

# West Devon Planning and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 23rd August, 2016</b>								
<b>Time:</b>	<b>10.00 am</b>								
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Sanders <b>Vice Chairman</b> Cllr Parker</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Benson</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Hockridge</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Pearce</td> <td>Cllr Roberts</td> </tr> </table>	Cllr Baldwin	Cllr Benson	Cllr Cann OBE	Cllr Hockridge	Cllr Mott	Cllr Moyse	Cllr Pearce	Cllr Roberts
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Cllr Mott	Cllr Moyse								
Cllr Pearce	Cllr Roberts								
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
<b>Committee administrator:</b>	Kathy Trant Specialist - Democratic Services 01803 861185								

**1. Apologies for Absence**

**2. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

*[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]*

**3. Items Requiring Urgent Attention**

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

**4. Confirmation of Minutes**

**1 - 12**

Planning and Licensing Committee held on 26th July 2016 and Licensing Sub Committee held on 8th June 2016

**5. Planning Applications & Enforcement Reports**

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

**(a) 1493/16/VAR**

**13 - 24**

Land North Of Crediton Road, Crediton Road, Okehampton  
Variation of conditions 3 & 21 following grant of outline application  
01089/2013 to allow the development to be delivered in a phased manner

**(b) 2731/15/OPA**

**25 - 50**

SX603 960 (Parcels 3 & 4), east of Okehampton, Crediton Road, Okehampton  
Outline application with some matters reserved (access to be considered) for residential development of up to 400 dwellings.

**6. Planning Appeals Update**

**51 - 52**



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# Agenda Item 4

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **26<sup>th</sup>** day of **JULY 2016** at **10.00am**

**Present:**

Cllr P R Sanders – Chairman	
Cllr G Parker – Vice-Chairman	
Cllr R E Baldwin	Cllr M J R Benson
Cllr W G Cann OBE	Cllr L J G Hockridge
Cllr C Mott	Cllr D E Moyse
Cllr T G Pearce	

**Substitutes:** Cllr J Yelland for Cllr A Roberts

Executive Director (SH)  
Group Manager Support Services (SM)  
Specialists (TF, MJ and TJ)  
Highways Authority Representative (PT)  
Solicitor (SN)  
Senior Specialist – Democratic Services (DW)

**In attendance:** Cllrs A F Leech, R F D Sampson and D K A Sellis

**\*P&L 07 APOLOGIES**

Apologies were received from Cllr A Roberts for whom Cllr J Yelland acted as substitute.

**\*P&L 08 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr J Yelland declared a personal interest in application 0436/16/COU: change of use from private garage (C3) to furniture shop (A1) – Kingswood, Castle Road, Okehampton, by virtue of being the local Ward Member who called the application to Committee and a Member of Okehampton Town Council. She remained in the meeting and took part in the debate and vote;

Cllr T G Pearce declared a personal interest in all applications, by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on each item.

In accordance with the Committee Procedure Rules, Cllrs R E Baldwin and G Parker both advised that, since they were not in attendance at the last Committee meeting held on 28 June 2016, they would potentially take part in the debates on those applications that had been deferred to a site inspection at that meeting. However, both Members confirmed that they would abstain from the vote on each of these applications.

**\*P&L 09 URGENT BUSINESS**

With the agreement of the Chairman, a Member wished to highlight that a Horse Drawn Carriage was currently operating in the Burrator area without a licence.

In reply, the Chairman urged the concerned Member to make Enforcement Officers aware that this was occurring.

**\*P&L 10      CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 28 June 2016 were confirmed and signed by the Chairman as a correct record.

**\*P&L 11      PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Management Specialists and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

**(a) Application No: 0958/16/FUL      Ward: Buckland  
Monachorum**

**Site Address: Land West of Seaton Way, Crapstone, Yelverton  
PL20 7UZ**

Development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each. Panels to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

Speakers included: local Ward Member – Cllr R Cheadle (a brief statement read out on his behalf)

**RECOMMENDATION:**      Conditional Approval

By way of an update following the site inspection, the Specialist (MJ) advised Members that a revised site location plan had been received and was presented to the Committee. Secondly, it was confirmed that the height of the fence would be no higher than two metres, which was considered satisfactory since the fence would not be immediately adjacent to solar panels.

In the ensuing debate, some Members expressed their support for the proposals, with reference being made to the fact that there were no windows overlooking the site.

**COMMITTEE DECISION:** Conditional Approval

**(b) Application No: 0436/16/COU      Ward: Okehampton South**

**Site Address: Kingswood, Castle Road, Okehampton EX20 1HX**

Change of use from private garage (C3) to furniture shop (A1)

Speakers included: local Ward Member – Cllr Yelland

The Specialist (MJ) updated the Committee by advising that, since the site inspection, he had received comments back from Strategic Planning colleagues confirming that the site was 'out of the town centre' and not on the 'edge of the town centre'. MJ also confirmed that, whilst there were units currently available for A1 usage within Okehampton town centre, these were not deemed to be suitable by the applicants for their business needs.

The Highways Authority Representative (PT) informed that he was particularly familiar with this site and was of the view that, whilst there may be moments of inconvenience on the highway, these would not be so significant to be deemed as resulting in having a severe impact. In reaching a balanced judgement, PT had concluded that he did not feel that there was a sustainable reason to raise an objection to these proposals on highways grounds.

