Examination into the soundness of the Plymouth and South West Devon Joint Local Plan 2014-2034

Response made on behalf of the Cann Estate in relation to Matter 9 - Environment
Project: Examination into the soundness of the Plymouth and South West Devon Joint Local Plan 2014-2034 - Hearing Statement in relation to Matter 9 Environment

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1.0 Introduction

1.1 Scope

1.1.1 This Hearing Statement has been prepared by Savills (UK) Ltd on behalf of the Cann Estate. The statement has been prepared in anticipation of the upcoming programme of hearing sessions to be chaired by Planning Inspectors Wendy Burden and Yvonne Wright as part of the examination into the soundness of the Plymouth and South West Devon Joint Local Plan 2014-2034.

1.1.2 The statement relates to matter 9 – Environment, which is to be considered in week 4 of the programme of hearing sessions, on 20th March 2018. The hearing session will cover proposed policies DEV20 – DEV30, DEV34 – DEV38, SPT11 and SPT13.

1.1.3 The Cann Estate is a significant land owner within the South Hams and Plymouth City fringe areas. This Hearing Statement has a particular focus on the application of Policy DEV26 which generally applies a “Strategic Landscape Area” designation across land between the edge of the built extent of the city and the extent of the Plymouth Policy Area, where other specific policies do not apply.

1.1.4 This submission follows on from previous submissions made in respect of the South West Devon Local Plan Consultation 2016, and the distribution of development Topic Paper in 2017.
2.0 Policy DEV26 Strategic Landscape Areas (Plymouth Policy Area)

2.1 Proposed Policy Wording

2.1.1 Under the submission draft of the Joint South West Devon Local Plan 2014 – 2034 Policy DEV26 relates to the designation of Strategic Landscape Areas within the Plymouth Policy Area. The policy states that:

“Development within strategic landscape areas, as identified on the Policies Map, will only be permitted where:

1. The form, scale and design are not visually intrusive and are well integrated into the landscape.

2. The development, either individually or cumulatively does not significantly harm the open character, key characteristics, valued attributes, or sensitive features of the area or important views.

3. The proposal does not result in unacceptable intrusion into the open countryside or contribute to the coalescence of separate settlements.

4. The setting, individual character and identity of adjoining settlements is retained.

5. The proposed development is linked to an existing appropriate use and cannot reasonably be located elsewhere, and provided it does not conflict with the above criteria.

Development for the purposes of agriculture, forestry, public access and enjoyment of the countryside, or community facilities that meet the objectively assessed needs of the local community will be supported if it meets the above tests.”

2.1.2 Paragraph 6.92 provides the only supporting text to the policy and states that:

“Plymouth is bounded to the south and north by nationally protected landscapes; the South Devon Area of Outstanding Natural Beauty (AONB), the Tamar Valley AONB and Dartmoor National Park. Proximity to these designated landscapes creates areas of greater sensitivity where it is important to ensure that development does not individually or cumulatively harm these protected landscapes. This
policy seeks to protect these designated areas from the sprawl of the city and ensure that only development that is appropriate for these sensitive locations is permitted. Strategic Landscape areas only apply in the Plymouth Policy area.”

2.2 Response to the Policy

2.2.1 The Cann Estate’s key concerns in relation to Policy DEV26, and its application in the Tamerton Foliot and Porsham Lane area as shown below on Figure 1.

![Proposed Strategic Landscape Area designation around Tamerton Foliot and Porsham Lane](image)

*Figure 1 Proposed Strategic Landscape Area designation around Tamerton Foliot and Porsham Lane*

2.2.2 The Estate is concerned that the policy is, in effect a wash over policy designation affording a blanket level of landscape protection to land with a range of differing characteristics located at the urban edge whilst not necessarily identifying the particular landscape characteristics or sensitivities across the washed over areas that necessarily preclude development across the designated site.

2.2.3 The justification for identifying Strategic Landscape Areas, is set out in 2 documents:

1. The Plymouth and Plymouth Urban Fringe Landscape and Seascape Assessment (October 2016), and;
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2. The Joint Local Plan Evidence Document “Strategic Landscape Area Identification Process”

2.2.4 There are 2 Character Areas of particular interest to the Cann Estate. These are listed below and shown in Figure 2 and Figure 3:

1. CA08, Tamerton Foliot Farmland and Porsham Wooded Valley, and

2. UF02, Porsham Wooded Farmland Fringe

Figure 2 Character Area CA08 Tamerton Foliot Farmland and Porsham Wooded Valley
2.2.5 In both cases the justification for including these Character Areas within the Strategic Landscape Area designation relates to potential impact upon part of the Tamar Valley AONB (TV AONB) setting.

2.2.6 In relation to CA08 the Evidence document (‘Strategic Landscape Area Identification Process’) considers the whole CA is potentially part of the TV AONB, whilst at UF02 it is the southern part of this CA that is potentially part of the TV AONB setting.

2.2.7 The CA08 Character Area comprises 2 separate parcels, a smaller one to the north west of Tamerton Foliot and a linear parcel forming the north facing scarp slopes north of Southwell. The separate parcels result in differing impacts across the CA, some of which are not applicable to the entire Character Area.

2.2.8 The UF02 Character Area covers some 84 Hectares of which 38.5% lies within the Tamar Valley AONB. The landscape bounds the eastern boundary of Tamerton Foliot and the northern edge of Plymouth.
Recent Appeal Decision

2.2.9 The value and sensitivity of land proposed to be covered by the Strategic Landscape Designation DEV26, in particular site UF02 and its capacity to accommodate development has recently been explored through the determination and refusal of a residential planning application for 65 dwellings on land at Allern Lane Tamerton Foliot, subsequently allowed at appeal (Reference APP/K1128/W/16/3167179, attached at Appendix 1). The appeal site adjoins land owned by the Cann Estate.

2.2.10 The proposed strategic landscape area, the ridgeline between the city and the AONB and the appeal site are shown on below Figure 4:

Figure 4 Location of appeal site in relation to proposed strategic landscape area and the ridgeline between the urban fringe and the AONB

2.2.11 Within the planning report by South Hams District Council, the case officer referred to the council’s landscape assessment of the appeal site as being “entirely rural” whereas land to the east, (forming the southern part of UF02 and the eastern parcel at CA08) across a deep coombe (where land either side is controlled by the Cann Estate) the character is urban with Southway forming a contiguous part
2.2.12 Landscape submissions on behalf of the appellant considered at this appeal noted that notwithstanding a proximity to the Tamar Valley AONB, a visual relationship to the site and the setting of the AONB could not be established and equally the landscape itself did not demonstrate the defining characteristics of its landscape character (The Tavy Valley Middle Valley area) as defined by the Devon Landscape Character Assessment.

2.2.13 The Inspector at that appeal was able to set aside the emerging Policy DEV26, given that it forms a part of a Plan awaiting examination and being the subject to objection. Based upon the specific evidence of the site, which is located on higher ground to the north of the Character Area, closest to the AONB the Inspector resolved that the site in question could not be defined as a “Valued Landscape” and furthermore whilst the site had some scenic quality “it does not possess any demonstrable physical attributes which make it more valuable than a very pleasant but essentially common tract of rural landscape in this part of Devon” and concludes: “As such, I do not think that the appeal site should be regarded as a valued landscape for the purpose of paragraph 109 of the framework” (Decision letter paragraph 33).

2.2.14 The Inspector concluded at Paragraph 46 that “the development would not be visually prominent and would not have a significantly harmful impact upon the landscape or the wider landscape setting of the AONB.”

2.2.15 The elevated ground from which 180° views of both the AONB and the Character Area is generally located to the north of the appeal site. The intervening land to the south of the appeal site falls away to the coombe bottom before rising again towards Southwell. Given the conclusions of the appeal Inspector it is considered that development opportunities across large parts of the CA08 and UF02 Areas could be pursued without adversely impacting upon the setting of the TV AONB.

2.2.16 The Cann Estate considers that the detailed evaluation of the actual characteristics of land proposed to be the subject of Policy Dev 26 in relation to Character Areas CA08 and UF02 serves to demonstrate that the Councils have adopted a wider broad brush approach to the designation based upon the potential impacts across entire Character Areas, rather than an evidenced based policy boundary in light of the more detailed evaluation afforded to the landscape impacts through the
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recent appeal process.

2.2.17 As such, the Cann Estate would argue that the allocation of a restrictive policy across the totality of UF02 Character Area contained within the Plymouth Policy Area is not justified by more recent evidence and does not represent a positively prepared approach to the delivery of the plan's objectively assessed development requirements (including and OAN for housing of at least 26,700 new dwellings) nor the protection of valued landscapes required by paragraph 109 of the Framework. Moreover, it is considered that this approach is contradictory to the strategic objectives of the plan, undermining the very rationale for expanding the Plymouth Plan Area beyond the city limits.

