

Working together



West Devon Borough Council

Response to the

Milton Abbot, Chillaton and Kelly Neighbourhood Plan

Regulation 16 consultation

October 2021

The Milton Abbot, Chillaton and Kelly Neighbourhood Plan (hereafter MACK NP) was submitted to West Devon Borough Council on 22nd July 2021. The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements

The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 16th August 2021 to Monday 27th September 2021. West Devon Borough Council made a full response to the Regulation 14 consultation carried out by the Qualifying Body in respect of the Kingston Neighbourhood Plan.

This document sets out West Devon Borough Council's response to the Regulation 15 version of the plan, focussing on the extent to which it is considered that the current version of the draft plan has responded to comments made at Regulation 14.

Overall, the Council is satisfied that the Regulation 15 draft neighbourhood plan has largely taken adequate account of comments made at Regulation 14, and that the consequent rewording of the document has resulted in a stronger plan. There remain, however, areas of concern that are detailed below.

Comments on the General Text

Para 1.1.0.2: Attribute quote: see Reg 14 comment on Page 5, para 1.1.0.2.

Para 1.1.0.3: Remove reference to West Devon Core Strategy. This has been replaced by the JLP.

Para 4.4.2 Reword: *“The MACK Group voluntarily undertook Strategic Environmental Assessment and Habitat Regulations Assessment (Appropriate Assessment). These were carried out by AECOM and are included as Appendices.”*

Paras 5.1.13. As per comments on Reg 14 comment at 5.1.0.11 the whole list of Grade II assets should be included. I am content these are contained in an Appendix to the Plan.

Para 5.1.19: The Development Management process will determine where it is necessary to consult Historic England. This will not necessarily apply to all development proposals.

7.5: The Council made the following comments at Regulation 14:-

The legislation and guidance relating Section 106 Funding is clear it can only be required to offset the unacceptable impacts of development. It cannot be seen as a funding mechanism to finance a wish list. There will be circumstances in the MACK area where it is appropriate to require 106 contributions. Given the low level of development envisaged, either through the allocation in the NP or by other means and the desire to maximise affordable housing opportunities, the list identified in Section 5.5 is, on face value, somewhat unrealistic. As such, I would suggest this Section is reviewed in the light of the legislation/guidance and an assessment of the potential developments that could be subject of realistic Section 106 requirements undertaken.

Although the wording does not appear in Policy I would suggest its inclusion as currently worded could be misleading.

Policy/Text	Comments
<p>Policy 4-1. Biodiversity Such is the importance of protecting and sustaining our rural setting any development proposals should seek to:</p> <ul style="list-style-type: none"> • Retain woodlands, trees, hedgerows and Devon banks which make a significant contribution to the landscape, local amenity, environmental character of the area or are of important nature conservation value. • Where possible, enhance the network of habitats, species and sites of importance including local trees and woodlands, hedgerows and roadside verges. • Where possible, biodiversity enhancements, such as unlit wildlife corridors, hedge banks, bat boxes or bird boxes, and new green spaces, designed to benefit both residents and wildlife, 	<p>No comment.</p>

<p>should be provided on site. All new planting shall only be undertaken using native, and locally characteristic, plant and tree species.</p> <ul style="list-style-type: none"> • Protect ancient and veteran trees and appropriate buffer zones around woodlands shall be excluded from development. • Deliver a net gain in biodiversity; if the biodiversity compensation needed to offset losses resulting from the developments cannot be provided on site then it should be provided elsewhere within the neighbourhood. Proposals that might adversely affect wildlife sites and habitats should be avoided. If these sites are affected appropriate mitigation measures should be put in place and form part of any planning application proposals. 	
<p>Policy 4-2. Environmental Considerations All new properties in the MACK Plan area should be constructed in a manner that supports Government environmental targets i.e. are built for the future. This includes but is not limited to;</p> <ul style="list-style-type: none"> • being pre-wired from build for electric car charging • avoiding the use of gas or oil central heating, giving preference to electric heating ASHP, GSHP. • Using approved permeable Parking materials. • Ensuring roof orientation and structure facilitates solar panel efficiency and solar panels should be installed to all new builds unless there is an insurmountable reason not to. 	<p>Suggest rewording the first sentence....<i>"The MACK Plan supports and encourages all new development to be"</i>constructed....etc.</p>
<p>Policy 5 -1. Protecting our Heritage Great weight shall be given to the conservation and enhancement of both designated and non-designated heritage assets as identified within Appendix 2-3A & B of the Neighbourhood Plan. Special regard shall be given to the desirability of preserving these assets, their settings and any features of special architectural or historic interest which they possess.</p>	<p>No comment.</p>
<p>Policy 6 -1. Promoting Employment 6.1a Loss of existing employment facilities Development proposals that result in the loss of existing employment facilities within buildings falling within Use Classes B1, B2 or B8 of the Town and Country Planning Use Classes Order 1987 will only be acceptable where:</p>	<p>Policy 6-a: Bullet Point 1: It would be unreasonable to insist that replacement facilities be provided elsewhere in the MACK area.</p>

