

Appendix B Annex 1

Policy OP20: Managing Development in Our Main Towns, Local Centres and Main Villages

Within, adjoining or closely related to Main Towns, Local Centres and Main Villages, development of up to 2 units will be supported where:

- a) It accords with the presumption in favour of sustainable development as set out in the NPPF and meets all of the relevant criteria set out in Policy OP2; and*
- b) It is physically well related to its nearest settlement and is bound on at least one side by development;*
- c) The design respects, maintains and strengthens local character, distinctiveness and a sense of place;*
- d) Services and facilities can be safely accessed by walking or cycling;*
- e) The site lends itself well to the proposed quantum of development, ensuring an appropriate and efficient use of land;*
- f) It does not lead to the artificial sub-division of sites, or developments at densities below that which is reasonably appropriate to the site, resulting in applications below the threshold at which affordable housing contributions or on-site provision would otherwise be sought;*
- g) It creates no significant gaps in the building line;*
- h) It does not undermine the delivery of sites allocated in the Local Plan or Neighbourhood Development Plans and does not prejudice the delivery of other strategic priorities;*
- i) It supports the containment of the settlement without unnecessary sprawl into the Countryside;*
- j) It can be accommodated within the existing infrastructure or improvements made necessary by the development can be funded through planning obligations/CIL payments;*
- k) It is of an appropriate size, type and tenure to meet locally identified needs;*
- l) It supports the development of new or existing businesses for livework units where the business use is compatible with adjacent residential units;*
- m) Where relevant, supports local economic growth suitable for its locality.*

In exceptional circumstances where it can be satisfactorily demonstrated that a higher number of units could be accommodated within the site whilst still satisfying the above criteria, the proposal will be supported. These exceptional circumstances are:

- n) Where a higher quantum of development would result in a more appropriate housing mix;*
- o) If a higher quantum development would help to address any site specific infrastructure requirements outside of any CIL schedule;*
- p) If by the nature of infill development the site would benefit from more development to maximise the potential of the site and deliver a locally appropriate development density.*

When assessing proposals, the Council will also take into consideration the cumulative impact of incremental and allocated growth in the settlement, having particular regard to the capacity of infrastructure to accommodate additional development and the impact of development on the role and character of the settlement.

5.82 Whilst the development of isolated homes would not normally be supported, there are circumstances where they would help to support a particular need and such cases should be assessed on a case by case basis with the presumption that they should be approved if they can be justified as meeting a particular recognised need. In a sparsely populated rural district such as West Devon, sustainability cannot simply be based on where there is access to public transport or key services; isolated homes may not benefit from sustainable connections but they may provide support for families or businesses and in such ways reduce the need for travelling in private cars for work or to provide care. As such, in the smaller villages, hamlets and areas within the open countryside where there will be no allocations or planned requirements, small scale development will be justified on the basis of providing or contributing to meeting an overriding need, such as an identified affordable housing need, a specialist or ancillary accommodation need (e.g. elderly accommodation, agricultural workers dwellings, rural farmstead housing), supporting an established business needing to expand/increase usage/productivity within its existing locality.

5.83 This policy allows for the development of affordable housing exception sites in settlements where development would not normally be considered acceptable in order to meet an identified housing need. It will be expected that any affordable housing built under this policy will remain part of the Borough's affordable housing supply in perpetuity and would be delivered in accordance with the Council's definition of a rural exception site. Any other units granted permission under this policy will be expected to be tied by condition to the use for which the permission was granted.

Policy OP21: Managing Development in Smaller Villages, Hamlets and the Open Countryside

In smaller villages, hamlets and the countryside, development will be permitted where:

- a) As far as is reasonably possible it accords with the presumption in favour of sustainable development as set out in the NPPF and meets all of the relevant criteria set out in Policy OP2; and*
- b) It is provided as a Rural Exception Site and is meeting a local need identified through a Parish Housing Needs Survey or other evidence as required; or*
- c) It is meeting a particular need which has been identified in the locality, such as for elderly or ancillary accommodation, and the development would reduce use of the private car for care or business purposes and where it can be demonstrated that the need can most appropriately be accommodated within this location.*

In all cases, proposals must:

- d) Be physically well related to its nearest settlement and is bound on at least one side by development;*
- e) Demonstrate that any open market units to be provided are necessary to support the required affordable housing provision; and*
- f) Be of an appropriate size, type and tenure to contribute to meeting identified local housing needs.*

In addition, the following exceptions as set out in the NPPF, which have been amended to include a local emphasis, will be permitted where:

- g) the essential need for a rural worker or family member to live permanently at or near their place of work or family unit in the countryside can be demonstrated; or*
- h) such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- i) the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;*
- j) the proposal is of an exceptional design and quality; or*
- k) the proposal is for a gypsy or traveller site which can be suitably accommodated within that location.*

Proposals should be delivered in accordance with the Affordable Housing Code of practice, or subsequent updates.

Policy OP30: Inclusive Communities

Development should provide a mix of housing sizes and types to meet the needs of the Borough's communities.

It is aimed to create a socially inclusive, balanced community with an adaptable environment suitable for a range of occupiers which meets the long term housing needs of all. When preparing plans at the Borough or neighbourhood level and when determining planning applications the following types of accommodation will be particularly supported:

- a) Homes suitable for an ageing population, such as level living accommodation, close care accommodation, extra care, elderly independent living accommodation etc.*
- b) Homes with 1, 2 or 3 bedrooms to meet the identified needs of existing emerging households and balance the Borough's housing stock;*
- c) Homes which provide opportunities to live and work within the same unit;*
- d) Homes which bring back into use empty and/or un-used residential property;*
- e) Homes which are provide low environmental impact accommodation;*
- f) Homes provided through self-build, custom-build and self-finish schemes;*
- g) Homes which are affordable to people on local incomes, including low cost market units.*

Residential development should be adaptable, anticipating change in household needs and family structures throughout their lifetime. In developments of ten or more dwellings opportunities should be taken to maximise the provision of Lifetime Home Standards where viable.

9. Our Environment

9.1 This section sets out on how the Council will protect and conserve the special environment of West Devon.

9.2 To set effective policies for the environment it has been important to understand the specific local issues which have been identified by our communities and key organisations.

9.3 Following consultation throughout the preparation of Our Plan, the following objectives have been developed which reflect the particular issues identified in relation to wellbeing

Objectives

- To protect and enhance the special high quality landscapes of West Devon*
- To conserve and enhance internationally, nationally and locally designated sites*
- To protect and enhance the biodiversity, wildlife and habitats of West Devon*
- To place development in areas of low flood risk*
- To reduce the risks from pollution by finding ways to address and mitigate against any known impacts*

9.4 West Devon is known for its exceptional scenic value and quality. It is a beautiful place to live and work and many people come to visit our countryside and the towns and villages within it. It is important that the landscape is managed carefully to conserve and enhance our distinctive environment whilst also allowing development which meets our needs in terms of housing, employment and the needs of our communities.

Our Nationally Important Landscapes

9.5 West Devon contains two nationally important designated landscape areas – The Dartmoor National Park and the Tamar Valley Area of Outstanding Natural Beauty. The West Devon planning area is adjacent to Dartmoor National Park and part of it is within the Tamar Valley AONB (7.6% of the planning area).

These areas are designated for the national importance of their landscape and have the highest status of protection in relation to landscape and scenic beauty. This is clearly set out within the NPPF.

9.6 Whilst not being the planning authority for the Dartmoor National Park, we recognise the important role Dartmoor National Park plays in our area and how it forms a fundamental part of the character of West Devon. We recognise that development proposals could have impacts on the natural beauty, character and special qualities of the Park. It is important that careful consideration is given to the impact that development proposals within our area could have on the Park particularly on the fringes of the Park.

9.7 The Tamar Valley AONB was designated in June 1995 for its overall landscape quality, this includes the estuary landscape, middle valleys, the granite ridge and the upper Tamar. The primary aim of an AONB is to conserve and enhance the natural beauty of the landscape whilst recognising the needs of the local community and economy. More simply the AONB is in place to help protect the landscape and wildlife that lives within it as well as the archaeological, architectural and other features which contribute to its character.