2.2.18 Through an examination of potential alternative approaches taken by other Local Planning Authorities within the south west, it is further apparent that the approach is not justified as the most appropriate strategy. Indeed it is considered that a more appropriate strategy would have been more closely aligned to the approach taken by South Somerset District Council in respect of proposed housing allocations and the direction of development around the districts main towns and settlements. SSDC’s strategy was based upon a more nuanced understanding of landscape character and a more fine grain analysis of the landscape’s sensitivity and its capacity to accommodate development. Examples of the analysis to this effect are provided within Appendix B of this report.

2.3 Conclusions

2.3.1 In light of the apparent shortcomings in the approach taken to the implementation of Policy DEV26 the Cann Estate consider that this aspect of the proposed local plan is **UN SOUND** for the following reasons:

1. It has not been positively prepared to meet the objectively assessed development needs in terms of housing delivery or the protection of valued landscapes as required by Paragraph 109 of the framework

2. It is not justified as the most appropriate strategy when considered against alternative approaches adopted by other Local Planning Authorities facing similar spatial planning challenges.
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Appendix A: Appeal Decision APP/K1128/W/16/3167179
Appeal Decision

Inquiry Held on 12 – 15 September and 17 – 18 October 2017
Site visit made on 14 September 2017

by Richard Duggan  BSc (Hons) DipTP MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2017

Appeal Ref: APP/K1128/W/16/3167179
Allern Lane, Tamerton Foliot, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Taylor Wimpey Exeter against the decision of South Hams District Council.
- The application Ref 04/1129/15/F, dated 2 April 2015, was refused by notice dated 10 June 2016.
- The development proposed is "construction of 65 No. dwellings together with associated landscaping, car parking and infrastructure”.

Decision

1. The appeal is allowed and planning permission is granted for the construction of 65 No. dwellings together with associated landscaping, car parking and infrastructure at Allern Lane, Tamerton Foliot, Devon in accordance with the terms of the application, Ref 04/1129/15/F, dated 2 April 2015, subject to the conditions set out in the schedule at the end of this document.

Application for costs

2. During the Inquiry an application for costs was made in writing by Taylor Wimpey Exeter against South Hams District Council. This application is the subject of a separate Decision.

Procedural Matters

3. At the Inquiry, the Appellants tabled amended plans relating to the site access, the junction improvements proposed at Roborough Lane, the pedestrian link and the proposed drainage of the site. In my opinion the amendments introduced by these plans do not materially alter the appeal proposals. I am also satisfied that the amendments have been suitably publicised and consulted upon\(^1\). Therefore, I consider no party’s interests would be prejudiced by my accepting these amendments to the appeal proposal.

4. A Section 106 Agreement was submitted at the Inquiry. The Council submitted written evidence of compliance with Section 122 of the Community Infrastructure Levy Regulations\(^2\), and the need for these obligations was not disputed by any party at the Inquiry and I see no reason to take a different view. I consider that the

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\(^1\) Origin3 Drawing Consultation Note, dated 8 September 2017
\(^2\) ID 30 CIL Compliance Statement

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Main Issues

5. I consider that the main issues in this case to be the effect of the proposed development on the landscape and the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB); and on Highway safety.

Reasons

Policy considerations

6. The Development Plan for South Hams District Council is made up of a suite of plans, including the Adopted South Hams Local Development Framework (LDF) Core Strategy, December 2006; the Adopted Affordable Housing Development Plan Document (DPD), September 2008; and the Development Policies DPD, July 2010. Although beyond their end date they remain the Development Plan for the District.

7. The Council confirms\(^3\) that the relevant policies of the Development Plan for the supply of housing are out of date and the provisions of Paragraph 14 of the National Planning Policy Framework (the Framework) are engaged for the purposes of the determination of this appeal.

8. Nevertheless, the Framework states that for the purposes of decision-taking the policies in the LP should not be considered out-of-date simply because they were adopted prior to the publication of the Framework\(^4\). Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)\(^5\). The Council has drawn my attention\(^6\) to case law\(^7\) which confirms that even where a Council’s policies are considered out of date and paragraph 14 of the Framework is engaged the existing development plan policies are not disregarded, rather their weight must be carefully considered depending upon their conformity with the Framework.

9. The appeal site lies adjacent to, but outside the settlement boundary for Tamerton Foliot and thus, for the purposes of planning policy, is within the open countryside. Policy CS1 ‘Location of Development’ of the LDF Core Strategy restricts development outside the development boundaries drawn around a limited number of the district’s settlements. Tamerton Foliot is not listed within the policy. Policy DP15 ‘Development in the Countryside’ of the LDF Development Plan Document allows some limited forms of development to take place within the countryside. The Council considers that although these policies are out-of-date they are consistent with the Framework and they carry ‘significant’ weight.

10. The Council has drawn my attention to an appeal decision\(^8\) where the Inspector considered Policies CS1 and DP15 and gave them significant weight as they “are broadly compatible with the aims of the Framework”. Whilst I do not disagree with the conclusions drawn by the Inspector in that case, it seems to me that the

\(^3\) Thomas Jones PoE paragraph 3.8
\(^4\) The Framework, paragraph 211
\(^5\) The Framework, paragraph 215
\(^6\) Anna Louise Henderson-Smith PoE paragraph 4.10
\(^7\) Barwood Strategic Land II LLP v East Staffordshire District Council & Anor [2017] EWCA Civ 893, June 2017
\(^8\) Appeal decision: APP/K1128/W/17/3168011
development boundaries were drawn at a time of housing constraint, and the Development Plan is currently silent on both the pre 2016 and post 2016 housing requirement for the District. The Framework also maintains a distinction between rural and urban areas as locations for new residential development but, with the current emphasis on increasing the provision of new housing, recognises that housing can help with the vitality of rural communities and that market housing can facilitate the provision of affordable housing. Policies CS1 and DP15 are less flexible in their approach and in my opinion are not fully consistent with the Framework in that regard. Therefore, I attribute only moderate weight to these policies.

11. Policy CS9 ‘Landscape and Historic Environment’ of the LDF Core Strategy and Policy DP2 ‘Landscape Character’ of the LDF Development Plan Document are relevant to the determination of this appeal having regard to the sole reason for refusal. Policy CS9(1) states that on sites outside the AONB, development will not be permitted which would damage their natural beauty, character and special qualities or prejudice achievement of their designated purposes. Policy DP2 is a landscape character and local distinctiveness policy which requires development to demonstrate how they conserve and/or enhance the South Hams landscape character. Both policies are consistent with the Framework and can be given full weight.

12. In any event, and irrespective of any weight afforded to the policies referred to above and in the evidence, I go on to take account of the character, local distinctiveness and value of this part of the countryside later in this Decision.

13. South Hams DC, along with West Devon Borough Council and Plymouth City Council, has embarked upon the production of a Joint Local Plan. The Plymouth and South West Joint Local Plan (JLP) was submitted to the Planning Inspectorate for examination on 31 July 2017 and Inspectors have been appointed to examine the Plan. The JLP has not, therefore, reached an advanced stage as such I afford it very little weight.

14. Bickley Parish Council is coordinating the preparation of a Neighbourhood Plan. The plan is at an early stage. Whilst it is important to have regard to emerging neighbourhood plans in the determination of development proposals, the plan is not sufficiently advanced to attribute any weight to it or to sway my findings on the acceptability of the proposal before me.

**Housing land supply**

15. The Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Regardless of this, and as explained above, the Council recognises that the Development Plan has passed its end date and is out of date in terms of policies for the supply of housing. The Council also confirms that the Development Plan is currently silent on both the pre 2016 and post 2016 housing requirement for the District.

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9 Thomas Jones PoE paragraph 3.6
10 The Framework, paragraphs 54 & 55
11 The Framework, paragraph 49
12 Thomas Jones PoE paragraph 3.2
13 Thomas Jones PoE paragraph 3.6

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16. The Framework is predicated upon a presumption in favour of sustainable development. For decision-taking, and where relevant policies are out-of-date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework\textsuperscript{14}. Paragraph 14 is therefore engaged.

17. Prior to the commencement of the Inquiry the Council and the Appellant had been attempting to agree a Statement of Common Ground (SoCG) which included an agreement that the Council at that time could only demonstrate a 2-year housing land supply\textsuperscript{15}. However, on 9 August 2017 shortly before the exchange of evidence for the Inquiry, the Council changed its position stating that it could now demonstrate a 5 year housing land supply. This change in position was based on new information set out within the Strategic Housing Market Assessment (SHMA), February 2017 parts 1 and 2, which was prepared to inform the JLP. As a result of the Council’s late change in position the Appellant submitted rebuttal evidence\textsuperscript{16} three days before the opening of the Inquiry.

18. Having set out my concerns regarding the timing and volume of this new evidence and that it was not appropriate to treat the Inquiry as a dry run for the JLP Examination where information relating to the Objectively Assessed Need (OAN) and the SHMA would be tested, the Council and the Appellant agreed a SoCG\textsuperscript{17} regarding the housing land supply position. This stated “for the purposes of the Inquiry it is agreed that there is a minimum shortfall of 65 units against the Council’s 5 year requirements and that it is not a proportionate and sensible use of Inquiry time to consider any further the precise extent of the Housing Land Supply. It is therefore accepted that paragraph 49 of the Framework is engaged and so there is a second reason why paragraph 14 applies”.

