Plymouth and South West Devon Joint Local Plan 2014 – 2034

Hearing Statement

Representations submitted by Mark Scoot

January 2018

Background

1. My name is Mark Scoot. I am a chartered Town Planner and a chartered Surveyor (Planning and Development Division). I have a Degree and Post Graduate Diploma in City and Regional Planning from the University of Wales, College of Cardiff and a Degree and Post Graduate Diploma in Surveying from the College of Estate Management, Reading.

2. I have over twenty years’ experience in acting as a planning and development consultant. I was a Director of DTZ for nearly ten years and responsible for their work in the South West / Midlands and Wales before establishing an independent practice. I have appeared at numerous Planning Inquiries, Compulsory Purchase Inquiries and provided evidence in respect of High Court Challenges. I acted as planning consultant in securing consent on appeal for the development of 110 dwellings at Butchers Park Hill, Tavistock in mid 2016. The Council contended for over 18 months through application preparation, submission and determination that a five year land supply existed and only conceded that this was not the case in the week before the inquiry and after they had submitted their evidence.

3. I am promoting the development of a previously developed site at Abbey Meadows, Crapstone for the development of 22 residential units and the inquiry commences on 9.1.17. Again, throughout the life of the application the Council contended that a five year supply could be demonstrated and only conceded the point the week before evidence had to be submitted in December 2017, again demonstrating the lack of understanding of the issues to be addressed in maintaining a robust land supply. A copy of the Common Ground is attached at Appendix 1.

4. Whilst it is not the forum to discuss individual sites, in the context of the indicative levels of housing set out at Figure 5.8 of the JLP, it is relevant to note that the AONB Management Unit concluded that the scheme was not major development (as did the Council at the application stage and indeed they only concluded it was a major development because of alleged socio-economic impacts rather than landscape impacts in preparing their Statement of Case for the appeal). The consultation response of the Landscape Officer supported the scheme and confirmed that it is in accordance with Core Strategy Policy SP17 and would enhance the AONB. These responses are set out at Appendices 2 and 3 and demonstrate that at least 22 dwellings can come forward in Crapstone without any negative impact on the AONB or landscape character and quality of the area.
5. Further to this, there were no objections from any statutory consultees to the application and the Council did not conclude that the scheme was in conflict with Core Strategy Policy SD1 (Sustainable Development).

6. These factors demonstrate that Crapstone can readily accommodate at least 22 dwellings.

**Figure 5.8 (pg 230)**

7. The draft figure sets out indicative levels of housing that can be accommodated in various settlements. There is no robust evidence to justify the levels of development proposed and the approach is totally arbitrary. The evidence underpinning the Figure is both scant and flawed. For example, the appraisal of Crapstone within the Village Sustainability Assessment incorrectly states that there is no shop and when this error is corrected the score improves significantly. As currently drafted, the figures will be used to cap growth and constrain housing delivery. The target figures should either be evidence based or deleted. The remainder of this statement specifically considers the sustainability of Crapstone to accommodate a higher level of housing than the figure of ‘around 10’ dwellings.

**The Sustainability of Crapstone**

8. The appeal scheme referenced above highlights the fact that there is simply no evidence to support an indicative level of only 10 dwellings. There were no objections from any infrastructure provider (including the Education Department) and no evidence that Crapstone could not accommodate the appeal scheme.

9. The Council has submitted the Village Appraisal as part of the evidence base. The document is of very limited use in appraising the sustainability of the villages and it notes itself that it is broad brushed. The approach of awarding points depending upon the availability of services / facilities is no more than a useful guide based on subjective criteria but should not be seen as a robust decision making tool. There are several other settlements with a comparable score that are identified for higher levels of growth, thereby demonstrating that very limited weight should be given to the report findings even after errors are corrected. Examples of the inconsistency are set out in Table 1:

