- The Tamar Valley AONB Management Plan and its Annexes.

- 5.4 The proposal has been reviewed by the Tamar Valley AONB Unit and the Council's landscape officer. While both the AONB Unit and landscape officer are supportive of the principle of development, within their initial consultation responses they raised some concerns. The AONB Unit requested that the woodland block proposed in the north-eastern corner was extended; structural planting introduced along the eastern boundary, questions regarding structural planting as the landscape plans appeared to show some inconsistencies and concerns regarding the material choices which were not considered to be locally distinctive.
- 5.5 Further information was provided by the applicants to try and address some of these concerns. While there have been discussions between the case officer, landscape officer and AONB Unit, the AONB Unit have not provided any further comments on the additional information. The landscape officer's response to the changes is summarised below.

I appreciate that there have been some amendments to the proposed planting, and the minor changes made are noted.

- *2 no. additional trees are proposed on the northern boundary, and this small increase in appropriate, native tree planting in this part of the site is welcomed.*
- *2no. additional trees are proposed in the eastern part of the POS (only one native Crataegus tree, and one Magnolia, which is a non-native, evergreen specimen shrub/ tree). This minor increase in tree canopy cover on the eastern boundary is welcomed, although it is disappointing that additional new native tree planting has not been considered possible within the mixed, native boundary hedge.*
- *The Corylus avellana in front of plot 12 has been replaced by a specimen shrub, which is welcomed.*
- *The tall-growing shrubs proposed in front of ground floor windows have been changed, which is welcomed.*
- *The relocation of trees from private plots on the northern boundary is welcomed, as this is an issue that has been repeatedly highlighted by Officers as necessary throughout the consultation responses, so has long been expected.*
- *The Co-op scheme, and the potential effects it will have on the approach to the village, and on the perceptions of the effects of this proposed development, are all noted. The cumulative effects of both potential developments make it all the more imperative to achieve the best possible landscape enhancements within the protected landscape.*

To summarise, 3 additional native trees are proposed, with no new trees within existing eastern hedgerows, and this results in a net increase of 2no. trees over and above what was originally proposed, which does not seem to represent much of a further enhancement.

The proposed tree planting in the north-east corner of the site, in combination with the existing tree planting to the east (the 'Jubilee' planting) that is on land owned by others, will ultimately provide a degree of screening of the development from the B3257 approach to the village.

Other points made are noted, and it is disappointing that the applicant believes that it is unrealistic to achieve a greater level of enhancement along the eastern boundary, which is what was shown on their own Landscape Strategy plan. I think that it unlikely that this latest iteration of the planting plans will fully address the concerns raised by the Tamar Valley National Landscape's Planning Officer.

However, although application 3424/19/FUL was refused planning permission and subsequently dismissed at appeal, I am mindful that the landscape proposals are very little different from the scheme that was previously recommended by Officers for approval. So, on that basis alone, a continued landscape objection is not felt to be appropriate.

- 5.6 The application has been reviewed by the police 'Designing out Crime Officer'. While overall they are supportive of the proposal, they have requested that the rear boundary treatment of plots 19, 20, 21 and 22 are reconsidered as they currently propose a 0.9m post and rail fence, abutting the maintenance corridor. Robust fencing or hedging to a height of 1.8m is suggested. This has been further explored between the case officer and the applicant, and while the concerns are understood a hedge is not considered to be feasible and a 1.8m high fence would result in landscape harm.
- 5.7 While it is unfortunate that the changes proposed do not go far enough to address all of the concerns, on balance they are considered to be acceptable, and the proposal is considered to accord the provisions of the relevant development plan policies including DEV23, DEV25 and E1.

6.0 Design

- 6.1 The JLP and NP through policies DEV10, DEV20, DEV23 and H6 seek to deliver high quality development that makes a positive contribution to the landscape. The proposed design is similar to the previous application, which Officers considered to be acceptable, and the following is an extract from that report. Officers position remains that the design is acceptable.