19. Consequently, neither side called detailed evidence on this matter. For the purposes of this decision, I am satisfied that it is not necessary for me to comment further on the difference between the parties. In any event, given that housing land supply assessments are not a precise exercise it is my view that the difference between the parties is not of major significance in this case. The extent of the land supply in this case is of relevance only in so far as it influences the weight which can be afforded to the benefit of providing new market and affordable housing in the District. This is discussed later in this Decision.

\textbf{Impact on the Landscape and Setting of the AONB}

20. The appeal site adjoins the built up north eastern edge of Tamerton Foliot and was formerly in use for grazing horses. One of the essential features of open countryside is that it is undeveloped, and that is the situation here, so there can be no doubt that in planning terms the appeal site is within the open countryside. The Tamar Valley Discovery Trail runs due north of the site approximately 380m to the west but there are no direct views of the site from this trail. There is no public access across the site and it is not used for recreational purposes.

21. The single reason for refusal put forward by the Council states that; the proposed development would have an unacceptable impact on the landscape, including the Tamar Valley AONB. The impact is considered by the Council to be demonstrably and significantly adverse, particularly in the context of views to the site from the

\textsuperscript{14} The Framework, paragraph 14
\textsuperscript{15} Colin Danks PoE Appendix 16
\textsuperscript{16} Colin Danks Rebuttal PoE, September 2017 and Simon Coop PoE, September 2017
\textsuperscript{17} Inquiry Document 9: Signed SoCG regrading housing land supply, dated 12 September 2017
residential areas to the south east which are currently of an overwhelmingly rural area.

22. The Framework\textsuperscript{18} states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest\textsuperscript{19}. Be that as it may, the parties agreed that the appeal site is not part of the Tamar Valley AONB which is located approximately 220m to the north on elevated land, and there are no views of the appeal site from the AONB. Paragraphs 115 and 116 of the Framework are therefore not engaged.

23. However, as the Council contends that the appeal proposals would have a detrimental and harmful impact on the setting of the AONB it refers to the South Devon Area of Outstanding Natural Beauty Management Plan 2014-2019 (MP) which identifies the special qualities of the AONB. The purpose of the MP is to guide and inform authorities in the application of their duty to have regard to the purposes of the AONB and to deliver the purposes of the AONB to conserve and enhance natural beauty. Of particular relevance to this case is the ‘Priorities for Action’\textsuperscript{20} which aims to ensure that development outside the AONB boundary respects its setting.

24. The site is located within National Character Area 151: South Devon, and Devon Character Area DCA48 – River Tavy Middle Valley, as defined by Devon County Council’s Devon Landscape Character Assessment (DLCA). Key characteristics identified include wooded valleys and rias, with the majority of the area being mixed farmland with fields flanked by Devon hedgebanks and narrow winding lanes. The overall strategy seeks to protect the landscape’s scenic quality, rural character and strong character, and maintain and enhance its role in relation to Dartmoor National Park and the Tamar Valley AONB...and that any development is carefully designed and sited to minimise its impact on the area’s rural character\textsuperscript{21}.

25. In preparation for the JLP additional evidence and assessments have been commissioned. One such assessment is the Plymouth and Plymouth Urban Fringe Landscape and Seascapes Assessment, October 2016 which identifies the site as being within the Plymouth Landscape Character Area UF02. It states that “the Porsham Wooded Farmland Fringe Urban Fringe Sensitivity Area is located to the north of Widewell and Southway. Plymouth Character Area CA08: Tamerton Foliot Farmland and Porsham Wooded Valley is immediately adjacent to the south. Comprising pastoral-dominated farmland with bands of woodland and thick hedges, the landscape provides a rural edge and is overlooked by the suburbs to the south and west, and is partially included within the Tamar Valley AONB”\textsuperscript{22}.

26. The appeal site also falls within Landscape Character Type 3B (LCT 3B) – Lower Rolling Farmed and Settled Valley Slopes, as defined by the Council’s Landscape Character Assessment (LCA), February 2017. Key landscape sensitivities of LCT 3B include: The mosaic of pasture and arable fields bounded by distinctively tall hedgebanks…the continuing dependence on traditional lanes, resulting in tranquil

\textsuperscript{18} The Framework Paragraph 115
\textsuperscript{19} The Framework Paragraph 116
\textsuperscript{20} South Devon Area of Outstanding Natural Beauty Management Plan page 61
\textsuperscript{21} Alex Whish PoE Appendix 2.
\textsuperscript{22} Page 152 Alex Whish PoE Appendix 4

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and unhurried landscape. The LCA acknowledges "there has been a significant impact on the landscape from the highways network, settlement and associated development which has diluted the character of the area". And that "the former village of Tamerton Foliot to the west of the LCT has been absorbed into Plymouth...The intrusion of built development on the edge of some settlements, pylons and landfill sites have an impact in the area and are highly visible from the surrounding landscape."24

27. A site allocation assessment was undertaken for the JLP through the Plymouth Landscape Impact Assessment of Potential Allocation Sites in the Plymouth Policy Area, 2017. Pro-forma 0416 considers the appeal site and concludes that the site is not considered for development within the JLP as a result of the identified sensitivities.

28. The Council states that the evidence base for the emerging JLP has assessed the landscape character and identifies the sensitivities to development around Plymouth’s urban fringe, and this has informed the approach for Strategic Landscape Areas to conserve the rural landscape. The Council goes on to say that “the proposal will...extend...beyond the settlement boundary into the strategic landscape area within the JLP," and that the proposal will conflict with JLP policies DEV24, DEV26, DEV27 and DEV30.

29. As stated above, the JLP has yet to be examined and tested and many of its policies, along with the assessments and documents submitted in support of the JLP, are subject to objection. Therefore, I can give them very little weight in the determination of this appeal.

30. The Council and the Appellant disagree as to whether the site should be regarded as part of a valued landscape, as referred to in the Framework, which states "the planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes..." The Council emphasised at the Inquiry that the landscape, including the appeal site, was a ‘valued landscape’ as it contained a number of physical characteristics, such as the Devon hedgebanks, the deep lanes, the small field structures, and the rough grazed grassland. The Council is also of the view that it is a valued landscape to the residents of Southway who have extensive views of the AONB and its setting which includes the rural edge of Tamerton Foliot and the appeal site. The site and the surrounding landscape are also valued by the Tamerton Foliot residents who enter into a rural landscape when leaving the village at that point. It was suggested that, together, these factors indicate that the site should be regarded as a valued landscape. The question of whether a landscape is a ‘valued landscape’ is undefined in the Framework, and in this regard two high court judgements were drawn to my attention.

31. The appeal site is not subject to any statutory landscape designations or designations within the development plan’s suite of policies for the area, and whilst

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23 Alex Whish PoE paragraph 4.12
24 Alex Whish PoE Appendix 3
25 Alex Whish PoE paragraph 10.4
26 Alex Whish PoE paragraph 6.2
27 Alex Whish PoE paragraph 10.8
28 The Framework paragraph 109
29 Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) and Forest of Dean District Council v Secretary of State for Communities And Local Government & Anor [2016] EWHC 2429 (Admin)
30 The Local Development Framework Core Strategy (CS) 2006, and Development Plan Document (DPD), 2011
this is one indication of its value, it is not determinative and not the same as being seen as a ‘valued landscape’.

32. The appeal scheme would result in the loss of some of these valued characteristic features of the landscape, including rough grazed pasture and short lengths of Devon hedgebanks. The most notable hedgerow loss would be on the Allern Lane and Roborough Lane frontages where the existing hedgebanks would need to be removed to create visibility splays. The new housing would also result in the loss of the current open character and rough grazed pasture and would be locally visible.

33. However, my overall assessment is that while the site has some scenic quality and contains physical characteristics and features that are valued by the Council and local residents, it does not possess any demonstrable physical attributes which make it more valuable than a very pleasant but essentially common tract of rural landscape in this part of Devon. The valued characteristics highlighted by the Council such as the Devon hedgebanks would be largely retained and the deep winding lanes would remain generally intact as part of the development. The character of the site and thus, its value in the landscape, is also significantly affected by the built up edge of the village and the adjacent Tamerton Heights development. As such, I do not think that the appeal site should be regarded as a valued landscape for the purposes of paragraph 109 of the Framework.

34. The Council contends that the development would have an adverse and harmful visual impact on the landscape from a number of vantage points close to the site and to a degree from Soper’s Hill to the north. However, the main area of concern relates to the visual impact of the development in views from Southway to the south-east, and this is reflected in the single reason for refusal. The Council confirmed at the application stage that the site was relatively constrained visually to the south and west by existing vegetation, although some of this would be lost to accommodate the access. However, concerns were expressed regarding the sensitivity of the upper elements of the development.