9.8 The Tamar Valley AONB Management Plan forms a strategy for the area. This document does not replace the statutory development plan but sits alongside it as an important complementary localised strategy and provides a framework of management measures and positive actions that are specific to the Tamar Valley AONB. The document is on the Tamar Valley AONB website.

9.9 The location of new development can have both a positive and negative effect on protected landscapes and this will need to be assessed as part of any development proposal. In considering the impact of proposals the cumulative impacts of new development will need to be considered to ensure there is no detrimental effect on landscape quality and protected landscapes.

9.10 The NPPF is clear that proposals for major development within Areas of Outstanding Natural Beauty should only be considered in exceptional circumstances where the proposals meets with paragraph 116 and is considered to be in the public interest. In the AONB major development is defined as proposals which will have a significant effect on the special qualities of the designation. The AONB Management Plan defines the special qualities of the Tamar Valley and includes a useful methodology for assessing whether proposals are likely to constitute major development in the AONB.

Policy OP37: Nationally Protected Landscapes

Areas of Outstanding Natural Beauty and the Dartmoor National Park will be conserved, enhanced and given great weight. Particular emphasis will be given to the conservation and enhancement of the special qualities including the social, economic

and wellbeing benefits of protected landscapes. This includes areas outside of Areas of Outstanding Natural Beauty and the Dartmoor National Park, particularly on the fringe areas of designated landscapes where development would damage the special qualities of these areas.

Development will have regard to policies set out in the AONB Management Plans and other relevant guidance.

Major development in protected landscapes is defined as proposals that will have a significant impact on the special qualities of the designation.

Our Local Landscapes

9.11 A key requirement of the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. To do this a Landscape Character Assessment has been undertaken to understand the character and local distinctiveness of the landscape and identify key features of the landscape.

This assessment operates at 3 levels:

- Level 1 is the national/regional topography.*
- Level 2 is the County/District.*
- Level 3 is site based landscape character assessment*

9.12 In West Devon this assessment identified 11 distinct Landscape Character Types across the Borough. Having detailed information about the different characteristics within West Devon allows us to understand what is special about the area and how different types of development could impact on this.

These character types are distinguished from each other by a range of features such as field and settlement patterns, biodiversity, soils, tranquillity, cultural heritage and local building materials.

9.13 Alongside the landscape character assessment, Devon County Council has prepared Historic Landscape Characterisation maps which are available on their website. These maps provide information about how the landscape has changed and been shaped over the years. This all adds to character of West Devon. How our towns and villages sit within the landscape is also an important part of our environment and consideration of townscape character will be through Conservation Area Appraisals or Neighbourhood Plans (where these are in place).

9.14 Landscape character will apply to all rural areas and those 'fringe areas' on the edge of settlements. In considering the impact of proposals it is also important to consider the broader implications of gradual change through the cumulative impacts that development can have on character. This will need to be considered to ensure there is no detrimental effect on landscape character.

9.15 Development proposals will need to incorporate and reflect design form, materials, layout and new landscaping consistent with the key identified characteristics and objectives of the conservation and enhancement of landscape character. This will guide the location, form and detail of new development. Where necessary, development proposals will also need to consider providing effective mitigation and/or compensatory measures.

Policy OP38: Landscape Character

Development will conserve and enhance landscape character avoiding any adverse impacts.

Development proposals should:

- a) Conserve and enhance the qualities, character and distinctiveness of the area along with existing site features where appropriate;
- b) Where appropriate restore positive landscape character and quality;
- c) Be appropriately located and sited to protect specific landscape, biodiversity and historic features which contribute to local character and quality of the area;
- d) Maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design; and
- e) Protect areas of tranquillity

Where necessary, developments should include landscaping schemes that retain existing landscape features such as trees and hedgerows, reinforce local landscape character and mitigate against any adverse visual impact.

Our Renewable Energy

11.7 The NPPF requires local authorities to have a positive strategy to promote energy from renewable and low carbon sources, designing policies to maximise development whilst ensuring that adverse impacts are addressed. There are opportunities to generate more energy locally and to plan development in such a way that energy is produced and consumed efficiently. The Council aims to help meet Government targets by pursuing a flexible approach to allow the market to deliver and respond to opportunities in both energy efficiency projects and renewable technologies.

