

Lamerton Draft Neighbourhood Plan (Regulation 14 version, January 2018)

Regulation 14 consultation response on behalf of West Devon Borough Council

Introduction

The draft Lamerton Neighbourhood Plan has been published for a formal 6 week public consultation. This represents the plan reaching Regulation 14 stage of the plan preparation process, and offers the first formal opportunity for all stakeholders to comment on the emerging plan.

As the Local Planning Authority, West Devon Borough Council (WDBC), has a statutory duty to support the preparation of neighbourhood plans.

As well as its statutory duty, WDBC has an obligation to ensure that any planning document that sits within the suite of Development Plan Documents (DPDs) is consistent with its corporate objectives, and will make a positive contribution to the long term health, wellbeing and resilience of the borough's communities. Advice and guidance provided to neighbourhood plan groups will reflect this wider remit, although it is acknowledged that this guidance may go beyond what is strictly required by regulation. Where we do exceed the levels of guidance required by regulation, we will clearly state as much in our comments.

Advice and guidance at Regulation 14 stage is most usefully focused on:

- 1) The draft Neighbourhood Plan Vision, Aims and Objectives
- 2) The draft Neighbourhood Plan Policies
- 3) The draft Neighbourhood Plan Evidence Base
- 4) The Structure of the draft Neighbourhood Plan and General Comments

1) The draft Lamerton Neighbourhood Plan: Vision, Aims and objectives

The Lamerton Draft Neighbourhood Plan (the Plan) sets out policies and approaches which will add local detail to policies in the Plymouth and South West Devon Joint Local Plan. The Plan sets out a vision for Lamerton as follows:

“To embrace the positive attributes of 21st century living, while at the same time ensuring the cultural and agricultural heritage of the village and the parish as a whole is maintained for many years to come.

To be known by people at all stages of their lives as one of the best and safest neighbourhoods of West Devon to live due to its strong community spirit, village atmosphere and natural environment.”

The vision effectively provides a good summary of what is seeking to be achieved.

Underneath the Vision is a set of stated Objectives. These are clearly presented and link logically from the Vision to the Policies and are consistent with strategic planning policy.

2) The Draft Neighbourhood Plan Policies

Neighbourhood Plans are advised not to try and repeat local or national planning policy. Some of the policies in the draft Lamerton Neighbourhood Plan are already the subject of adopted and emerging local planning policy and/or national planning policy or guidance. In such cases consideration needs to be given to what degree the NP policies add relevant and justifiable additional policy guidance for the locality.

WDBC considers that alongside the detailed comments below, the Lamerton NP group give thought to whether each policy is necessary for inclusion in future drafts of their plan. If policies remain that are already the subject of local and/or national policies, care needs to be taken to ensure consistency with existing policy to avoid ambiguity over interpretation in the decision-making process.

The Plan contains 13 policies as summarised in the table below. A commentary is provided for each Policy that looks at the level of conformity with locally adopted policy and national guidance, as well as considering how each policy will be implemented in order to achieve the aims and objectives of the plan.