<ul style="list-style-type: none"> • Alternative employment facilities of a similar nature have been provided elsewhere in the MACK Plan area to replace the facilities being lost; and/or • There is no demand for the continuation of an employment use on the site and the property or site has been marketed effectively for a period of at least 12 months at an appropriate level in which case alternative uses for sheltered housing, leisure, tourism or retail uses will be considered acceptable alternative uses. <p>6.1b New employment facilities New or converted business and industrial development will be supported providing the size and scale of any new buildings proposed for the use are sensitive to their surroundings, particularly if in close proximity to residential properties. Any new development should also be located on previously developed land or within the settlement boundaries and should not cause harm to the AONB</p>	<p>Policy 6.b: Suggest a set of criteria against which development will be gauged would add clarity to this Policy.</p>
<p>Policy 7-1. Sustaining Local Infrastructure Any new development (including change of use and conversion) within the plan area should:</p> <ul style="list-style-type: none"> • Evidence (be it transport assessments, letters from WDBC Highways) that there would be no material unacceptable impact on the safe and efficient operation of the local road network, including residential roads, rural lanes and parking. • Proposals should demonstrate that traffic implications including parking have been fully considered, assessed and resolved. Sufficient parking should be provided and that the number of spaces, their location, layout and design will not have adverse impacts with respect to highway safety, amenity and character. • Developments must demonstrate that there will be no reduction in water supply and quality, and that sewage and waste management implications have been assessed in order to ensure that existing networks have the capacity to manage increased demands. • Access roads will need to be designed with consideration of efficient passage of delivery goods and service vehicles. • where appropriate adequate footpaths and cycle paths are provided to enable good and safe access both within the 	<p>Bullet Point 1: The Development Management Checklist determines what must be submitted with specific planning applications. This bullet point should be removed.</p>

<p>development and from it to local facilities, particularly to school bus stops and the path to Milton Abbot school</p>	
<p>Policy 7-2. Community Facilities</p> <p>a) Loss of existing community facilities</p> <ul style="list-style-type: none"> • New development proposals that entail the loss of existing retail, leisure and other types of community facilities not be supported unless the facilities are replaced with community facilities of similar or better quality or value to the local community; or are demonstrably unviable and/or surplus to the community requirements. <p>b) New community facilities</p> <ul style="list-style-type: none"> • Development proposals for new community facilities will be supported providing that they would not cause harm to the amenities of nearby properties and there are adequate off street car parking facilities available 	<p>It is assumed that the list of community facilities listed under 7.3 are those which Policy 7.2 seeks to protect if so then the list should be included in the Policy itself.</p>
<p>Policy 8-1. Parking</p> <p>The JLP SPD DEV 29 Parking provision, calls for sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network and for specific provisions to include parking for residents with disabilities, cycle parking, and motorcycle parking. Planning permission for new development should only be granted where:</p> <ul style="list-style-type: none"> • New developments do not rely on on-road parking but provide enough off-road parking spaces, including additional spaces for visitors, to ensure that pressure on existing parking is not increased unacceptably. • Off-road parking spaces are in addition to garages, if present, and should be constructed of permeable materials to reduce the risk of run off flooding. • Infiltration tests should be completed to demonstrate the suitability of permeable parking. Development that will result in the loss of public car parking should not normally be permitted unless suitable alternative provision can be made 	<p>No comment.</p>
<p>Policy 9-1. Affordable Housing</p> <p>The MACK Plan area is bereft of suitable affordable homes; this must be addressed during any future appropriate development.</p>	<p>No comment</p>

<ul style="list-style-type: none"> • All future appropriate developments will need to provide affordable housing either on-site or through a financial contribution. • Positive consideration will be given to justified exceptions sites that deliver maximum affordable housing in the area under the auspice of JLP Policy TTV27. • Affordable housing should be provided in perpetuity, for example, through a Community Land Trust or other community housing scheme / mechanism which retains stock for the benefit of the local community at an accessible cost. Community housing schemes will be supported 	
<p>Policy 9-2 Q Class Development for Residential Purposes Proposals for the conversion of farm or rural buildings for residential use will be supported in cases where;</p> <ul style="list-style-type: none"> • It can be demonstrated that the premises are no longer required for agricultural or any other economic use. • That the building is structurally sound and is capable of conversion without significant rebuilding or extensions and that any conversion respects the original character of the building 	<p>Class Q development is permitted development. The Neighbourhood Plan cannot include policy requirements beyond those set by Central Government. As such this Policy should be removed from the NP.</p>
<p>Policy 9-3. Housing Density and Design Residential development across the MACK Plan area during the life of the Plan should be supported provided:</p> <ul style="list-style-type: none"> • Any new development is of an appropriate density that reflects the context of the settlement to which it relates, giving an impression of space and avoiding uniform house and plot layouts. In line with WDBC Strategic Policy 6 (Density of Housing Development) Milton Abbot and Chillaton have a strongly defined low density character; therefore, a housing density equivalent to 30 dwellings per hectare should be regarded as the maximum density for any new developments. • It is of a high quality, inclusive and safe. Proposals which are accompanied by a Commission for Architecture and the Built Environment (CABE) Building for Life 12 (BfL 12) assessment are strongly encouraged. • It supports basic lifestyle needs. Proposals will be strongly encouraged to meet or exceed the minimum space standards for new property sizes as set out by the Royal Institute of British Architects. (ref RIBA 'Case for Space'). 	