**Table 1: Minimum Planned Requirements for other settlements**

<table>
<thead>
<tr>
<th>Settlement</th>
<th>‘Score’</th>
<th>Minimum Housing</th>
</tr>
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<tbody>
<tr>
<td>Crapstone</td>
<td>26.5</td>
<td>10</td>
</tr>
<tr>
<td>Bratton</td>
<td>21</td>
<td>20</td>
</tr>
<tr>
<td>Lamerton</td>
<td>27.5</td>
<td>20</td>
</tr>
<tr>
<td>Milton Abbot</td>
<td>24</td>
<td>20</td>
</tr>
<tr>
<td>Sampford</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>Courtney</td>
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</tbody>
</table>
10. A number of the scoring criteria are also of limited relevance in determining the sustainability of any proposal and not in accordance with Paragraph 55 of the Framework which recognises the potential of growth in one village to support facilities in another. Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities and notes that where there are groups of smaller settlements, development in one village may support services in a village nearby. Identifying Crapstone as being suitable for around 20 dwellings is completely in accordance with Paragraph 55 and will contribute towards the vitality of Crapstone and nearby villages including Buckland Monachorum and Yelverton. Such growth, with associated investment and expenditure, is needed for the future sustainability of the villages. The Officers Delegated Report recognised that the appeal scheme complies with Paragraph 55.

11. The draft consultation response (a final version was never issued) of the Planning Policy Officer (Appendix 4) confirms that the main reason for constraining growth in Crapstone was based on landscape advice rather than any other constraints as reproduced below. The Delegated Report confirms that there are no landscape concerns in respect of the appeal scheme and therefore growth is being unnecessarily constrained:

"The JLP housing targets attributed to rural villages were not a 'target', but a guidance figure of the amount of housing that could be considered appropriate in relation to the level of services and facilities available. Crapstone could probably have warranted a higher figure, but following landscape advice it was decided to suppress the level of expectation for new homes to the AONB to around 10, with these numbers expected to come forward through allocations in Neighbourhood Plans."

12. It is also worth noting that the emerging Neighbourhood Plan makes no allocation for development in Crapstone. Whilst this is in conflict with draft Table 5.8, it also highlights the concern about how realistic it is to expect draft Policy TTV1 to deliver the levels of development envisaged in Figure 5.1. The emerging Neighbourhood Plan only supports up to 5 dwellings in Buckland. So therefore, whilst the emerging JLP anticipates the delivery of at least 20 dwellings, the emerging Neighbourhood Plan is anticipating at most 5. If this is replicated across the plan area then there will be a significant deficit in anticipated delivery. When added together, the villages in Table 5.8 could accommodate up to 1,020 dwellings and Table 1 anticipates the delivery of around 720 dwellings – approximately 70%. Based on the emerging Neighbourhood Plan, Buckland and Crapstone will only deliver around 25% which is a significant underperformance. In response to Matter 8.1iii., this demonstrates that the approach to the quantum and distribution of development in TTV1 is flawed and not evidence based.

13. In response to Matter 8.4, the approach to setting indicative levels of housing is deeply flawed and based on unsound evidence. When considering the detailed responses of consultees (particularly the Council Landscape Officer and AONB Unit), it is clear that
Crapstone can clearly accommodate further development and should be moved into the group of villages that can accommodate at least 20 more dwellings.

END
APPEAL REFERENCE: APP/Q1153/W/17/3177360

DATE OF INQUIRY: 9.1.18

SITE ADDRESS: Land at SX 501 676 Abbey Meadows, Crapstone PL20 7FG

DESCRIPTION OF THE DEVELOPMENT:
Outline planning application for the development of 22 residential units, associated access, parking, landscaping and infrastructure.

APPELLANT: Mark Scoot LOCAL PLANNING AUTHORITY: West Devon Borough Council

STATEMENT OF COMMON GROUND IN RELATION TO HOUSING LAND SUPPLY

1. Introduction

1.1 This Statement of Common Ground is in relation to the Appellant’s appeal in respect of the refusal by West Devon Borough Council (the “Council”) to grant planning permission. The appeal relates to the site at Abbey Meadows Crapstone.