Policy	WDBC comments
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<p>Policy E1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish</p> <p>Proposals for development will only be supported where they demonstrate there are no adverse impacts on the natural environment (landscape biodiversity) and its tranquillity, or any adverse impacts are satisfactorily mitigated. Applicants are encouraged to enhance the natural environment where there is the opportunity to do so.</p> <p>Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed that is compatible with local landscape character. Such measures should include the use of appropriate planting which can enrich the biodiversity of the area such as native fruit and nut trees and hedges.</p> <p>Proposals for development which affect traditional Devon hedges will only be supported where:</p> <ol style="list-style-type: none"> 1. they have demonstrated that alternative options are impractical and the proposal is the least damaging option (to the hedgerow / bank, setting in the landscape, biodiversity and habitats); and, 2. they have considered the most up-to-date Highways Authority standards and 3. guidance relating to changes to hedgerows. 	<p>No in principle comments on this policy. It is, however, suggested the section regarding Devon hedges is rewritten as follows:-</p> <p><i>“Proposals for development which adversely affect traditional Devon hedges will only be supported where:</i></p> <ol style="list-style-type: none"> <i>1. they have demonstrated that alternative options are impractical and the proposal is the least damaging option (to the hedgerow / bank, <u>its setting in the landscape, and its associated biodiversity and habitats</u>); and,</i> <i>2. they have considered the most up-to-date Highways Authority standards; and</i> <i>3. they reflect <u>guidance relating to changes to hedgerows. the most up-to-date guidance on the protection, management and creation of Devon Hedges, which at the time of writing is that from the Devon Hedge Group</u></i>
<p>Policy E2 – Local Green Spaces</p> <p>The Lamerton Village Hall and Community Centre and its playing field (highlighted on the map below) has been designated a Local Green Space by the Lamerton Parish Council who are the land owners.</p> <p>This area will be protected for its local environmental and recreational value as well as for its visual appeal which helps define the atmosphere and character of the village.</p>	<p>No comment on this policy, apart from, the Local Green Spaces should be identified on a Proposal Map (see Section 4 of this Document for explanation.</p>

<p>Development proposals on or adjacent to this area which have an adverse impact on this site will only be supported where they:</p> <ul style="list-style-type: none"> • maintain or enhance the existing use and amenity value of the site; • enhance the access to and use of the site where also used for recreational purposes; • have no adverse impact on the recreational use, the environmental value of the site’s wildlife habitat or its visual character; and, • do not change the purpose for which the space is valued and the reason for designation; and, • do not result in the loss, or part thereof, of the Local Green Space. 	
<p>Policy E3 – Protecting and Enhancing Community Facilities</p> <p>Existing community facilities will be protected for such use and their loss will not be supported. Our particular locally valued community amenities and facilities are identified on the map below and are:</p> <ul style="list-style-type: none"> • The Lamerton Village Hall and Community Centre which provides a wide range of facilities and services to parish residents of all ages and to the wider community beyond the parish boundary • The Village Allotments which provides a valued facility to local residents of all ages as well as an educational resource to the village school. • The Blacksmiths Arms Public House <p>Development proposals for new, replacement, extended and/or improved community facilities and open space will be supported where:</p> <ul style="list-style-type: none"> • the proposal would not have significant adverse impact on the amenity of nearby residents; and, • the proposal would not have significant adverse impacts on the surrounding local environment (with regard to biodiversity, wildlife habitat and landscape character); and, • the proposal would not have unacceptable impacts on the local road network (with regard to additional traffic volume / congestion, demand for parking, and pollution levels); and, • the proposed use will be dedicated to community use in perpetuity; and, 	<p>Would this Policy be best placed in a Section of the Plan covering Community Services and Amenities? Comments on the structure of the Plan are set out in Section 4 of this document.</p> <p>Attention has also been drawn in Pre Regulation 14 comments to Policy wording that would better make this Policy compliant.</p> <p>Furthermore a range of other facilities (including business uses) are mentioned in the Community Services and Amenities Section (page 57) should these be in the Policy? The comments under Policy B1 below should also be taken into account in the rewording of this Policy.</p>

<ul style="list-style-type: none"> • they are easily accessible to residents. 	
<p>Policy E4 – Heritage and the Historical Environment</p> <p>The Court Barton Conservation Area is identified on the map below. Our locally valued parish heritage assets include those identified in the Conservation Area Appraisal and the national list of heritage assets and are identified in Appendix 7.e.</p> <p>Development proposals are required to not have a significant adverse impact on both designated and non-designated historic and heritage assets and their settings.</p>	<p>The Council’s Conservation and Heritage Officer has raised the following comments in respect of the supporting text:-</p> <p>“The Plan also says, ‘<i>The Parish now has over 50 listed buildings and structures, one of which is Grade I and the balance being Grade II.</i>’ This is incorrect as there are, I think 3 II* entries, most importantly the Church of St Peter. The Appendix listing the entries seems to be accurate but the text in 2.2 is not.”</p> <p>In the last paragraph of this Policy the wording “required to not have a significant adverse impact on” should be replaced with “should preserve and enhance” in any rewrite of this Policy</p>
<p>Policy D1 – Car Parking Provision</p> <p>New residential developments should provide a minimum of two off-street car parking spaces (<u>excluding</u> garage parking) for each 2-bedroom dwelling or a minimum of 3 off-street car parking spaces for a 4-bedroom dwelling. Communal car parking of an equivalent provision or greater will be considered as an alternative in appropriate locations.</p> <p>Proposals to develop a car park within or on agricultural or amenity land adjoining St Peters Church will be supported provided the proposal meets the requirements of Policy TP1 and is limited to 20 parking spaces.</p>	<p>In terms of the first paragraph of this policy should it read ...“3 off street parking spaces for a 3-bedroom dwelling or above”.</p> <p>The exclusion of garages from the calculation has been resisted by Examiners and, if retained, is unlikely to survive the Examination process.</p>