11.8 The 2011 CEE baseline study shows that there are resources available within West Devon which could be used to provide renewable energy. However, our local environment is special and contributes to the character of West Devon. As set out in the Environment chapter of Our Plan, parts of the Council's area are subject to some form of international or national environmental designation. It is therefore vital that any applications for renewable energy are carefully assessed to see if the impacts from the development can be made acceptable.

11.9 Applications for renewable energy are often contentious and local communities fear the impacts that the development could bring to our environment. There is a lot of concern about the way in which decisions are made and how these impacts will be assessed, including the cumulative impacts of development proposals. The Council makes use of established methodologies and best practice to help inform its decisions, for example landscape institute guidance, ETSU (and uses expertise of environmental consultees. More locally there is guidance in the form of Landscape Officers Guidance for Wind and Solar and the Councils technical guidance. The Council will continue to ensure that it keeps any guidance up to date as technology and methodologies for assessing impacts are refined.

11.10 Local Authorities are asked to approve Renewable Energy proposals where the impacts are acceptable or can be made acceptable. Applicants do not have to justify the need for the renewable or low carbon energy and Council's are asked to recognise even small scale schemes have a contribution to make. Pre-application consultation is a mandatory requirement for most wind development; however it is not a requirement for other technologies. The Council wishes to encourage developers to have pre-application discussion in relation to other proposals such as solar.

11.11 With specific relation to wind turbine proposals, additional information regarding residential amenity will be requested as part of a planning application where any dwelling used for residential purposes is located within a specified distance proportionate to the height of the blade tip.

11.12 All applicants seeking planning permission for onshore wind development involving more than 2 turbines or any turbine exceeding 15 meters in height are required to undertake public consultation prior to submitting a planning application, and are encouraged to discuss the arrangements for doing this with the Local Planning Authority (LPA). The LPA will also be able to guide the developer in the type of information required to support the application.

11.13 Permission for development will not be withheld on grounds of residential amenity providing that the developer can demonstrate that the proposal will not result in unacceptable impact on residents.

11.14The information presented should summarise the findings of full noise, landscape and shadow flicker assessments, and provide details of visual outlook and quality of life assessments from residential dwellings that are situated within a flexible distance of the proposal site. This information should be presented as a Residential Amenity Assessment.

*11.15The requirement for a residential amenity assessment will be determined by the location of lawful residential dwellings (using the nearest elevation of the house/home) within a distance of the proposed turbine site to be calculated as: $D = 350 + ((H - 25) * 5)$ where H equals the height to tip of the proposed wind turbine.*

Policy OP48: Renewable and Low Carbon Energy (including heat)

To increase the use and production of renewable and low carbon energy to contribute to national targets, development will be supported where: In the case of renewable energy generating technologies:

- a) The impacts arising from the construction, operation and decommissioning of installations (both individually and cumulatively) are or can be made acceptable;*
- b) It can be demonstrated that the Devon Landscape Officer Advice Note 2 has been taken into account in designing proposals and assessing their likely impact on landscape sensitivity;*
- c) Proposals do not compromise the purposes of internationally or nationally important landscape, environmental or heritage assets;*
- d) There are appropriate plans in place for the removal of the technology on cessation of generation, and restoration of the site to an acceptable alternative use;*
- e) Any farm land that is used is retained in some form of agricultural use;*
- f) There has been early consultation with the communities affected by the development;*
- g) The development is to meet a business need, where the proposed generation is proportionate to the business use and the energy is used on site; and*
- h) With specific relation to wind turbine proposals, an additional Residential Amenity Assessment has been supplied as part of a planning application where any dwelling used for residential purposes is located within a specified multiple of the blade tip in line with the following formula : $D = 350 + ((H - 25) * 5)$ where H equals the height to tip of the proposed wind turbine.*

In the case of renewable heat proposals, development will be supported where:

- I) It makes use of heat generated from nearby energy users and/or provides for the co-location of energy producers with users; and*
- j) The proposals do not lead to unsustainable, isolated development in the countryside.*

The range of potential impacts will depend on the scale of the proposal and the characteristics of the site in question.