35. The application was supported by a Landscape and Visual Impact Assessment (LVIA) the objective of which was to identify any significant impacts that were likely to arise as a result of the proposals and to consider ways to eliminate, reduce or mitigate such impacts. The LVIA concludes that the impact on the local character will not be significant; the land around the site does not exhibit the key characteristics found within the Tavy Valley; the proposals will not be visible from publicly available viewpoints within the AONB; and the proposals will not result in any impacts to the character or special qualities of the AONB.

36. The Appellant has provided an additional assessment of the landscape and visual impacts of the development which supports the findings of the LVIA. The evidence also supplements the LVIA by providing a series of photomontages and photographed views of the site from a number of points within and beyond Tamerton Foliot, all of which I have visited. The Council confirms that the LVIA is broadly sound in its approach, and no evidence has been brought before me to indicate that the approach and methodology of the LVIA or the SLR photomontages are not acceptable to the Council.

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31 South Hams DC Internal Memorandum, 4 August 2015
32 Landscape and Visual Impact Assessment, Clifton Emery design
33 Mr Cooper Landscape and Visual PoE, August 2017
34 South Hams DC Internal Memorandum, 4 August 2015

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37. From these viewpoints the proposed development would be seen in the context of the surrounding development and not as an intrusion into the rural landscape. The boundary vegetation would be retained, managed and supplemented and its impact thus softened. Further, at this distance and given the enveloping extent of existing development, the proposal would make no significant difference to the perceived nature and extent of the landscape setting of the village or the setting of the AONB.

38. A number of residents in the village associate the visual change brought about by the development with harm. However, that is not necessarily so and in my opinion change can be accommodated in this instance because of the moderate sensitivity of the site, the ability to mitigate the impacts of the scheme and the fact that it is brought forward in a context where built development is already a key feature of the area and already has an urbanising effect in the locality.

39. I acknowledge that the proposed development would be visible within the landscape and therefore will cause a degree of harm. However, to my mind the issue is whether the visibility of the development is likely to have a significant harmful impact. Visual receptors include those who live or travel in the area, users of public rights of way in the locality, and people engaged in outdoor recreation. However, visibility does not necessarily result in harm to landscape character, and the local topography and existing landscaping would screen the built part of the development from most of the identified vantage points.

40. I saw for myself that the proposed development would be visible from elevated sites in Southway. Medium and distant viewpoints of the dwellings on the site would be limited, and in the main would be seen in the context of the existing built form of Tamerton Foliot. Due to the intervening distances involved, the screening afforded by the local topography, trees and hedges, and the fact that the proposal would be seen against a foreground of built development and the existing built form of the village, the effect of the development on visual amenity would be moderate and not significant.

41. Residents travelling and walking past the site at close range are likely to experience views of the development, especially through the new vehicular and pedestrian openings and visibility splays on Allern Lane and Roborough Lane. However, even taking a worst case scenario for the amount of hedgebank which would need to be removed, I consider that these views are unlikely to be sustained over long stretches due to the screening effects of the existing vegetation and hedgebanks. As such the effect on visual amenity would be minor and not significant.

42. The existing boundary vegetation provides a level of natural screening that provides a degree of mitigation that will have an immediate effect, and the additional landscaping proposed would provide further mitigation including open greenspace and landscaped areas with enhanced and new planting; those measures would help integrate the scheme into its surroundings. The open space adjacent to Roborough Lane and the setting back of development from Allern Lane would allow for the hedgebanks to be translocated and new hedgebanks planted behind the visibility splays required for the new access and highway works.

43. Moreover, to my mind the design objective of the new planting here is not intended to hide the proposal. Rather, the intention would be to help to integrate the new development into its surroundings in a way which is sympathetic to the existing landscape character. The photomontages show that, in time, the proposed planting could be of sufficient height to be effective. The details of mix of species and density of planting could be determined through the imposition of a condition.
44. One of the core planning principles of the Framework includes that the intrinsic character and beauty of the countryside should be recognised. This cannot, however, amount to a blanket ban on development in the countryside. The landscape enhancements proposed would be a response to the site’s countryside location such that the proposed development would be consistent with that principle.

45. The erection of 65 dwellings on the appeal site would represent a significant expansion of the village into its rural fringe, albeit that it would be largely contained by roads on two sides and the mature hedgerows that are found along these lanes. That said, this is open countryside with a hard urban edge, and that factor plays an important role as one of the defining characteristics of the appeal site.

46. Overall on this matter, taking into account the undesignated nature of the site and its moderate landscape value; the existing built edge of the village; the extensive landscaping and planting proposed; and the eventual screening of the development, I consider that there would be some harm to the landscape but this would be minor. As such, there would be some degree of conflict with Policy CS9 of the LDF Core Strategy and Policy DP2 of the LDF Development Plan Document. Nevertheless, the development would not be visually prominent and would not have a significantly harmful impact on the landscape or the wider landscape setting of the AONB.

**Highways Impact**

47. The Framework sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are ‘severe’.

48. In assessing the planning application for the proposed development the Council’s delegated officer’s report suggests traffic volumes through the village will have a negative impact on traffic flow, as advised by Plymouth City Council (PCC), and that this was a material consideration. Both highway consultees (Plymouth City Council and Devon County Council) concluded that the impact of the development would not be severe and did not raise any objections to planning permission being granted subject to the imposition of conditions relating to safe pedestrian crossing points across the Roborough Lane junction and to fund appropriate parking restrictions within the village setting. As such, highway safety was not used as a reason for refusing the planning application by the Council.

49. It was confirmed at the Inquiry that PCC continues to have concerns regarding the traffic generated by the development and that it would cause harm to traffic flows through the centre of the village, and that it would require a Traffic Regulation Order (TRO) scheme to be put in place to mitigate this impact.

50. A significant amount of concern has been raised by local residents, the Friends of Tamerton Foliot and the Tamerton Foliot Village Conservation Society regarding the potential impact of the development on highway safety due to the additional traffic generated by the development travelling through the village and the lanes adjacent to the site. I noted all the representations made to me during the Inquiry and from written submissions as to the matters that I should consider during my visit. As such, I visited the site on three occasions at different times of day, including the time around the end of the school day, to observe the surrounding highway network.

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35 The Framework, paragraph 17, bullet point 5
36 The Framework, paragraph 32 bullet point 3
37 The Framework, paragraph 32

https://www.gov.uk/planning-inspectorate
51. Having regard to the Council’s evidence and the other representations made to the Inquiry, I consider there are 2 main aspects to this issue. Firstly, the impact of the traffic generated by the development on highway safety through the village and the adjacent lanes (Allern Lane and Roborough Lane), and secondly, whether the visibility splays for the main development access and the junction improvements on Roborough Lane are adequate.

52. Prior to the Inquiry the Appellant and PCC have been in close dialogue regarding the impact of the development within the village and to seek agreement on the design and specification of the proposed access and junction improvements. In terms of the junction improvements, the Appellant confirmed at the Inquiry\(^{38}\) that following a meeting with PCC the proposed improvements could be undertaken within land controlled by the Appellant and the adjoining highway authorities and delivered through a Section 278 Agreement\(^ {39}\). In addition, it was agreed that the additional speed survey results\(^ {40}\) confirm the 85 percentile speeds of 26 mph and that the 33m visibility splays at the junction of Roborough Lane\(^ {41}\) were acceptable to PCC and that these could be secured by condition. And finally, it was agreed that the provision of a TRO could be delivered through a S106 Agreement.

53. I have not been presented with any evidence that would lead me to reach a different conclusion to the agreement made between the Appellant and PCC regarding the Roborough Lane junction works. I also consider the improvements to visibility for vehicles using Roborough Lane and the improved pedestrians crossing at the junction would be a betterment to the current situation.

54. Turning to the impact of the development on local roads in the village, the Transport Statement (TS) prepared by TWP in support of the planning application contained an assessment of trip generation from the proposed development. The approach taken by TWP utilises trip rates from the TRICS database for total trips (i.e. all travel modes) and then uses census ‘journey to work’ data to apply local mode share data to the total people trip rates. This was then assessed against local trip generation factors determined from traffic surveys. Although Tamerton Foliot Village Conservation Society has raised concerns regarding the TWP statement, I note that PCC and DCC provided their comments on the planning application and neither questioned the approach or scope of the assessment at that time.

55. Nevertheless, the TS submitted with the application has been updated and further refined by the Appellant’s highways evidence and has been informed by additional surveys to reflect the current traffic position and take account of recent developments. The Appellant’s updated traffic flows show a slight decrease in morning peak flows than those previously surveyed in 2013 and slightly higher during the afternoon peak period. As such, the Appellant considers that there is no level of variance that would materially change the conclusions made within the TWP TS.