	<p>In terms of the second paragraph this should be presented as a separate policy. The land proposed for the car park should be clearly identified and included as an allocation on a Proposals Map (see Section 4 of this document suggested structure of the Plan.</p>
<p>Policy D2 – Green / Renewable Energy</p> <p>Building and conversion proposals which incorporate Green Energy initiatives will be given favourable consideration where they are unobtrusive and blend seamlessly with the surrounding environment</p>	<p>Replace “ be given favourable consideration” with “be supported”. The justification box should be replaced by a reasoned justification as elsewhere in the Plan. Also the phrase “blend seamlessly” is somewhat nebulous. Would it be better including criteria against which proposed development can be considered?</p>
<p>Policy D3 – Settlement Boundaries</p> <p>The settlement boundaries designated in this Plan shall be used for the purposes of determining all planning applications in the parish.</p> <p>New small scale (less than 3 dwellings) Green Field residential developments and conversions outside of the Settlement Boundary will not be supported unless it can be demonstrated that: -</p> <ul style="list-style-type: none"> • There is a justifiable sustainable development need; • The development will constitute affordable housing or be of significant benefit to the parish as a whole; • The area to be developed is classified as infill and does not extend beyond existing building lines and into green field land; • Can comply with all other policies of this Neighbourhood Plan and of the Joint Local Plan in respect of matters such as road safety, car parking and design. 	<p>The first paragraph of this policy is a Policy in itself. The settlement boundary should be fully justified in the wording following this Policy and the Settlement Boundary clearly identified on a Proposals Map.</p> <p>The second section of this Policy repeats National and Strategic Policy and need not be included. The reference to 3 dwellings or less does not accord with any National or Strategic Policy background.</p>

<p>Policy D4– Design of New Development</p> <p>All new developments, residential extensions and conversions must preserve and enhance the village of Lamerton by:</p> <ul style="list-style-type: none"> a) Recognising and enforcing the district local character in relation to height, scale, density, spacing, layout, orientation, features and materials. b) Reflecting existing neighbouring designs c) Respecting and protecting local heritage assets and their settings, including Scheduled Ancient Monuments and Conservation Areas. d) Protecting natural assets, enhancing the natural environment and biodiversity. e) Incorporating adequate landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing rural village context and respond to the wider countryside setting (see image below). f) Seeking to retain mature or important trees. Development that damages or results in the loss of ancient trees, or trees of good arboriculture and/or amenity value, will not normally be permitted unless justified by a professional tree survey and arboriculture statement. Where removal of a tree(s) of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site. g) Ensuring boundary treatments reflect the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and gardens are enclosed, new development should seek to replicate this (see image below). h) Incorporation of appropriate methods of energy generation and conservation in all new builds (see image below). <p>New development should provide external amenity space, refuse and recycling storage facilities and car parking. The appearance and location of such features should be considered early in the design process to ensure that they are well integrated into development proposals and form part of a cohesive and visually appealing environment.</p>	<p>The first sentence would be better reworded as follows:- “All new development should seek to preserve and enhance <u>the character, appearance and environment of the village.</u>”</p>
<p>Policy H1 – Housing Type and Size</p> <p>To help ensure a locally appropriate supply of dwelling types and sizes, development proposals within the Settlement Boundary which demonstrate</p>	<p>The justification attached to this policy does not provide an adequate evidence base for the</p>