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.

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.

7.0 Neighbour Amenity:

- 7.1 The NPPF requires all developments to provide a high standard of amenity. JLP policy DEV1 requires proposals to safeguard the health and the amenity of local communities, through ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents,

workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.

- 7.2 The relationship between the proposal site and adjoining uses was considered in the previous report, with an extract below.

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.

- 7.3 When considering the relationship between the proposed dwellings, Officers are satisfied that the proposed relationships are acceptable. JLP policy DEV10.5 requires all new dwellings to meet National Described Space Standards, and provide sufficient external amenity space or private gardens, with further advice on the recommended minimum provision set out within paragraphs 4.137 to 4.140 of the Supplementary Planning Document (SPD).

- 7.4 All of the properties comply with National Described Space Standards. While most of the external amenity spaces meet the requirements, some fall short, as per the previous application where it was deemed to be acceptable.

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

8.0 Highways/Access:

- 8.1 The application has been reviewed by the Highway Authority who are satisfied the proposal is acceptable.

The application is similar in all respects from the highway authority's perspective to the previously submitted application, WD/3424/19, which was considered acceptable from a highway safety point of view.

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.

- 8.2 The application has also been reviewed by the Public Rights of Way Team at Devon County Council. They have raised no objections with the proposal but have requested that the Public Right of Way 'Bere Ferrers Footpath 20' is not obstructed by the proposed development.

9.0 Ecology

- 9.1 JLP policies SPT12 and DEV26 requires development to protect, conserve, enhance and restore biodiversity and geodiversity across the plan area.
- 6.2 A number of supporting documents have been provided including Updated Ecological Impact Assessment (EclA) January 2024 by GE Consulting, External Lighting Rev: 02 Hydrock issued 02.11.20, Landscape Strategy P23-1465_EN_0001_A 15/11/23. Letter from Carney Sweeney Planning dated 04.01.2024 and 0834 BNG Metric 4.0 November 2023.
- 6.3 The proposal has been reviewed by the Ecologist at Devon County Council. The AONB Unit have also previously commented that the proposal does not fully address the impacts on greater horseshoe bats.
- 6.4 However, the initial concerns raised have now been addressed with further information. The AONB Unit has not commented further on the impact to greater horseshoe bats but on the basis the County Ecologist has withdrawn their objection, Officers are satisfied this has been adequately addressed. Conditions are recommended to cover the submission of a landscape and ecological management plan, provision of a lighting strategy, landscape strategy, construction and environmental management plan. Conditions are also requested to ensure the development accords with the provisions set out within the ecology report and to restrict vegetation clearance during bird nesting season.
- 6.4 The ecologist is also satisfied sufficient information has been provided regarding Biodiversity Net Gain (BNG) to demonstrate compliance with JLP policy DEV26. A condition requiring the submission of a BNG plan is proposed as well as a legal agreement to secure off-site habitat creation.

7.0 Archaeology

- 7.1 The site is in an area of known archaeological potential, meaning that groundworks would have the potential to expose archaeological remains. The Council has not received any comments on this application from the County Archaeologist. However, on the previous application they requested a written scheme of investigation is required during the application process or as a planning condition. A condition could be imposed on this consent if permission was forthcoming.

8.0 Education

- 8.1 The Education Authority have requested £24,133.00 towards secondary school transport. School transport currently costs £5.84 per pupil per day from Bere Alston to Tavistock. (being £5.84 x 190 days in the academic year x 5 years at secondary school x 4.35 secondary pupils). The contribution is applicable to all of the proposed dwellings and will be secured through a S106 planning obligation.

8.2 The Education Authority are satisfied the nearest primary school Bere Alston Primary School, and nearest secondary school, Tavistock College have sufficient capacity. Similarly, no request is made for early years provision or primary education transport.