1.2 It identifies the areas of agreement between the Appellant and the Council in relation to the issue of Housing Land Supply in the context of this Appeal.

1.3 A further Planning Statement of Common Ground will be submitted by the 12 December 2017 in respect of other matters relating to the Appeal.

2. Common Ground

2.1 It is agreed between the Parties that at the time of this Inquiry the Council is unable to demonstrate a five year supply of housing.

2.2 It is agreed that there is a minimum shortfall of 23 units against the Council's 5 year housing land supply requirement.

2.3 The Council and the Appellant agree that this means that paragraph 14 and paragraph 49 of the National Planning Policy Framework are engaged for the purposes of determining this Appeal but do not agree the extent of the weight to be attributed to the absence of a 5 year housing land supply in the planning balance.

<table>
<thead>
<tr>
<th>Signed on behalf of Appellant</th>
<th>Signed on behalf of Planning Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
<tr>
<td>Position: Appellant</td>
<td>Position: Senior Legal Services Specialist</td>
</tr>
<tr>
<td>6.12.17</td>
<td>6 December 2017</td>
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</tbody>
</table>
APPENDIX 2
Dear Mr Scott,

I write with regard to the above pre-application enquiry.

You have provided us with the following:

1. Copy of presentation to the Parish Council
2. Copy of draft Design and Access Statement — includes LVIJA information
3. Revised indicative layout plan (Draft No. LL-263-SK-003, dated 15/12/16)

We have also met to discuss the proposal at our meeting of 25/12/16.

I can offer the following advice, which I have broken into sections for ease of reference;

A. AONB Management Plan

As background and before advising on specific aspects of the proposed development your attention is drawn to the current Tamar Valley AONB Management Plan 2014-2019 that has been adopted by both West Devon Borough Council and South Hams District Council and the relevant policies and guidance it contains. The Plan and Annexes are available from this link:

http://www.tamervalley.org.uk/care/aonb-management-plan/

You may wish to review the proposal against the following specific areas within the plan as part of any planning application you submit;

Chapter 3.0 Landscape Character (Policies 1-4)
Chapter 4.0 Historic Environment and Local Distinctiveness
Chapter 9.0 Planning and Development (including procedures)

It would be beneficial to also review Annex 1a) Tamar Valley AONB Landscape Character Areas and Special Qualities and Annex 1b) Tamar Valley AONB Landscape Character Areas and Special Features.

B. Description of proposed elements of scheme

It is understood that the proposed development consists of the following elements;

1. Provision of up to 28 dwellings

2. Associated works to provide landscaping and suitable vehicular and pedestrian access

It is understood that the proposed vehicular access will upgrade that as existing and that the scale of development will consist of predominantly two-storey dwellings.

It is also understood that the application will likely be made in outline and therefore matters in relation to landscaping, design and layout would be addressed by a further reserved matters application.

Following our meeting you provided a revised indicative layout plan to show the possible form of development.

C. Principle of development — Major development

Having reviewed the information and from our discussions on the various aspects of the proposed development it is my opinion that the proposal would not constitute major development in the context set out within Section 9.9 of the adopted T魏ONB Management Plan 2014-2019 which seeks to set out indicators of major development in respect of paragraph 116 of the National Planning Policy Framework (NPPF).

My conclusion that the development is not major development is based upon an assessment against the four indicators set out within Section 9.9 as follows;

Indicator 1 - Where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the AONB, either within the AONB or in its setting;

Assessment – The site is well screened from views due to the existing boundary that is to be retained and reinforced. The site is on relatively level ground and located to the edge of the existing settlement.

A visit to the site and surrounding area as well as the information provided as part of the LVIJA work indicates that the site is not readily perceptible from an array of viewpoints.

Suitable boundary reinforcement and structural planting throughout the site could further mitigate the proposed development's visual impact.

The revised scheme indicates that the proposed development would be set further within the site reducing its roadside presence and retaining the rural character of the hedge that bounds the main road.

The site lies opposite an area that has a very urban form at Abbey Close, Seston Way and Morely Drive.