<p>how they meet the local needs, demand and demographic profile of Lamerton will be supported. Developers are encouraged to provide dwelling types in the following approximate proportions across tenures to help deliver a balance in supply to meet local demand, where feasible, viable and unless it can be demonstrated that other up-to-date evidence indicates alternative proportions:</p> <ul style="list-style-type: none"> • 40% dwellings of 3 or more bedrooms; • 60% dwellings of 2 bedrooms or less. <p>Proposers of development are encouraged to engage with the local community and Parish Council at the earliest opportunity to help ensure that any proposals for development consider both this plan’s aims and objectives and the views of the local community.</p>	<p>very detailed requirements set out in this policy.</p> <p>The last paragraph should be removed since this request is clearly stated at the outset of the Plan and should not be included as a Policy requirement.</p>
<p>Policy H2 – Development Phasing</p> <p>Notwithstanding the fact that the Lamerton Neighbourhood Plan supports the development of an additional 20 dwellings by 2034 there is a need for such development to be phased over the lifetime of this plan. As a consequence, development, excluding “windfall”, and Affordable Housing Schemes should be restricted to and phased as follows: -</p> <ul style="list-style-type: none"> • existing builds, currently approved applications and brown field development between 2014 and 2028 <p>future and as yet unidentified developments between 2028 and 2034</p>	<p>The requirement for phasing development “over the lifetime of the Plan” needs to be fully justified. It is doubted, given the low level of development proposed, that this is a realistic Policy.</p>
<p>Policy H3 – Development of Court Cottage Farm WD-44-05-08/13</p> <p>Development of land at Court Cottage Farm is allocated for approximately 10 dwellings as one of the Community - preferred locations.</p> <p>Development should: -</p> <ul style="list-style-type: none"> • be sensitively designed to respect the setting of the site and the special landscape character of the immediate surroundings • have no unacceptable negative impact on the Conservation Area or any listed buildings, as demonstrated through a Heritage Statement. 	<p>The Council’s Conservation and Heritage Officer has made the following comments:-<i>“My main concern remains the Court Barton site beside the church in the CA, but I can’t tell what the Plan is proposing here. I note some appropriate language about protecting heritage but that is not enough. We’ve always been sceptical about the open parts of this site in relation to CA character and the setting of the church. Whilst the field could become a community resource in the form of an orchard</i></p>

	<p><i>and wildflower meadow it really ought not be included as a possible development plot. The brownfield element lends itself to reuse or replacement of the 20th century structures and the Plan should clearly reflect this.”</i></p>
<p>Policy H4 – Development of Green Hill (Part of, to provide 16/18 Affordable Homes)</p> <p>Development of land at Green Hill is allocated for 16/18 dwellings as one of the</p> <p>Community’s preferred locations.</p> <p>Development should: -</p> <ul style="list-style-type: none"> • be sensitively designed to respect the setting of the site and the special landscape character of the immediate surroundings • it is developed sensitively taking full account of the landscape character of the site, particularly the raised elevation above the village • it takes fully into account the proximity of any adjacent listed buildings and their overall setting; <p>development of this site is carried out in a manner which is considered sympathetic to the immediate surroundings and existing buildings;</p>	<p>Comments and a meeting have already addressed the issues within this policy the outcome of which are summarised below:-</p> <p>“I set out below the changes to the wording in the Neighbourhood Plan that are necessary to enable the Greenhill Allocation to come forward as a Village Housing Initiative Project. As indicated at the meeting I am suggesting you identify the Greenhill site as an “exception” site, This will enable the maximisation of affordable housing on the site. As indicated by Rob Ellis there will be a need to include for the provision of some market housing to assist with viability. The wording I am proposing covers both these issues and can be used in the leaflet you are proposing to distribute to parishioners. For your information I will formalise these comments in the</p>

Council's response to your Reg 14 consultation.