9.0 Open Space, Sport and Recreation

9.1 The OSSR provision was discussed in detail with the applicants on 3424/19/FUL and the following response reflects what was previously agreed.

For a site of this size, we would normally expect:

- *on site open space provision in line with policy;*
- *either a split of Local Area for Play (LAP) on site and off site contribution towards a Locally Equipped Area for Play (LEAP) or a sole off site contribution to a LEAP; and*
- *an off-site financial contribution towards improvements to local playing pitches/sports facilities.*

Open Space

The JLP sets a requirement of 1.91ha/1000 people accessible natural greenspace. Based on the proposed housing mix, and the household sizes set out in Table 9 of the JLP Developer Contributions Evidence Base, there would be 80 new occupants and a requirement for 1,528m² accessible natural greenspace. The layout shows an area of public open space which is relatively central and well overlooked by adjacent properties. It is also considered to complement the existing public right of way.

Although I believe the quantity of public open space falls slightly below the policy requirement (c.1,330m² versus policy requirement of 1,528m²), this is not considered to be significant enough to raise an objection in relation to open space provision.

The s106 agreement would need to secure public access and on-going management and maintenance of the on-site public open space, including any play provision, in perpetuity.

Full details of the hard and soft landscaping of the public open space, including the provision of bins and benches, should be secured via planning condition.

Play

The layout proposes provision of an on-site LAP. As raised with the applicant through previous discussions, we do not generally recommend the provision of an isolated LAP due to limitations in terms of range of equipment and age of children catered for. The JLP SPD states at paragraph 7.143 that "Typically, the LPAs will not be seeking LAPs unless there is a clear local need for such a space".

However, taking into account previous comments from the applicant regarding pedestrian safety to the current village play area, and following lengthy discussions on application 3424/19/FUL, we would accept an on-site play area alongside a reduced financial contribution towards off-site facilities (which are considered highly likely to be used by new residents due to their location adjacent other recreation and/or community facilities). In this regard, it is noted that the JLP Developer Contributions Evidence Base states for developments in the range of 10-49 dwellings that "While in general LAPs are not supported, in the 10-49 range the Councils may consider a split of LAP on site and off site contribution to a LEAP (if there is evidence of local need), or a sole off-site contribution to LEAP".

To allow for provision of the on-site LAP, a reduced off-site financial contribution of £20,073.60 was previously agreed. This contribution would be used towards "improvements to, and on-going maintenance of, play facilities at the Down Recreation Ground and/or Bere Alston Parish Hall and/or Underways".

The on-site play area will need to be carefully designed. Full details of the on-site LAP, including proposed equipment, any fencing and surfacing would need to be secured by planning condition. The s106 agreement would need to secure a minimum of three items of play equipment (or equivalent play value), minimum 100m2 activity zone and minimum 10m buffer from boundary of adjacent dwelling.

Sports Facilities

Through previous liaison with the Parish Council the following sports projects were identified and an off-site sports facility contribution of £25,835 was agreed:

- o Updating/rebuilding of changing rooms at the Recreation Ground*
- o Static exercise equipment for The Down and close to Parish Hall*
- o Re vamp of the basketball area behind the village hall*

The Parish Council has confirmed that its priority project is the updating/rebuilding of the changing rooms at the Recreation Field.

10.0 Carbon Reduction

- 10.1 JLP policy DEV32 and NP policy E3 seeks to ensure that all development reduce their carbon footprint.
- 10.2 During the life of the application there have been discussions between the case officer and the agent regarding the proposed measures that will be used to ensure compliance with the relevant policies including DEV32.5 which says '*All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.*'
- 10.3 The proposal offers a fabric first approach as well as air source heat pumps, PV panels and electric vehicle charging points to all properties. The roof plans have been amended to ensure the PV panels will be installed on west facing roof slopes as thermal gain is higher in the afternoon/evening providing better output compared with southern elevations. These measures will be secured via condition.
- 10.4 These measures go beyond what was proposed with the previous application, responding to the Plymouth and South West Devon, Climate Emergency Planning Statement, which has been adopted in the interim since the previous application was considered, and are considered to be acceptable.