Indicator 2 – Where the location of development would erode the special qualities and features of the area of the AONB where the development is proposed (landscape, cultural biodiversity tranquillity, etc);

Tamar Valley AONB, Tamar Valley Centre, Cemetery Road, Dobwalls, Cornwall. PL16 9JE

Design & Access Statement/ Landscape Statement
Assessment – The site is currently given over to arable crops and pastureland. The site is located within the Landscape Character Area (LCA) designated as “River Tavy Middle Valley”.

There are a number of special qualities of the AONB that relate to LCA as a whole, but those specific to the site will relate to any wildlife resource, visual impact, tranquility or heritage. The proposed development will remove some of the pastureland and overseed the land use with a new residential development.

The development would see the retention of the hedges as well as work to provide new hedge boundaries and reinforcement planting.

The site does not contain any obvious historic remains and the landform in terms of boundaries would remain relatively unaltered.

The site would see a greater use by vehicles and pedestrians, however the presence of the main road and housing opposite the site as previously noted means that the tranquility levels in this location are not as high as in other lesser accessible and remote sections of the AONB.

No information has been provided as to whether any protected species are present on site and so at the present time I am of the view that subject to a satisfactory ecological appraisal, mitigation, suitable lighting schemes and landscaping then the impacts of the development will not be sufficient to erode the special qualities for which the area is noted to a level that would render this development as major.

That is not to say that there would be no impacts, but that they are relative in scale to the development proposed and the existing context of the site.

Indicators 3 & 4 – Where the type of development is not directly compatible with its surroundings; and or

Where the development would conflict with the economic and social needs of local communities and the guiding principles of sustainable development.

Assessment – The site is located adjacent to the existing settlement and is readily accessible from the road. The development appears to be compatible of being accommodated within the site without removing key landscape features such as the hedges.

The revised indicative layout shows a cellular layout could be achieved with aspects of the site emulating the quadrangular form seen in many of the farms within the locality. Aspects such as the pedestrian pathway being located away from sight behind the hedge would improve the scheme still further. The relatively low density of development across the site will help to retain and reflect the rural character of the area. Other aspects such as materials for parking areas, roads, kerbing and boundary treatments will be pivotal in ensuring any development truly reflects local character.

The development is more akin to the older development patterns in and around Crapstone as opposed to the less sensitive developments of the late 19th / early 21st centuries.

Whilst there will be a visual impact it is somewhat localised and mitigation through suitable landscaping would most likely be successful, given the ability to break up the development with plantings and the ability to screen using hedges as proposed and existing.

The development will be read in conjunction with existing development of the same nature in a location towards the edge of the settlement. The development is not considered to be incompatible with its surroundings.

The development is to provide housing and it is not anticipated that this would conflict with the social and economic needs of the local community. The Parish is preparing a Neighbourhood Plan and has a good body of evidence as to what the local communities consider to be their needs and priorities.

We would stress that active and continued engagement with the local communities will help inform the development and may also provide the opportunity for the development to offer enhancements to the wider area benefiting future and existing residents.

Assessment Conclusion:

Based upon my assessment of the revised scheme against the four indicators of major development (above) and subject to the scheme coming forward in manner akin to that shown on the indicative plans I am of the view that it is not major development within the AONB.

D. Assessment of quality of LVIA information

The LVIA information as submitted indicates that a suitable spread of viewpoints has been selected to review the site from the various publicly accessible roads and footpaths. These include VS 5 that is located within the Dartmoor National Park. Viewpoints VS 5, VS 7 and VS 8 are also very useful as they capture the views from both Stockhill Lane and Green Lane.

The current information would appear to be sufficient to show the extent of views available from the primary routes that receptors would use.

It is acknowledged that any submission is likely to be an outline application. However, given that the scale of development is indicated as being predominantly two-storey within the design and access statement and the importance of the landscaping to help mitigate visual impact, it is suggested that indicative montages might be of assistance to the LPA.