Original Wording

- all properties are classified as affordable and are only available to local residents/parishioners and/or people with a demonstrable parish connection against a set criterion which must be approved by the Neighbourhood Planning Steering Committee, Lamerton Parish Council and WDBC thus addressing the needs of **5.5.2** above

Suggested Rework

- the provision of affordable housing should be maximised. Whilst it is accepted that a proportion of market dwellings on the site will be necessary to assist with the proposal's viability, the site has been identified as an Exception Site with the prime purpose of maximising affordable housing delivery.

Original Wording

**Policy H4 –
Development of Green Hill (Part of, to provide 16/18 Affordable Homes)**

Development of land at Green Hill is allocated for 16/18 dwellings as one of the Community's preferred locations.

Development should: -

- be sensitively designed to respect the setting of the site and the special landscape character of the immediate surroundings
- it is developed sensitively taking full account of the landscape character of the site, particularly the raised elevation above the village
- it takes fully into account the proximity of any adjacent listed buildings and their overall setting;
- development of this site is carried out in a manner which is considered sympathetic to the immediate surroundings and existing buildings;

Suggested Rework

**Policy H4 –
Development of Green Hill**
Development of land at Green Hill is allocated **as an exception site for** 16/18 dwellings as one of the

Community's preferred locations.

Development should: -

- be sensitively designed to respect the setting of the site and the special landscape character of the immediate surroundings
- it is developed sensitively taking full account of the landscape character of the site, particularly the raised elevation above the village
- it takes fully into account the proximity of any adjacent listed buildings and their overall setting;
- development of this site is carried out in a manner which is considered sympathetic to the immediate surroundings and existing buildings;
- **in the light of robust evidence to be provided by the developer seek to maximise affordable housing provision**

The site should be included on a Proposals Map as an "exception site" and not included within the settlement boundary.

<p>Policy B1 – New or Expanding Businesses</p> <p>The development of new or existing businesses land and buildings will be supported.</p> <p>However, future development plans must comply with the policies contained in the Joint Local Plan and the policies elsewhere within this Neighbourhood Plan to ensure the character and rural nature of the settlement is maintained.</p>	<p>Do you need to think about including a Policy that protects existing business uses from unwanted changes of use? See comments on Community Facilities and in Section 4 of this document</p>
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3) The Draft Neighbourhood Plan Evidence Base

The Evidence Base appears to cover all the issues that have been referred to in the Plan. Attention has been drawn to specific Policies identified in Section 2) that need to use appropriate evidence in the justification of those Policies.

In terms of the Housing Site Assessments it is considered that it would be perhaps worthwhile revisiting the Court Barton Farm allocation in the light of the comments made by the Council's Conservation and Heritage Officer and Historic England (in their comments on the SEA/HRA Screening). Whilst the site is considered capable of development the Plan needs to contain, in the Policy regarding this site, clear and specific guidelines that protect the CA and adjacent Listed Buildings.

4) The Structure of the Draft Neighbourhood Plan and General Comments

1) Structure

As indicated in the Introduction to this Document your attention is drawn to advice that exceed the levels of advice required by statute. This Section does that.

The Plan as written can be difficult to follow. In particular the Development Section is confusing and in some instances repetitive. In particular, the section covering the choice of housing sites is difficult to follow.

As such it is suggested the NPG considers following the structure, set out below, that has been used by Neighbourhood Planning Groups which have successfully progressed to Examination:-

Introduction

Vision, Aims and Objectives

Policy

Most Groups put their policies into separate sections. The commonest policy areas are:-

- *Housing*
- *Environment*
- *Heritage*
- *Sport and Recreation*
- *Community Facilities*
- *Transport and Parking*
- *Employment/Industry/Jobs*

Plans..... There will be a range of Plans included in your Plan. It is essential, however, that you include:-

- 1) **A Proposals Map:** This should illustrate all the proposals you are putting forward including the Settlement Boundary.