56. With regard to the capacities of the local roads the Appellant states that Whitsoncross Lane typically operates with 62% of its spare capacity, but the section of road along Fore Street surrounding the shop and post office operates with 54% spare capacity. The evidence notes that these capacity figures reflect a road width of 6.1m and assume loading, parking and bus stops within the carriageway, which is

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38 ID 7: Email exchange between Vectos and PCC, dated 11 and 12 September 2017
40 ID 8: Roborough Lane Speed Survey Results, dated 11 September 2017
41 Visibility splays shown on Drawing: 173170-G-01 Rev G
reflective of the conditions found along these roads. As such, there is no evidence to suggest that congestion is caused by these links or junctions and that short term queuing or blockages is likely to be caused by illegal parking or short term loading/servicing vehicle parking. This in fact ties in with my own observations during the Inquiry when I visited the site and used the local roads at peak and non-peak times. I experienced variable queuing and congestion at various times, ranging from moderate levels of congestion to virtually no congestion. This seems to me to demonstrate that there is no wholly consistent pattern of traffic flow in the village, and that short term blockages and congestion is mostly caused by illegal parking of cars or delivery/service vehicles outside the shop or residents’ on-street parking.

57. Tamerton Foliot Village Conservation Society has questioned the validity of the TWP TS and states that the likely traffic flows are considered to be very conservative as they were based on data between 2004 and 2014. It is further suggested that the figures do not apply the 'work from home' or 'not working' figures from the 2011 Census data resulting in inaccurate trip rates being applied.

58. Be that as it may, I have not seen any substantive evidence which suggests that the data and methodology used by TWP or Vectos to ascertain the likely traffic flows and capacities of the local road network is flawed. No objections have been raised by either PCC or DCC with regard to the results of the assessments, and I have no reason to reach a different conclusion.

59. Even taking a worst case scenario put forward by the Conservation Society it seems to me that the traffic generated by the proposed development would be unlikely to cause significant extra difficulties for traffic flows through the village. I accept that queue lengths (and delays) may be extended to a degree, but I find it difficult to reach a conclusion that the change would be severe even taking into account other proposed or permitted schemes. On streets in the immediate vicinity of the appeal site and closer to the village centre, I accept that there would be a small impact at worst. In turn, that small impact would be unlikely to have more than a negligible impact on the wider network.

60. Representations from many residents indicate that drivers frequently exceed the speed limit when driving through the village, and that the level of on-street car parking, the narrowness of the road with pinch points, and the lack of pedestrian footways at some locations such as outside the Kings Arms, exacerbates the potential for pedestrian vehicular conflict and for accidents to occur. It has also been asserted that this would be a deterrent for children to walk to school.

61. During my site visit it appeared that most drivers driving passed the appeal site and through the village along Whitsoncross Lane and Fore Street at that time drove at a speed commensurate with the nature of the road. Whilst I acknowledge that this is a snapshot of road conditions, in my view the existing mini roundabouts and the existence of on-street car parking, especially outside the shop and post office, means that many drivers take a precautionary approach to driving through the village and accordingly moderate their speeds.

62. I noted that the functional space available to vehicles along Fore Street is limited by the presence of on-street car parking outside the shop, such that only one vehicle may pass at one time. I appreciate that vehicle manoeuvring along Fore Street is, therefore, on occasion challenging and that this leads to instances of congestion in both directions, particularly when larger vehicles are involved (as shown by photographs appended to Mr Pearson’s evidence). However, in my opinion this is not an uncommon occurrence within the centre of villages and smaller settlements.
where residents wishing to stop for a short time at a local shop or convenience store park along the street, and that on-street parking can usually lead to vehicular speeds reducing at such locations. I saw for myself that this was indeed the case on Fore Street.

63. It is right that there are many householders who park on the highway, and this causes, in effect, a series of chicanes which must be negotiated when seeking to drive through the village. Nonetheless, I did not observe any situations in which the streets were blocked, or where unacceptable hazard would be likely, and the increase in traffic movements brought about by the proposal should not materially alter that situation or cause any significant problems. I do not doubt that there will be occasions when users of the highway are required to wait for oncoming traffic to pass parked vehicles, as is the case now, but not to the level that this would cause a highway safety issue leading to increased instances of accidents.

64. Evidence presented by the Appellant in the form of personal injury accidents data for the period 1 July 2012 – 1 July 2017 for the village as a whole demonstrates that seven accidents occurred, five were recorded as slight and two of which were serious. One of the serious accidents occurred on Mary Dean Avenue where no additional traffic from the proposed development is anticipated, and the second was on Tamerton Foliot Road and occurred at 01:03hrs with one of the causation factors being impairment by alcohol. The accident profile demonstrates that none of the recorded accidents reflect the concerns raised by local residents and none have occurred as a direct consequence of congestion outside the shop.

65. I accept the suggestion made by Mr Pearson at the Inquiry that minor collisions and near misses may go unreported, but I am of the opinion that the minor increase in traffic travelling through the village as a result of the development would not directly result in an increased potential for accidents or any other unacceptable effects.

66. Tamerton Foliot Village Conservation Society has also raised concern regarding the impact of the development on traffic flows along Roborough Lane. Therefore, the Appellant has utilised the TWP trip generation data and the more recent Vectos survey results to determine current routings. The data demonstrates that the proposed development would constitute a very small proportion, a trip every hour in the morning peak period and a trip every 15 minutes in the evening peak period, which is an imperceptible impact against what is already a very low background traffic flow. No objections have been raised by either PCC or DCC with regard to the results of this assessment, and I have no reason to reach a different conclusion.

67. I have taken into account the highways evidence presented by Tamerton Foliot Village Conservation Society and the many other representations made on the issue of highway safety. However, I have not been provided with any substantive information that would lead to me disagree with the assessments made by the highway consultees (PCC and DCC) that the impacts of the proposed development would not be severe and would not conflict with paragraph 32 of the Framework. Nor have I been persuaded to disagree with the agreement reached between the Appellant and PCC regarding the speed survey results and the visibility requirements for the visibility splays at Roborough Lane. I do not seek to minimise the concerns expressed at the Inquiry, but the development would not be generating great volumes of traffic, and the roads within the village would be capable of accepting the modest increase.

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42 Jonathan Lloyd PoE Appendix A-JL-006
43 Jonathan Lloyd PoE paragraph 5.56-5.62
68. Drawing the threads of this issue together it is clear to me that the following conclusions can be drawn:

- The wider network and local streets through the village would be capable of accommodating the traffic generated by the development;
- Impact on congestion through the village would be likely to be modest and manageable, and there would be likely to be no material impact on highway safety;
- The main development access and junction improvements at Roborough Lane are compliant with standards and accepted by PCC as highways authority.

69. I acknowledge that PCC considers that an increase in the number of houses in the village caused by the appeal development will increase the number of vehicles travelling through the village and that this should be mitigated against by a TRO. Whilst measures put in place through a TRO could bring about benefits for the community and would go some way towards addressing an existing problem of short term congestion along Whitsoncross Lane/Fore Street, I am not persuaded that a TRO is necessary to make the proposed development acceptable in planning terms. I am also of the view that potential improvements through a TRO could actually increase vehicle speeds through the village, and specifically close to the shop, which could itself lead to accidents.

70. Nevertheless, the compelling evidence presented by the Appellant in terms of the negligible increase in vehicle numbers that would arise from the development leads me to conclude that a TRO would be unnecessary, and that the development would not have a harmful impact on highway safety. PCC was closely involved in the discussions surrounding this proposal and concluded that the impact of the development would not be severe. In my judgement the balance lies with the scheme in highway matters, and there would be no severe residual impact sufficient to justify dismissing the appeal. Therefore, the development would not conflict with Policy DP7 ‘Transport, Access and Parking’ of the LDF Development Plan Document.

**Other matters**

**Affordable housing**

71. Policy CS6 of the LDF Core Strategy states that new residential development should provide affordable housing consistent with an overall strategic target of 50% having regard to a number of criteria including the characteristics of the site and the economics of provision. The reasoned justification for Policy CS6 identifies that the provision of affordable housing to help meet the needs of the District’s local communities is the Council’s top corporate priority. Policy AH3 of the Local Development Framework DPDP relates to the provision of affordable housing on unallocated sites and expects 50% provision on sites with a capacity of over 15 or more dwellings.

72. The proposal would provide 32 affordable dwellings (20No. 2-bed units, 10No. 3-bed units and 2No. 4-bed units). That is a significant benefit to which considerable weight is attached. The provision of market housing in an area which has seen a considerable under performance in the delivery of housing over a number of years also attracts significant weight in the determination of the appeal.
73. The Council’s Affordable Housing Team were consulted on the planning application and stated that it supported the application\textsuperscript{44}. The consultation response goes on to state that the site would meet some of the housing need in the District, and “there is very limited affordable housing in the parish of Bickleigh, so this development will help to balance the housing market.” Further correspondence with South Hams Housing Specialist in 2017\textsuperscript{45} confirms that there has not been any affordable housing completions in Bickleigh parish in the last few years. The Council officer’s planning application report also states that the provision of 49% of the properties as affordable housing is recognised as significantly positive.

74. The S106 agreement secures the provision of over 49% of the proposed dwellings as affordable housing. Having regard to the evidence before me, I am satisfied that this obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

75. Under these circumstances, the proposed provision of 32 affordable houses would comply with the development plan and would amount to a significant social benefit that weighs heavily in favour of the development.