11.0 Drainage

- 11.1 The proposal has been reviewed by the Local Lead Flood Authority who have no in principle objections with the proposal but recommend a pre commencement condition.

12.0 Tamar Special Area of Conservation:

- 12.1 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.
- 12.2 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.

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

13.0 Trees

- 13.1 JLP policy DEV28 requires developments to be designed to avoid the loss of deterioration of woodlands, trees or hedgerows, and in the event, this cannot be avoided appropriate mitigation should be provided to ensure a 'net gain'.
- 13.2 The proposal has been reviewed by the Council's tree officer who is satisfied there are no significant arboricultural features present on or off site that '*may bear potential to act as material constraints to the application on strictly arboricultural merit.*' However a condition is recommended to ensure the protection of the rural hedge.

14.0 Other Matters

- 14.1 NP policy H2 requires the provision of a gateway. This has been discussed between the case officer and the applicant. Officers recommend the S106 obligation includes a financial contribution to allow the LPA to explore a piece of public art on the highway verge to the north of the site.

15.0 Planning Balance

- 15.1 The proposed development is very similar to a scheme which was submitted as a planning application in 2019, to bring forward the allocation. That scheme was refused by the Local Planning Authority on the basis it had not been adequately demonstrated that access from the B3257 wasn't feasible. The subsequent appeal was dismissed. The applicants have undertaken further work to explore whether it is feasible to provide an access off the B3257 but have determined that it is not, and Officers have no reason to disagree with the assessment.
- 15.2 Often planning policies pull in different directions, but in the overall planning balance an assessment needs to be made as to whether there is compliance with the development plan as a whole. While the overall housing market mix and extent of proposed landscaping mitigation weighs against the proposal, there are many benefits associated with this scheme including the provision of nine, much needed affordable houses, provision of open space and contributions towards existing infrastructure including education and the proposed renewable energy technologies which go further than the previous scheme.
- 15.3 When assessed against the development plan as a whole Officers are satisfied that the proposed development is acceptable and recommend approval subject to conditions and a S106 obligation.

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 the Housing Requirement 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 confirming the change.

On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[*now known as Department for Levelling Up, Housing and Communities]

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
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
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
TTV24 Site allocations in the Smaller Towns and Key Villages
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
DEV21 Development affecting the historic environment
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
T2 public transport
T3 Bere Alston Gateway
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) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Tamar Valley Area of Outstanding Natural Beauty Management Plan (2019-2024)
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
- Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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.

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 numbers:

2203-MAL-XX-XX-DR-A-018 P03 PROW Plan
2203-MAL-A-017 P03 Amenity Area Plan
2203-MAL-A-006 P06 Proposed Site Sections 2
2203-MAL-A-005 P05 Proposed Site Sections 1
2203-MAL-XX-DR-A-114 Plots 29-31 Type F and H – AFF
2203-MAL-XX-DR-A-109 Plots 17,20 Type E2 4b8p OM House
2203-MAL-XX-DR-A-108 Plots 7, 16 – Type C2 – 3b5p OM House
2203-MAL-XX-DR-A-113 Plots 27-28 Type H 3b4p AFF
2203-MAL-XX-DR-A-111 Plot 22 – Type E3 4b8p OM House
2203-MAL-XX-DR-A-107 Plots 14-15 Type B 3b5p OM
2203-MAL-XX-DR-A-106 Plots 12, 13 Type C1 & H OM