E. Other matters

The success of any scheme in this location will be governed by a number of factors. As I am advising from the perspective of the AONB I feel it appropriate to include some of the key aspects that need to be considered that may require to be established and controlled at the outline application stage, but that might possibly not be detailed until any reserved matters application.
- Detailed landscaping plans that retain rural character and reflect the LCA and settlement need to be developed to ensure that the development integrates properly into this section of the AONB.
- It is strongly urged that a suitable design brief is developed (perhaps subject to conditions) that ensures local materials and detailing are included within the scheme.
- Lighting, signage and other forms of street furniture need to be low key and limited in order to reduce any urbanising impacts.
- Any scheme should provide the opportunity for ecological enhancement such as bat bricks, permeable structures, careful placement of lighting (if required), buffers to hedges, etc.
- There is the opportunity to provide for interpretation on site or within the locality in respect of the AONB landscape and we would suggest that this be incorporated in any submission.

F. Conclusions

Having had the benefit of reviewing the revised layout plan and based upon the other information that has been provided to date, I can confirm that the TVAONB unit is of the opinion that the proposed development would not prejudice the conservation or enhancement of the AONB.

The content of this letter is intended to give you advice to help you progress your scheme accordingly. I trust the above information and advice is sufficient for your purposes. Please note that the advice given in this pre-application response is provided on the basis of the information submitted and on the basis of existing policy. The advice is officer opinion only and is provided without prejudice to any future consultation response made by the TVAONB on planning applications for this proposed development or others differing in nature on this site.

Yours sincerely,

Ben Dancer
AONB Planning Officer
Reference: 0147/17/DPA
Site Address: Development site at SX 501 676
Abbey Meadows
Crapstone
PL20 7FG

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The Tamar Valley AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to the presence of development of a similar scale and appearance in the immediate locality, and the limited likely landscape and visual impact of the proposals. I also note the view of the Tamar Valley AONB Team in reaching a similar conclusion.

Landscape Character and Visual Impact
I note the submission of a Landscape Statement within the submitted D&A Statement, and would not raise any significant issues with its conclusions; namely that the proposed development would not adversely affect the wider National Park landscape character nor the Tamar Valley AONB character, and that there would be a very limited change to a localised area, which would extend the built character of Crapstone in the context of the existing village.

The visual impact of the development would be significantly limited by the existing field boundaries and tree lines bordering and surrounding the site area, and where views of rooftops would be available from the wider landscape to the south east, these would be seen in the context of existing development at Crapstone.

Within the Moorland Edge Slopes Landscape Character type (LCT 2D) settlement is generally sparse, and clustering new built form around existing settlement with small sites such as this would conserve this key characteristic where they have such a limited visual impact. Besides this, the relevant characteristics relate principally to the field boundaries and tree lines which are shown to be retained, with opportunities to enhance these as part of any development here.

Protected Landscape
The Tamar Valley AONB Team do not appear to have raised any issues with the proposed development in this location, in relation to the AONB's Special Qualities, and the conservation of its landscape and scenic beauty.
As also noted above, there are not considered to be any perceptible impacts on the National Park designation through changes to its setting.

**Arboricultural Impact**
No trees are shown to be removed at this stage, and as indicated on the submitted plans, the proposed number of units could be accommodated on this site without the loss of significant vegetation. As noted in the submitted tree survey and D&A Statement, there is also scope to accommodate further tree planting within and bordering the development to provide additional screening of the new built form.

**Policy**
Adopted Core Strategy Policy SP17 seeks to conserve and enhance AONBs, and to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment. As noted above, the principle of residential development here of the scale indicated would conserve landscape character, and present opportunities to provide enhancements across the site. For this reason I would conclude that it would meet these policy tests.

**Recommendation**
No objection on landscape or arboricultural grounds, subject to the conditions below.

**Suggested Conditions**
If you were minded to recommend approval of the scheme, I would request that we condition full hard and soft landscape details to be submitted as part of the landscape reserved matters application, along with full arboricultural details including a Tree Protection Plan based on the detailed layout, and an Arboricultural Method Statement.