*Housing mix and viability*

76. Although the Council did not object to the affordable housing mix being proposed during the planning application stage, the Council’s evidence has raised this as an issue within the appeal\textsuperscript{46}. The Council’s affordable housing specialist has objected to the more recent planning application as there is a need for smaller units than that being offered, in particular one-bed units, based on the most up to date 2017 SHMA. The Council also states there is anecdotal evidence that Housing Associations are reluctant to take on 2-bed units. The Council contends that the provision of 2-bed affordable housing units would not meet the needs of the District and there is a need for smaller one-bed units that would be attractive as ‘starter homes’. In this regard, the Council drew my attention to a Secretary of State’s decision dismissing an appeal in Great Horwood, Buckinghamshire\textsuperscript{47}.

77. The SHMA forms part of the evidence base for the JLP and aims to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the JLP plan period of 2014 – 2034, in line with the Framework\textsuperscript{48}. The SHMA is not, therefore, an indication of housing need at a single point in time. Contrary to what the Council said at the Inquiry in terms of the lack of need for 2-bed dwellings, it is clear that there are 320 households on the Council’s housing register in need of 2-bed units\textsuperscript{49}, a point which was agreed by the Council’s witness under cross examination. In addition, the Appellant has demonstrated\textsuperscript{50} that there is recent interest from a Registered Provider operating in the South West to deliver the affordable housing being proposed. Therefore, I conclude that the mix of affordable housing units being proposed is appropriate.

78. In reaction to the Appellant’s evidence relating to the marginal viability of the development\textsuperscript{51}, the Council sought to cast doubt as to the likelihood of the

\textsuperscript{44} South Hams Affordable Housing Team Consultation response, 10 August 2015
\textsuperscript{45} South Hams Housing Specialist email dated 7 August 2017
\textsuperscript{46} Anna Louise Henderson-Smith PoE paragraph 7.8
\textsuperscript{47} Secretary of State decision: APP/J0405/V/15/3137967
\textsuperscript{48} The Framework, paragraph 159
\textsuperscript{49} South Hams Housing Specialist email dated 7 August 2017
\textsuperscript{50} Colin Danks Po1E Appendix 6
\textsuperscript{51} Colin Danks Po1E Appendix 10: Turner Morum Viability Study August 2017
development being delivered in its current form. The Council suggests that the developer would seek to attempt to change the mix of housing on the site and potentially reduce the level of affordable housing provision in the future to increase the viability and the profitability of the site.

79. I am conscious of Paragraph 173 of the Framework which states ‘to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. Nevertheless, the level of profit required by a developer will vary from scheme to scheme, given different risk profiles, site characteristics and infrastructure requirements. The Appellant confirmed at the Inquiry that it was committed to the scheme and the site was included within the future development programme of the company. I have no reason to doubt this commitment, and in any event any change to the mix of the development would require a fresh planning application and a new Section 106 Agreement which would be fully assessed by the Council.

80. It is noteworthy that the application subject to this appeal was a full application where the mix of housing was clearly set out, and the Council did not feel at the time of determination that the mix of housing being proposed on the site was an issue that merited a reason for refusal. Whilst the supporting text to Policy DP11 of the LDF Development Plan Document refers to the Annual Monitoring Report 2008 and the percentage range of dwelling sizes that were provided, there are no specific policies within the Development Plan or even in the emerging JLP which requires a specified mix of housing to be put forward as part of development proposals, other than ensuring that any mix should be ‘appropriate’. As such, I find no conflict with the Development Plan in this regard.

Drainage and flooding

81. A number of interested parties have raised concerns to the effect that the proposal would exacerbate existing flooding problems in Tamerton Foliot and the wider catchment area and lead to potential impacts to the Coombe Valley watercourse. However, the Appellant has indicated that through the provision of on-site attenuation, surface water run-off from the site could be limited in volume to existing levels but the discharge rates could be improved. Furthermore, South West Water does not object to the development and the County Council’s Flood and Coastal Risk Engineer has confirmed that he does not object to the scheme.52

82. I consider that subject to the imposition of suitable conditions the proposal would be unlikely to increase the risk of flooding elsewhere, and I have nothing in evidence which indicates that a satisfactory drainage scheme would not be possible. On the contrary, evidence suggests that such a scheme is possible and could be delivered, with the amended scheme also reducing the potential loss of boundary landscaping and trees. As such, this matter does not weigh against the proposal.

Pedestrian link

83. A pedestrian footpath would be provided through the area of open space in the southern part of the site to link it to the existing footway network. The Police Architectural Liaison Officer (PALO) responded to the planning application

52 ID16 Infrastructure Drainage Plan (173170-D-001 A) with calculations, and emails between Andrew Dennis, Vectos and Richard Rainbow, Devon County Council dated 13 September 2017.
consultation by objecting on the grounds that the footpath is isolated and has no natural surveillance, and that it should not run to the rear of gardens as these have proven to generate crime. Although the Council confirms that this was not a significant material consideration to withhold planning permission it weighed negatively against the proposal in the planning balance.

84. The Appellant has sought to address the concerns raised by the PALO by re-aligning the footpath so that it runs immediately in front of unit No 62 and away from the rear garden fence and parking area of unit No. 63 where there is the potential for people to hide or loiter.

85. Although the amendment to the footpath link has been introduced late in the appeal process, I am satisfied that the amendment has been suitably publicised and consulted upon. As part of this consultation no further comments were received from the PALO.

86. A footpath linking the appeal site to the village is clearly an important aspect of the development by allowing residents the opportunity to walk to the local facilities and to catch the local bus service. Whilst the alignment of the footpath is not ideal and could be viewed as isolated I am of the view that the advantages of providing the footpath in this location outweighs any potential negative aspects, and this matter does not weigh against the proposal.

Connectivity

87. The appeal site is located approximately 700m walk of the local shop, post office and takeaway. The village also contains a hairdresser, a GP surgery and public houses which are also within walking distance of the appeal site. Tamerton Foliot is connected to the Plymouths bus network. There is a bus stop very close to the appeal site, approximately 30 metres from the southern pedestrian link, and the main public transport route of Fore Street and Whitsoncross Lane is well provisioned on both sides with bus-stops. The neighbourhood centre in Fore Street is served by the local bus service which also links Tamerton to Southway, Derriford, Mutley and the City Centre and runs every half an hour Monday- Saturdays. Access to public transport is, therefore, effective right across the community and allows residents to utilise public transport to access employment, leisure, retail and other essential facilities and services found within Plymouth.

88. Mary Dean Primary School is located approximately a 4 minute walk from the appeal site, and this would allow future residents the ability to walk their children to school rather than using the car. The Appellant confirmed that the school operates a breakfast club which starts at 7.45am which would allow parents or guardians to drop their children at the school and catch a bus to work at the start of the working day. Journeys to the secondary schools in the area can also be made by utilising the bus service.

89. I agree with the Council’s assessment set out within the planning application report “in the context of South Hams the site is in a sustainable location in terms of access to facilities in that there are local facilities and good public transport available from a nearby bus stop.” The neighbourhood centre within Tamerton Foliot is also likely to be sustained in the long term as other local and neighbourhood centres are too far away to be in direct competition. Therefore, the appeal site is well positioned in

Anna Louise Henderson-Smith PoE Appendix 7
Anna Louise Henderson-Smith PoE paragraph 7.4
Origin3 Drawing Consultation Note, dated 8 September 2017

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terms of access to local facilities and public transport opportunities and complies with paragraph 38 of the Framework in this regard.

*Local education and health facilities*

90. A large number of residents have raised concerns regarding health and education facilities already being at capacity. Plymouth City Council’s Education, Learning and Family Support department were consulted and in response requested a contribution of £168,056.00 be made towards primary school places. Such a provision is allowed for in the submitted Section 106 Agreement, and I consider it is an acceptable approach to meeting the educational needs of the community that would be created by the development.

91. Concern has been raised regarding the ability of the local GP Surgery to cater for any additional population in the village. However, the Practice has not formally made representations to the Council or offered any evidence of capacity issues or suggested any mitigation which might be required to cater for the proposed development. It can therefore be concluded that the surgery has no objections to the proposed development based on capacity issues related to the provision of health services. There are also a number of other GP surgeries in the area\(^{56}\) that are accepting patients and would be available for future residents of the appeal site. Whilst I have noted the concerns raised by local residents, this does not weigh against the appeal proposals.

*Impact on Conservation Area*

92. The site is located outside and to the north-east of Tamerton Foliot Conservation Area (CA) and cannot be seen from within its boundary. The Council confirmed at the Inquiry that there is no intervisibility between the site and the CA and that the development would not have a harmful impact on the CA.

93. A number of planning appeal decisions have been brought to my attention. Each deals with a different set of circumstances, yet each has some relevance in dealing with similar matters as those that are relevant to this appeal. The cases reflect the differing judgements reached over time in relation to various relevant matters, including the appropriate weight to be given to existing and emerging policies, and whether such policies can be applicable. Any distinguishing features between this case and others brought to my attention are therefore apparent, but those cases do not offer a compelling precedent in this case.