2203-MAL-XX-DR-A-104 Plots 8-9 Type A – 2b3p OM
2203-MAL-XX-DR-A-105 Plots 10-11 Type B 3b4p OM
2203-MAL-XX-DR-A-103 Plots 6, 23 Type C1 3b5p OM House
2203-MAL-XX-DR-A-102 Plots 2, 5 Type D2 4b7p OM House
2203-MAL-XX-DR-A-101 Plots 1, 3, 4 Type D1 4b7p OM House
2203-MAL-ZZ-01-DR-A-003 Rev P25 Proposed Site Plan
0700 Rev P5 Highway Engineering Layout
0600 Rev P4 External Works Layout
0760 Rev P5 Vehicle Swept Path Analysis
0740 Rev P5 Proposed Surfacing Specification Layout
0730 Rev P5 Highway Long Sections
2203-MAL-A-004 P07 Boundary Treatment Plan
0760 0630 Rev P1 Earthworks Layout
2203-MAL-XX-DR-A-110 Plots 18, 19, 21 Type E1 4b8p OM House
2203-MAL-XX-DR-A-112 Plots 24-26 Type G 2b4p AFF
2203-MAL-XX-DR-A-114 Plots 29-31 Type F and H AFF
2203-MAL-A-001 P2 Site Location Plan
2203-MAL-XX-XX-DR-A-019 proposed site roof plan

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 in accordance with policies DEV10, DEV20, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan and policies H2, H6 and E1 of the Bere Peninsula Neighbourhood Plan.

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, and retained in perpetuity.

Reason: To ensure the space is appropriately landscaped and supplied with associated equipment, as on the approved plans in accordance with policies SPT2, DEV1, DEV10, DEV23 and DEV27 of the Plymouth and South West Devon Joint Local Plan and H2, H6 and E1 of the Bere Peninsula Neighbourhood Plan.

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 policy Dev21 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework, 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 in accordance with policy DEV2 of the Plymouth and South west Devon Joint Local Plan.

7. No part of the development hereby approved shall be commenced until:
- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the 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 in accordance with policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan.

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) Any agreed 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 in accordance with policies DEV26 and DEV29 of the Plymouth and South West Devon Joint Local Plan.

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 in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan and policies T1 and T2 of the Neighbourhood Plan.

10. Prior to the commencement of development, a Method of Construction Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Method of Construction Statement shall include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones (shall be/has been) submitted to and approved in writing by the Local Planning Authority.

The development should proceed in strict accordance with the details agreed.

Reason: In the interest of highway safety in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

11. 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, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) 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) above.
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) 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 full accordance with the details agreed under (a) - (e) above.

Reason: The above conditions are 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 and policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

12. Prior to occupation of the dwellings a waste collection strategy shall be submitted to and approved in writing by the Local Planning Authority and the provision shall be implemented in accordance with the approved scheme before any dwelling is first occupied and thereafter the provision shall be retained in accordance with the approved scheme.

Reason: To minimise and properly manage waste arising from the development, in the interests of the amenities of the area in accordance with policy DEV31 of the Plymouth and South West Devon Joint Local Plan.

13. All elements of the landscaping scheme as shown on drawing numbers P23-1465-EN-11-A (sheet 1 of 2), P23-1465-EN-12-A (sheet 2 of 2) and P23-1465-EN-01-B (landscape strategy) shall be implemented in the first planting season following reasonable completion of the development, or first occupation of the buildings (whichever is sooner) and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. Any plant that dies, is removed or fails to thrive within the first ten years

after implementation shall be replaced with a plant of the same specification unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the conservation and enhancement of the landscape character and the natural beauty of the National Park, taking account of the particular landscape characteristics of the site and its setting, in accordance with policies DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan and policy E1 of the Neighbourhood Plan.

14. 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.

The development shall be carried out in accordance with the approved plans.

Reason In the interests of Highway Safety and residential amenity in accordance with policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan.

15. 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)
 - (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 in accordance with policies DEV1, DEV10, DEV20, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint local Plan and policies H2, H6, E1 and E2 of the Neighbourhood Plan.

16. 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.

17. Prior to the occupation of plots 17, 22 and 23, 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 policies SPT2 and DEV29 of the Plymouth and South West Devon Joint Local Plan and policies T1 and T2 of the Neighbourhood Plan.