<ul style="list-style-type: none"> • That developments of 10 houses or more present a demonstrable return for the community in terms of delivering village green spaces and/or additional community amenities where appropriate. • That proposed developments of up to 10 houses are within, or adjacent to, existing/proposed village boundaries seek to deliver on improving sustainability and help maintain or enhance the sense of community. • Where appropriate building styles, design, materials and roofscape are in keeping with the individual character and reflect the local distinctiveness of the plan area, making a contribution to the rural nature of the area. Development should also preserve, enhance and promote the established building characteristics so as to avoid an excessive variety of building formats. • New properties are designed to relate well to one another, as well as to existing adjacent buildings, being orientated to the front approach (ie the front of the house faces the front of the property) and avoiding extensive blank walls. • Boundaries are treated sensitively and, where appropriate, hedgerows and Devon hedge walls should form an integral network of native and local species across any development promoting natural wildlife corridors. • The use of above ground cables (power, telephone or internet) is minimised to avoid adversely affecting the appearance of a development. • Any development does not adversely affect the visual amenity or outlook of existing properties for which the countryside is a tangible extension of their gardens. Consideration may be given to the adoption of “exception sites” under TTV27 should it be appropriate and deliver the required housing need. 	<p>Bullet Point 4: See comments on Para 7.5 above. It was suggested that particularly with reference to contributions towards community facilities that justification is provided. This is not apparent from the accompanying text.</p> <p>Bullet Point 5: Lacks clarity in terms of what is being sought. See Regulation 14 comments.</p>
<p>Policy 9-4. Amenity Spaces Amenity spaces should be well designed and fit for purpose and therefore;</p> <ul style="list-style-type: none"> • Any appropriate development should include green (softscaped) communal areas designed to promote a sense of place (ie local distinctiveness or unique character). 	<p>No comment</p>

<ul style="list-style-type: none"> • New dwellings should have regard to the requirements of SPD Dev 10.5 but have a minimum of 60m2 of usable rear private gardens space wherever feasible, and; • Where possible be practically shaped (preferably rectangular); having a usable area; be accessible and well planned in relation to the dwellings living spaces. 	
<p>Policy 9-5. Settlement Boundary There will be a presumption against housing development outside of the defined settlement boundary. Policy TTV27 of the Local Plan, meeting local housing needs in rural areas, sets down the criteria for residential development on sites adjoining, or very near to an existing settlement which would not otherwise be released for this purpose. The specific circumstances of Milton Abbott merit the additional criterion that the development contributes to the consolidation of the village by exploiting predominantly brown field sites if possible. Development outside of the defined settlement boundary will be detrimental to the Aims and Objectives of MACK Plan. The settlement area boundary has been drawn in order to integrate the existing community facilities and curtail the sprawl of development on to green field sites.</p>	<p>I would suggest this portion of the Policy marked in red removed from this location and relocated in Bullet Point 2 of Policy 9.1.</p> <p>Suggest the penultimate sentence begins...<i>"Inappropriate development...etc"</i></p>
<p>Policy 9-6. Housing Allocation Provision will be made for the development of a maximum of 20 dwellings on MA Site E with the following conditions discussed and generally agreed with the landowner31:</p> <ul style="list-style-type: none"> • The highways access should be from the B3362 (Fore Street) with a gateway feature introduced at the western entry to the village in the region of the proposed new development to enhance the change from a "B road" to a village road • At least 30% of the dwellings will be affordable. • It will include a range of two and three bedroom properties including some single storey. • The development should create a positive visual frontage, providing an attractive entrance to the village from the west that is in character with the area. It is important that visual screening of existing trees is maintained. 	<p>No comment.</p>

<ul style="list-style-type: none"> • The development should be of a density that reflects the rural nature of the area, giving an impression of space and avoiding uniform house and plot layouts. • The design of the houses should be aligned with those to the south of Fore Street, take into account the view and should centre on public open green spaces, including selected tree planting, to be provided within the development. • A children’s play space should be provided in accordance with local plan policy requirements and adopted standards. • Limit the height of development so that it is not prominent in the landscape • Existing Devon hedgerows to be maintained and managed to maintain and enhance the wildlife interest. Existing Devon hedgerow height should be maintained to provide adequate screening. • Be designed to mitigate any potential adverse impacts upon existing residential and community interests • A pedestrian link should be provided to link into the centre of the village to enable safe access to the Village Hall, children’s playground and bus stop and provide safe and easy access to the exiting footpath to the school. • Avoid light pollution due to excessive glazing or external lighting. Low-level lighting should be employed with a view to protecting dark skies, tranquillity and supporting nocturnal species. • An area of public green open space should be provided on site to serve the needs of the residents. A masterplan for the site will be required, prepared in consultation with the local community, showing how the whole of the development can be safely and satisfactorily laid out and delivered. Development shall not commence until that masterplan has been presented to the Milton Abbot Grouped Parish Council and approved in writing by the local planning authority. 	

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