94. I have also noted the concerns raised in representations regarding the manner in which the Council has dealt with the application and the appeal process, the way in which the Appellant dealt with the community involvement and consultation process at the pre-application stage, and the accuracy of the application. Although these issues are frustrating to the local community, I cannot give these concerns any weight in the determination of this appeal.

95. I acknowledge that there is considerable local opposition to the proposed development, but this in itself is not sufficient to merit turning down the proposal unless founded on compelling planning grounds. Having considered the nature of local objections, I have not been persuaded that they would singly or cumulatively outweigh the acceptability of the proposal. I have considered all the other matters raised by local residents in objection to the scheme, but none justify withholding permission.

\(^{56}\) ID12

[https://www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)
Conditions and planning obligations

96. In the light of the tests set out in the Framework\textsuperscript{57} I am imposing the conditions listed in the schedule below. These were discussed at the Inquiry and largely agreed by the parties.

97. Landscaping of the development, including details of the retention and mitigation of the Devon hedgebanks, hard and soft landscaping throughout the site, as well as external finishes of the proposed dwellings, should be subject to prior approval in order to ensure an acceptable visual appearance, and to ensure that the scheme is well integrated into its surroundings. Conditions regarding the landscape and ecological management plan, and tree protection will safeguard biodiversity and trees.

98. I consider a condition regarding the implementation of a programme of archaeological work to be necessary to safeguard such interests. A condition relating to the submission of a construction management plan is also necessary in the interests of highway safety and to protect the living conditions of residents.

99. Drainage systems should be subject to prior approval to prevent flooding, hydraulic overloading of the public sewerage system, nuisance, pollution and accumulation of water on the highway and will ensure adequate provision is made for the new development in the interests of the health of occupiers and the wider environment.

100. Early works to the main access and other off site highway improvements, and their construction prior to occupation of the dwellings, are all required to protect highway safety. I also consider the condition put forward by the Appellant relating to finished floor levels to be necessary to allow for some flexibility in the finished levels of the houses during the construction period.

101. The Council has put forward a condition requiring further risk assessment and investigation to be undertaken should contamination be found during construction. I find this to be unnecessary due to the previous conclusions of the Phase 1 and 2 Ground Investigation Report by Geo Consulting Ltd. I also find the condition relating to the design details of, amongst other things, estate roads, footways, verges and street furniture to be unnecessary as this would be addressed through the Section 38 process with the Highways Authority.

102. I received a copy of an endorsed planning obligation at the Inquiry. As well as securing the provision of Affordable Housing as discussed above, the S106 agreement serves a number of other purposes. A financial contribution would be made towards the provision of an additional classroom at Mary Dean’s CR Primary School. The purpose of such a contribution is to make additional capacity at the school for the number and age of pupils likely to be generated from the new dwellings. The education contribution would not, therefore, be any more than necessary mitigation for the proposed development.

103. The proposed development would include a small area of open space and Local Area of Play (LAP), but this would not be of sufficient size to meet the Council’s guidance. This has led to the need to provide a contribution towards off-site Local Equipped Area for Play (LEAP) to be used towards improvements at Fraser Place play area and Bampfylde Way, and improved sports pitch provision at Aylesbury Crescent and Roborough Sports Ground. Contributions would also be made to the Tamar European Marine Site to be used towards mitigating recreational pressure on Tamar

\textsuperscript{57} The Framework, paragraph 206.
Estuaries Complex Special Area of Conservation, Plymouth Sound and the Estuaries Special Protection Area.

104. I consider that the need for the financial contributions set out in the S106 agreement related to these matters have been adequately justified by the evidence presented. There is no dispute in relation to these factors. I am satisfied that the obligations set out in the S106 agreement are: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. I am also satisfied that it is consistent with regulations 122 and 123 of The Community Infrastructure Levy Regulations 2010 and can therefore give it significant weight in reaching my decision.

Planning Balance and Conclusions

105. It is agreed that the Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework confirms, in these circumstances, that relevant policies for the supply of housing should not be considered up to date. The parties agree that the ‘tilted balance’ set out in Paragraph 14 of the Framework is engaged in this case. Paragraph 14 requires that where the development plan is absent silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – the tilted balance.

106. Self-evidently the proposal would create or retain jobs in the building and allied trades. That in itself would be advantageous to some degree. The proposal would also assist in supporting the Council’s aspirations for economic growth by providing housing. That too is of economic assistance. Local services and shops in the village would be likely to benefit economically and sustained in the future. There are no identified economic drawbacks associated with the proposal and I am therefore satisfied that the proposal would be of economic benefit.

107. The provision of much needed housing, and in particular affordable housing to meet the shortfall in the District, would provide significant social benefits. This is even more pertinent set against the background of the Council’s inability to demonstrate a 5-year housing land supply and the severe lack of housing delivery over the Development Plan period. I have attributed this significant weight in favour of the appeal proposal.

108. There would be some harm to the landscape but this would be minor. The development would be on land with moderate landscape value in a location which I consider has the capacity to accept development. The location of the development would offer opportunities to reduce private vehicle use by walking to local facilities and services within the village and by using the nearby bus route to access employment, retail, education and other essential services and facilities found within Plymouth.

109. The Development Plan is time-expired and pre-dates the Framework. In these circumstances policies carry weight only to the extent with which they are consistent with the Framework. Policy CS1 of the LDF Core Strategy restricts development outside the development boundaries of a limited number of the district’s settlements. Tamerton Foliot is not listed within the policy. However, criterion 4 states that outside these development boundaries development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. I have already concluded that the development is

https://www.gov.uk/planning-inspectorate
sustainable in terms of the Framework and the provision of affordable dwellings to meet an identified local need is a significant benefit to which I have given considerable weight. As such, the development would accord with Policy CS1 (4).

110. Policy CS9 of the LDF Core Strategy and Policy DP2 of the LDF Development Plan Document are consistent with the Framework and carry full weight. As explained above I consider there to be some degree of conflict in respect of both of these policies due to the minor harm to the landscape.

111. In my judgement the balance lies with the scheme in highway matters, and there would be no severe residual impact sufficient to justify dismissing the appeal. Therefore, the development would not conflict with Policy DP7 of the LDF Development Plan Document.

112. In conclusion, there would be minor harm in relation to the impact on open countryside and the landscape, and the possibility of modest impact on congestion (though not in my judgement on highway safety). But these minor impacts do not outweigh the significant benefits to be gained in providing housing, including affordable housing. It is my judgement that the material considerations in favour of the development clearly outweigh any minor adverse impacts. The adverse impacts of the proposed development would therefore be significantly and demonstrably outweighed by the benefits, and in the terms of paragraph 14 of the Framework it would amount to sustainable development. The balance in this case clearly favours the granting of planning permission.

113. For the reasons given above I conclude that the appeal should be allowed.

Richard Duggan
INSPECTOR
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mary Cook Of Counsel; instructed by Becky Fowlds, South Hams District Council
She called
Gary Lester Plymouth City Council
Alex Whish South Hams District Council
Anna Henderson-Smith South Hams District Council

FOR THE APPELLANT:

Andrew Tabachnik Of Counsel; instructed by Colin Danks, Peter Brett Associates
He called
Jonathan Lloyd Vectos
Andrew Dennis Vectos
Simon Coop Lichfields
Julian Cooper SLR Consulting
Colin Danks Peter Brett Associates

INTERESTED PERSONS:

Darren Gray Local resident
Robert Plumb Tamerton Foliot Village Conservation Society
Jon Pearson On behalf of Tamerton Foliot Village Conservation Society
Dennis Silverwood Tamerton Foliot Village Conservation Society

DOCUMENTS SUBMITTED AT THE INQUIRY

1 South Hams District Council list of witnesses;
2 Ann Cooper, South Hams District Council Rebuttal Proof of Evidence;
3 Gary Lester, Plymouth City Council Rebuttal Statement, September 2017;
4 Origin3 Drawings Consultation Note, dated 8 September 2017;
5 SLR and Aspect Tree Consultancy Note, dated 11 September 2017, and ead ecology Note, dated 10 September 2017 regarding Roborough Lane hedgebank;
6 Jonathan Lloyd, Vectos Rebuttal Statement, 10 September 2017;
7 Email exchange between Vectos and PCC, dated 11 and 12 September 2017;
8 Roborough Lane Speed Survey Results, dated 11 September 2017;
9 Signed Statement of Common Ground regarding Housing Land
Supply, dated 12 September 2017;
10 Alex Whish, South Hams District Council Photographs and viewpoint assessment table;
11 South Hams District Council, Internal Memorandum dated 4 August 2015;
12 Appellant’s GP Surgery Note;
14 Draft Section 106 Agreement;
15 Jon Pearson Proof of Evidence Ref No. JP.67.17;
16 Infrastructure Drainage Plan (173170-D-001 A) with calculations, and emails between Andrew Dennis, Vectos and Richard Rainbow, Devon County Council, dated 13 September 2017;
17 Appel Decision: APP/D0840/W/16/3161204;
18 Plan: ‘Iteration of Visibility Works and Existing Trees’ (173170_P_06);
19 South Hams District Council Note on SHMA Part 2 Calculation of affordable housing supply – transfers, 14 September 2017;
20 South Hams District Council Note on SHMA Part 2 tables to use when assessing housing mix for the purposes of determining planning applications, dated 14 September 2017;
21 Article from The Herald, Friday 15 September 2017;
22 Report for the Secretary of State: APP/J0405/V/15/3137967;
23 SLR Photomontages at A1 scale;
24 Plymouth City Council Interested Parties Statement dated 14 March 2017;
25 Signed and dated Statement of Common Ground (SoCG);
26 Revised draft Section 106 Agreement;
27 The Herald Newspaper articles dated 5 and 6 October 2017;
28 Extract from PPG ‘What is the starting point for the 5-year housing supply?’;
29 Extract from PPG ‘When should a local finance consideration be taken into account as a material consideration’;
30 LPA Regulation 122 CIL Compliance Statement;
31 LPA response to Appellant costs application;
32 LPA Closing Submissions;
33 Rule 6 Closing Submissions;
34 Appellant’s Closing Submissions;
35 Signed and dated Section 106 Agreement.
Schedule of 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.