18. 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 in accordance with policies DEV20, DEV23 and DEV25 of the Joint Local Plan and policies H2 and E1 of the Neighbourhood Plan.

19. 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 National Landscape location in accordance with policies SPT2, DEV10, DEV20, DEV23 and DEV25 of the Joint Local Plan and policies H2 and E1 of the Neighbourhood Plan.

20. 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 in accordance with policies DEV23, DEV25 and DEV28 of the Joint Local Plan and policies H2 and E1 of the Neighbourhood Plan.

21. 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 in accordance with policies DEV23, DEV25 and DEV28 of the Joint Local Plan and policies H2 and E1 of the Neighbourhood Plan

22. Prior to their installation, samples of the proposed boundary treatments around and between each plot on plan No: MAL-DR-A-004-RevP9 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 NL landscape in accordance with policies DEV20, DEV23 and DEV25 of the Joint Local Plan and policies H2 and E1 of the Neighbourhood Plan.

23. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post construction phases. The development shall be carried out in strict accordance with the agreed details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policies SPT12, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan and policies E1 and E2 of the Neighbourhood Plan.

24. Notwithstanding the information shown within the Energy and Sustainability Statement by AES Sustainability Consultants Ltd, prior to first occupation all properties shall have installed and be in good working order; air source heat pump, electrical vehicle charging point, PV panels (as shown on the approved roof plan).

Reason: To ensure that the site produces a reduction in its carbon footprint in accordance with JLP policy DEV32 and NP policy E3.

25. Prior to the commencement works a Lighting Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall minimise impacts from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice (BCT/ILP, 2023) guidance has been implemented. This shall include details such as the following: artificial lighting associated with public realm lighting, and internal and external lighting associated with the residential development. The agreed lighting strategy shall be strictly adhered to.

Reason: The purpose of this lighting strategy is to ensure the site boundary hedgerows function as dark corridors and bat flight lines (0.5 lux and warm light) in accordance with JLP policy DEV26 and NP policy E2.

26. Prior to commencement (including any site clearance), a construction and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Details of hedgehog holes and their implementation.

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Confirmation no vegetation clearance will take place during bird nesting season (01 March to 31 August), unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds.
- g. Responsible persons and lines of communication.
- h. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i. Use of protective fences, exclusion barriers and warning signs.
- j. Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SPT12 and DEV26 of the Plymouth and South West Devon Joint Local Plan and policy E2 of the Neighbourhood Plan.

27. The development hereby approved shall be carried out in accordance with the actions set out in the Ecological Impact Assessment (EclA) (GE Consulting, January 2024). Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan and policy E2 of the Neighbourhood Plan.

- 28 No development shall commence until a Biodiversity Monitoring Plan to has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with JLP policy DEV26, E2 of the Neighbourhood Plan and the National Planning Policy Framework.

Informative

Public Right of Way

1. The applicant is advised by Devon County Council Public Rights of Way Team that if the proposed houses in any way affect the right of way a formal diversion must be requested from West Devon Borough Council. An application can be downloaded by following this link S257 of the Town and Country Planning Act 1990 If there are any intentions to change the surface of the right of way then the following form will need to be completed <https://www.devon.gov.uk/prow/inspections-and-maintenance/>.

During the construction phase the full width of the path must be kept open and available for the public to use 24 hours a day and suitable safety fencing erected and regularly inspected to separate the public from the building site. If this is not possible then a closure of the route must be applied for. Applications for temporary closure notices can be downloaded from our website. Apply for a temporary closure - Public Rights of Way (devon.gov.uk).