Katherine Jones CMLI
Specialist – Natural Environment
From: Matt Jones <Matt.Jones@southhams.gov.uk>
Sent: 10 May 2017 13:22
To: Mark Scoot
Subject: FW: Strategic Planning response to 0147/17/OPA...

Mark,

I was incorrect that a previous response had been issued, I was getting confused with an entirely different site. Strat Planning's initial thoughts are below.

Regards

Matt

From: Phil Baker
Sent: 03 May 2017 17:17
To: Matt Jones <Matt.Jones@southhams.gov.uk>
Cc: Thomas Jones <Thomas.Jones@southhams.gov.uk>
Subject: Strategic Planning response to 0147/17/OPA...

Matt,

The below is a draft Strategic Planning response, and could be subject to change following the detailed consideration of the representations that have been received to the Reg19 consultation. We are obtaining ongoing legal advice about the examination process and the weight that we could/should apply to certain policies within the draft JLP.

There are, I think, two key considerations regarding the proposal.

The first is that the proposal site is within the Tamar Valley AONB. This issue has been well examined by Ben Dancer on behalf of the TV AONB, and I acknowledge that Ben is comfortable that the proposal will not result in significant landscape impact, and therefore does not represent a major development proposal within the wider context of NPPF paragraph 116.

The second is that the proposal site is outside of both the adopted settlement boundary of Crapstone, and the proposed SB review that will form part of the adopted JLP. How this issue is dealt with partly depends on the accepted Housing Land Supply position of WDBC. The Butcher Park Hill appeal did establish a position that WD chose not to defend, and on that basis accepted the lack of 5-yr land supply. However, a recent appeal decision that you forwarded relating to Court Barton Mews, Lamerton in which an inspector concluded, based on the information presented, that 'I have no sound basis to find that there is not a 5 year supply of housing land.'

Whilst the policies contained within the JLP are not considered to have any notable weight at present, the evidence that supports the JLP is considered robust, and is not anticipated to change ahead of submitting the JLP to the SoS.

Both of these factors would suggest that we are entitled to continue to apply our housing supply policies as written, and that they should have significant weight in decision making in relation to proposals for the supply of housing. As the proposal site is outside the SB (both adopted and draft revision) it should be considered as a site in the countryside and assessed according the relevant policies. This would lead us to consider its suitability as an exception site, and the provision of affordable housing commensurate with a site of that description.

It is noted that the applicant does not agree that the assessment of rural villages as part of the TTV section of the draft JLP was robust. Based on the fact that Crapstone has a shop, the applicant feels that the assessment should
have correctly concluded a much higher housing figure for Crapstone. The JLP housing figures attributed to rural villages were not a ‘target’, but a guidance figure of the amount of housing that could be considered appropriate in relation to the level of services and facilities available. Crapstone could probably have warranted a higher figure, but following landscape advise it was decided to supress the level of expectation for new homes in the AONB to around 10, with these numbers expected to come forward through allocations in Neighbourhood Plans.

It should be noted that the most recent draft Buckland Monachorum NP does not allocate a site in or adjacent to Crapstone. WDBC advice to the NP group was that this could be an opportunity missed, not least because there is already an established position from Ben Dancer that the landscape implications of bringing forward this site would not be significant.

On balance, given the emerging status of the JLP, and the location of the site outside both adopted and emerging SBs, I cannot support the delivery of housing on this site unless it more clearly responds to identified local housing needs, and/or provides a significant proportion of affordable homes as would befit an exception site.

I would however also suggest that a potentially smoother path to bring this site forward would be through dialogue between the applicant and the NP group, and the allocation of this site for housing within the NP. I am assuming that the NP has considered this site, and without knowing why the NP omitted to identify this site as an allocation I am unable give any indication of how likely this option is.

Kind regards

Phil

Phil Baker | Specialist (Place Making)
South Hams District Council | West Devon Borough Council
Follaton House | Plymouth Road | Totnes | TQ9 5NE
Email: phil.baker@swdevon.gov.uk

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