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

141104 L 01 01 A Location Plan
141104 L 01 02 B Site Plan
141104 L 03 01 B Landscape- Hard Works
141104 L 03 02 B Landscape- Hard Works
141104 L 03 03 Landscape- Hard Works
141104 L 04 01 C Landscape- Soft Works
141104 L 04 02 C Landscape- Soft Works
141104 L 04 03 C Landscape- Soft Works
141104 L 06 01 B Boundary Treatments
141104 L 10 01 A Tree Retention
141104 L 10 02 A Tree Retention
141104 L 10 03 A Tree Retention
141104 L 02 01 J Masterplan (Proposed)
141104 L 02 05 E Masterplan (Rendered)
141104 SK 10 B Boundary Maintenance
141104 SK 11 Planting Strategy
141104 SK 12 Planting Strategy
141104 SK 13 Planting Strategy
141104 GARAGES DOUBLE 01
141104 GARAGES SINGLE
141104 HT 01 01 AA24 B House Type AA24 (T1)
141104 HT 01 02 AA24 B House Type AA24 (T2)
141104 HT 02 01 AA31 B House Type AA31 (T1)
141104 HT 02 03 AA31 B House Type AA31 (T2)
141104 HT 02 03 AA31 B House Type AA31 (T3)
141104 HT 02 03 AA31 B House Type AA31 (T4)
141104 HT 04 01 AA41 B House Type AA41
141104 HT 05 01 D2000 B House Type D2000 (T1)
141104 HT 05 02 D2000 B House Type D2000 (T2)
141104 HT 06 01 PA33 B House Type PA33 (T1)
141104 HT 06 02 PA33 B House Type PA33 (T2)
141104 HT 06 03 PA33 B House Type PA33 (T3)
141104 HT 07 01 PA49 B House Type PA49 (T1)
141104 HT 07 02 PA49 B House Type PA49 (T2)
141104 HT 08 01 PT41 B House Type PT41 (T1)
141104 HT 08 02 PT41 B House Type PT41 (T1)
141104 HT 09 02 Bawden B House Type
Hard and soft landscaping of the site shall accord with the above save in so far as it relates to the proposed vehicular access and proposed southern footpath link to Roborough Lane which shall be in accordance with the following plans:

173170 P_03A Visibility Analysis
416.00986.00052.29.006.0 dated August 2017
173170-G-01 Rev G Proposed Junction Improvements

3) All gates to private pathways and gates to the rear of properties shall have locks fitted with key access and shall be installed before any of the residential units requiring use of the respective private pathways and dwellings are occupied.

4) Prior to the commencement of the development, details relating to the junction improvements, the retention and mitigation of the Devon hedgebanks, and the pedestrian route and crossing of Roborough Lane, in accordance with plans 173170-G-01 Rev G and 173170P 03A, shall be submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved details, prior to occupation of any of the dwellings hereby consented. The approved details shall include:

a) Engineering details including works to hedgerows and associated trees on Roborough Lane to deliver necessary visibility splays, surface treatments, kerb and lighting details, drainage details, verge treatments, road signage and road markings associated with the formation of any improvement works.

b) Mitigation details including a replacement hedgebank of traditional design, and any other proposed new planting, consistent with the necessary visibility splays.

c) Any manholes to be positioned within the bounds of the PCC road network shall be constructed in accordance with the manhole construction requirements shown in 'Sewers for Adoption 6th Edition'

d) Provisions for the maintenance of hedgebanks and visibility splays.

5) No development shall take place until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.
6) Prior to the commencement of development full details of a hard and soft Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing by the LPA. The Landscape Scheme shall include:

- a concept statement explaining how the proposed landscape treatment, both hard and soft, responds to the landscape character of the area;
- details of ground preparation prior to importation of topsoil, including decompaecation of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
- materials, heights, levels and extent of hard landscape treatment, including access and hardstanding areas;
- arrangements for stripping, storage and re-use of top soil;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of new ground profiles including retaining bunds and banks;
- materials, heights and details of fencing and other boundary treatments;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all hard and soft landscape treatment.

7) Prior to the commencement of development a detailed Arboricultural Method Statement and Tree Protection Strategy (in accordance with British Standard 5837-2012 – Trees in relation to design demolition and construction) shall be submitted to and approved in writing by the LPA. The following activities must not be carried out under any circumstances:

- No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause then to enter a RPA.
• No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

8) Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the LPA. This shall contain full details of mitigation and nesting/roosting boxes (as outlined in Section 4 of the Ecological Impact Assessment EAD April 2015 and subsequent updates as necessary) and full details of the retained and new habitat features including ongoing management maintenance and monitoring. Once approved the site shall be developed and managed in accordance with the agreed LEMP in perpetuity.

9) Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved CMP unless otherwise agreed in writing by the LPA. The CMP shall include:

(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. No such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the LPA 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) the means of enclosure of the site during construction works;
(i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
(j) details of wheel washing facilities and obligations;
(k) the proposed route of all construction traffic exceeding 7.5 tonnes;
(l) details of the amount and location of construction worker parking.
(m) photographic evidence of the condition of adjacent public highway prior to commencement of any work;

10) Prior to the commencement of development full details of the off site highway works on Roborough Lane and the site access at Allern Lane shall be submitted to and approved in writing by the LPA, and shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA. All off site highway works on Roborough Lane and the site access at Allern Lane shall be completed prior to occupation of the first dwelling.
11) The full details of the visibility splays at Roborough Lane and the site access on Allern Lane shall be submitted to and approved in writing by the LPA, and shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA. No part of the development hereby permitted shall be occupied unless and until the visibility splays as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the LPA. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 60cm high at all times.

12) Prior to the commencement of the development, details of the disposal of foul water shall be submitted to and approved in writing by the LPA, and shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA. No part of the development hereby permitted shall be occupied unless and until the foul water system as approved has been installed. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

13) Prior to the commencement of the development details of the surface water design, including the surface water exceedance flow route, percolation test results and supporting calculations, shall be submitted to and approved in writing by the LPA in substantial accordance with Plans 15416-373 A ‘Flood Exceedance Plan’ and 173170-D-001 Rev A ‘Infrastructure Drainage Plan’. The exceedance plan must show the route exceedance flows will take both on and off site and demonstrate that these flows do not increase the risk of flooding to properties on and off the site and or to third party land including the public highway. Exceedance flows should be intercepted and contained on site as far as is reasonably practical and safe to do so, ensuring that flows are directed away from public access areas. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the LPA prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development is first occupied. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

14) Prior to their installation details of the facing and roofing materials, including colours and samples, to be used in the construction of the dwellings shall be submitted to and approved in writing by the LPA. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.

15) Prior to the construction of any dwellinghouses, details of finished floor levels shall be submitted to and approved in writing by the LPA having regard to drawings141104 L 02 01 J Masterplan;141104 Se 01 01 A Site Sections and 141104 Se 02 01 A Site Sections. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.
Appendix B: Extracts of Yeovil Landscape Sensitivity Study used by South Somerset District Council as a key tool in the evidence base to the preparation of the SSDC Local Plan 2006-2028
Figure 2 - Landscape Sensitivity Yeovil

LOCAL LANDSCAPE CHARACTER AREAS

1 - Yeovil Sands, Diplopes & Escarpments
   A) Downham Brook/Middle Yeo Valley
   B) Coleford diplopes
   C) Inoscip valley
   D) Bradford Abbas diplopes

2 - Northern Escarpment & Floodplains
   A) Yeovil north escarpment
   B) Mukerrow headwaters
   C) Twislet Hill diplopes and valleys
   D) Upper Mudford and Over Common escarpments

3 - Ham Stone hills and valleys
   A) Harrowstone plateau
   B) Harrowstone escarpment & low

4 - Ridges & Valleys south & west of Yeovil

5 - Clay soils, rivers & floodplains

County boundary

Area of low landscape sensitivity
Area of moderate landscape sensitivity
Area of high landscape sensitivity

scale 1:27,500 @ A2

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