Highways

2. The Highway Authority has no objection to the proposed development, but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.
3. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Police

4. The applicants attention is drawn to the advice from Devon and Cornwall Police, Designing out Crime Officer. *ADQ creates security requirements in relation to all new dwellings. All doors that provide entry into a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.*

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company List of Member Companies (Alphabetical). The requirements of SBD are that doors Accredited Product Search for Doors and windows Accredited Product Search for Windows are not only tested to meet PAS 24 (2022) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

BERE FERRERS PARISH COMMENTS

19TH October 2023

BERE FERRERS PARISH COUNCIL

COMMENTS ON APPLICATION BY BURREINGTON HOMES

FOR THE ERECTION OF 31 HOMES

REFERENCE WD 2435/23/FUL

Lucy Hall

Snr Planning Officer

West Devon Borough Council

Kilworthy Park

Tavistock

Dear Lucy,

Please find the comments by this Parish Council on the above application.

The Bere Ferrers Parish Council supports the Bere Peninsula Neighbourhood Plan proposals in respect of the above application which is identical to the previous planning application (3424/19/FUL,) that was refused by West Devon Borough Council on the grounds of :-

“Policies H2 and T3 in the Bere Peninsula Neighbourhood Plan identify a preference for the

access to this allocated site being off the B3257 road. The application has not sufficiently demonstrated that it, "has properly investigated that our preferred access is not feasible,"

The applicants made an unsuccessful appeal to The Planning Inspectorate who dismissed the appeal, stating that the applicant had not demonstrated that a full investigation had taken place to ascertain whether the Northern entrance on to the B3257 was feasible. Accordingly the Appeal was dismissed. She also noted that there were a number of other concerns but in view of the above decision, it was not necessary for her to consider these further.

The Neighbourhood Plan made its decision after consideration that a feature of Woolacombe Road, on the edge of the Village is that it is a quiet rural road, having no pavements, with little traffic but used by horse riders and pedestrians for recreation. The major consideration was that to access the main B3257 (the only main road out of the village,) traffic had a choice of two ways, both having two junctions and both having atrocious visibility causing vehicles to 'creep' out blind into the more important road.

These Neighbourhood Plan decisions came about after consultations with all members of the community, a public meeting, a circulation of a draft plan and a response of 83 % supporting the plan and an overwhelming majority that the road access from this site should be on to the B3257.

As part of the Plan's production it was circulated to many authorities for comments including Devon Highways and the County Council. No adverse comments were received from either authority, regarding the proposal that the entrance to the Burrington site should be on the north side on to the B3257.

We have looked at the statement by Burrington Homes that a northern entrance is still not feasible. We have seen no hard evidence that this is the case and do not accept the superficial way in which they have approached this investigation. Being caught trespassing on land belonging to another could be construed as encouraging a negative reply.

We are disturbed that the Highways Authority cannot recommend that the B3257 30 mph limit should not be extended to either the Bowling Club entrance or the village boundary at Quarry Corner where the large Bere Alston 'Welcome village sign' is situated. We have been informed by the Highways Officer that the reason is because motorists cannot see sufficient entrance drives and views of houses are blocked by hedges, and that this will not convince them that they are in a 30mph zone! So they can bowl on legally with speeds up to 60mph?

This is an outrageous statement which we challenge, because it is obvious that there is a clear view, after passing Quarry Corner en route into the village, of the 17 houses of the Down housing estate to which will be added views of the 31 proposed Burrington Homes houses, and of course there is a proposal for a mini-supermarket on the other side of the B3257 opposite the Burrington site. You will be aware that there are a number of other villages in West Devon where there is little development but in 30mph zones. Milton Abbot and Clawton are two local examples.

The Authority has negotiated a sum of £5,000 to extend the 30mph limit eastwards on Woolacombe road. However, this limit cannot be extended on Bedford St because of some mathematical formula and a decision of the highway authorities' Traffic Management Team, presumably at Exeter but who are not identified and do not publish their decisions, let alone are being known to some County Councillors. Normally applications for an increase in speed limits are dealt with by the SCARF and Local Highways Committee, (HATOC,) who work with Parish & Town Council and where District and County Councillors make the decisions. However, there seems to be a different process for development cases where a small number of Highways Officers make the final decision behind closed doors.