Conclusion

Monitoring

You may want to order or group differently but generally each section comprises an Introduction then each policy identified is accompanied by a justification. The examiner will want to see the policies in their own section, clearly identified and justified based on your evidence base. I have used the Policy Section Headings (above) to set out the sorts of policies you should think about including in your Plan and where they should go. You have largely gathered all the information required and have, in the current Plan, a good basis to move forward. This advice, therefore, is intended to assist you in revising the Plan in a fashion that will assist you progressing to Examination. Some of the comments below repeat advice already provided in Section 2 of this document.

- **Housing**

- 1) *Housing Allocations:* This policy should identify the sites you are allocating for housing. These sites should be included on the Proposals Map.
- 2) *Design of Development;* Usually a criteria based policy setting out design standards and issues that should be taken into account by developers on new development sites.
- 3) *Car Parking:* Generally Groups have gone for 2 spaces per two bed house and 3 spaces for three bed and above. If you seek variation to this it should be evidenced.
- 4) *Settlement Boundary:* You should full justify the boundary you have identified in the text of the Plan and identify it on the Proposals Map.

- **Environment**

- 1) *Allocated Local Green Space* should be identified on the Proposals Map.
- 2) You may want to include a policy regarding carbon friendly development. Bear in mind there are existing national standards for construction etc. Your policy should therefore be to encourage such standards being exceeded.
- 3) Some NPGs have identified local views that should be protected. The evidence here should be photographic and concentrate on the really important views. These should be illustrated on the Proposals Map.

- **Heritage**

- 1) Where there are Conservation Areas these should be identified in the Plan and a policy or policies that guide development in them (it) identified.

- 2) You may want to include a policy that protects protected heritage features. Usually National and Local Policies are sufficient but you can bring local issues of importance into greater definition if this is necessary.
- 3) You have identified non designated heritage buildings/features and set out a policy to protect and enhance. You may want to have a separate Policy for this.

- **Community Facilities/Sports and Recreation**

- 1) Most groups identify community/sports and recreation facilities that are important and include policies to guard against their loss.
- 2) Some Groups have carried out studies of recreation to identify shortfalls in provision and put forward land use proposals to meet the shortfall. If you plan to do this the Council can assist in getting such a study off the ground.

- **Transport and Parking**

- 1) I have already mentioned car parking for housing under that policy head. You have identified a site for a new car park. This should be shown on the Proposals Map.

- **Employment/Industry/Jobs**

- 1) Some Groups have included policies guarding against the loss of employment land or changes of use of existing buildings to uses other than employment.

2) General Comments

i) Plymouth and South West Joint Local Plan (JLP)

You refer to the above Plan in the fourth paragraph of the Introduction as the “West Devon Joint Local Plan”. This should be corrected and references throughout the Plan to the JLP should include the words in the above title.

ii) The Green Triangle

The plan is clear that the Green Triangle is an important area of green space to the local community and that it has not been included as a Local Green Space due to its size when gauged against the NPPF criteria. I draw your attention to the Beer Neighbourhood Plan (East Devon) where an area similar or larger in size was identified (Policy HBE1) as an “area of local separation”. You may want to look at this and consider whether there is justification to include the Green Triangle in the Lamerton Plan along similar lines. If you do then such an allocation would require a full and robust justification of the planning merit. Any allocation should be clearly identified on a Proposals Map.

CONCLUSION

The Lamerton Neighbourhood Plan seeks to manage development within a sensitive landscape, whilst enabling small-scale organic development that meets the priorities and needs of the local community. The broad aspirations of the plan are consistent with adopted and emerging local policy.

For the most part, this consultation response poses questions or proposes amendments that are designed to make a positive contribution to the next iteration of the neighbourhood plan.

It is apparent that great deal of work has been undertaken to reach this stage of the Neighbourhood Planning process. There are, however, amendments necessary to ensure the text clearly evidences the Policies presented. Furthermore a composite Proposals Map should be included in the Plan.

WDBC considers that the draft Lamerton Neighbourhood Plan can be brought into compliance with local policy and national guidance subject to the advice and guidance provided being followed and would welcome dialogue with the NP group to help achieve this.

March 2019