We believe that a 30mph limit is justified because this area when developed will conform with

the DFT advice for rural speed limits on village approach roads, (Setting local speed limits –DFT circular 01/203,) where it is unacceptable for a 60mph limit to be retained on a road with no footways and where pedestrians have to cross the road (about ten feet inside the 30mph sign ,) in what is known as the “slowing down zone.” Other developments could place a ‘crossing place’ for pedestrians within this 60mph zone!

The other major effect of a 30mph zone is the openings required on to the B3257 by Burrington Estates will no longer require such lengthy splays. In fact it could be the same as their proposed Woolacombe road entrance which is easily transposed to the Northern site. Highways state there have been no major accidents, but we are aware of three injury accidents on the above roads and about eight non injury accidents at Collytown cross roads; (including a car overturning,) there is almost certainly more.

With the developer paying the cost of moving the 30mph limit, surely this is a no – loss situation for County Council finances and a win situation for the safety of our adults and children?

In the Planning Inspector’s Appeal decision he stated, ‘Other concerns’ have been raised by interested parties. However, as I am dismissing the appeal it is not necessary for me to consider these further.’ Included in these other matters was the ‘Bat Highway’ covering the Southern Hedgerow including the Developer’s proposed entrance on to Woolacombe road? This has apparently been an undisturbed Bat Highway for over 150 years, if not longer.(Panscape report.)

The report by the LPA Ecologist identified that the highly protected Great Horse Shoe Bat is amongst the species identified over the Southern hedge operating from a nearby site, ‘GBH East.’ Your other advisor Ecla in his report of 12 Oct 2020 stated, “Failure to retain a dark corridor along the southern hedgerow would disrupt use by light-sensitive bat species and would be inconsistent with various policies (Dev 26 NPPF and Conservation of Habits and Species Regulations.

The Parish Council engaged our own Ecologist and his ‘Panscape’ report shows in detail the threat, if the Southern Hedge is ripped apart to provide a 20m splay and entrance. We can see no evidence from the Developer on how he can alleviate this situation and remain within the very stringent laws affecting the protection of the Bat species. It is clear that this material consideration has not been given the ‘consideration to all protected bat species, including greater horseshoe bats by the Developer and the LPA.

The only solution to our strong concerns is for the Planning Committee to accept that the Developer has still not fully investigated that the Northern entrance is not feasible and for Devon Highways to reconsider their bizarre decision not to recommend at 30mph limit on Bedford St from Quarry Corner to Down crossroads. This would allow the Developer to go ahead with the space available for small splay.

Yours sincerely
Caroline Metcalf
Clerk to Bere Ferrers Parish Council

References – Setting local speed limits (DFT circular 01/2013)
Traffic Advisory Leaflet 01/04/(DFT 2004)
Panscape Bat report (web site.-‘supporting information, Burrington Estates 2/10
Consultation report DCC Ecology 3/10/23

FINAL COMMENTS

BERE FERRERS PARISH COUNCIL

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Consultation report DCC Ecology 3/10/23

Devon County Council has no objection to the planning application providing the legally recorded Public Right of Way known as Bere Ferrers footpath 20 is not in any way obstructed by this development. If the proposed houses in any way affect the right of way a formal diversion must be requested from West Devon District Council. An application can be downloaded by following this link S257 of the Town and Country Planning Act 1990 If there are any intentions to change the surface of the right of way then the following form will need to be completed <https://www.devon.gov.uk/prow/inspections-andmaintenance/> During the construction phase the full width of the path must be kept open and available for the public to use 24 hours a day and suitable safety fencing erected and regularly inspected to separate the public from the building site. If this is not possible then a closure of the route must be applied for. Applications for temporary closure notices can be downloaded from our website Apply for a temporary closure - Public Rights of Way (devon.gov.uk)