In discussion, the following points were raised:-

(a) PT confirmed that the impact on the local residential home and visitors to the Castle had been taken fully into consideration when making his highways recommendations;

(b) In light of the comments of the participating local ward Member, it was agreed that the below sentence should be deleted from the case officer report and it therefore should not be taken into account by the Committee when determining this application:

*“Furthermore, the applicant lives next door which means that the entire parking area in front of these two properties and a car port are all available to serve the two dwellings and the shop. Overall, this larger parking area is considered to allow the off street parking for a car for each property and a space for the shop.”*

(c) Whilst wishing to support a local business, some Members did express their concerns in respect of the highways issue. As a consequence, a Member queried the appropriateness of initially granting a temporary (twelve month) approval before it was then reviewed again for a permanent decision. In reply, the Solicitor advised against this course of action and considered that it would be unfair on the applicants.

**RECOMMENDATION:**      Conditional Approval

**COMMITTEE DECISION:** Conditional Approval (NB. by virtue of a Chairman's Casting Vote)

**Site Address: Land off Crediton Road, Hillside Drive, Okehampton, EX20 1UN**

Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor amendment

Speakers included: Objector – Mrs M Marshall and local Ward Member – Cllr Leech

The Specialist (TF) provided an update to the Committee following the site inspection. In so doing, he advised that amended plans had now been received and he emphasised that the application was only considering the proposal to raise up Plot 3. In addition, TF was of the view that the (already constructed) retaining walls were relatively minor and, in their own right, would not necessitate planning permission. Furthermore, a proposed condition had been included whereby there should be no removal of the Devon hedgebank on the southern boundary. However, if the hedgebank had already been damaged, then this would be a matter to be investigated by enforcement colleagues.

In the subsequent debate, reference was made to:-

- (i) the impact on overlooking. Some concerns were noted whereby an increase in dwelling height of 0.7 metres would result in higher window heights that would then have a knock-on effect in respect of overlooking from neighbouring properties;
- (ii) the long running planning history on this site. When considering that this was a contentious application when it was initially approved, some Members expressed their deep frustrations that this amendment was now being presented to the Committee;
- (iii) a proposal to defer the application. In light of the unresolved on-site enforcement issues and the Landscape Officer still having to consider the matter of the hedgebank, a motion was **PROPOSED** and **SECONDED** to defer the application. In speaking against this motion, other Members were of the view that the enforcement issues should be considered in isolation and the risk of non-determination was also highlighted. When put to the vote, the motion was declared **LOST**.

**RECOMMENDATION:** Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.

**COMMITTEE DECISION:** Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.



In recognition of the considerable enforcement related concerns that had been raised during the debate on this application, the Chairman asked that officers follow up on these concerns outside of the meeting and keep Committee Members updated accordingly.

As a further request following the site inspection, a Member also made a formal request whereby better signage be erected on major new development sites.

**\*P&L 12      PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

The Chairman informed that officers had agreed that the enforcement appeals would be more clearly designated in future update reports.

As a general point, the Committee wished to put on record its gratitude for the number of appeals that were being dismissed and welcomed the fact that the Planning Inspector was in agreement with the Council in most instances.

**\*P&L 13      AFFORDABLE HOUSING OBLIGATION**

A report was presented that sought (following a Court of Appeal decision) to complete the previously agreed Section 106 Agreements without affordable housing or affordable housing contributions, in line with re-imposed Government guidance.

It was then **RESOLVED**:

1. That Section 106 Agreements on small scale residential development (as defined at the recent Special Council meeting held on 28 June 2016 (Minute CM 21a ii refers) previously considered by the Planning and Licensing Committee be completed without the requirement for affordable housing or an affordable housing contribution; and
2. That, in cases where the Section 106 Agreement for a small scale residential development only related to the provision of affordable housing or a financial contribution to affordable housing, the applications be approved without the need for a Section 106 Agreement.

**P&L 14      PLANNING PEER CHALLENGE ACTION PLAN 2016/17**

The Committee was presented with a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

In discussion, the following points were raised:

- (a) A Member was of the view that the content of the Peer Challenge report did not reflect the tone of the wash-up presentation given by the team on 20 April 2016. As a consequence, the Member questioned how many amendments had been made by Council officers to the draft report prior to its publication. In response, the Executive Director (SH) informed that the draft report was only checked for points of accuracy and two minor amendments were subsequently made by officers. SH proceeded to give further assurances that nothing substantially had been changed to the draft report that had been received by the team;
- (b) The Committee asked that the Action Plan term 'from cradle to grave' (page 79 of the presented agenda report refers) be amended to read 'from start to finish';
- (c) In welcoming the action to review the Committee site visit protocol, it was noted that the COP Lead Development Management was intending to present a report to a future Committee meeting for further consideration;
- (d) Members also welcomed the specific action relating to engaging with town and parish councils on expectations around support for neighbourhood plans;
- (e) It was **PROPOSED** and **SECONDED** that an additional (two-fold) action should be added to the plan as below:-

*'That the Political Structures Working Group be tasked with giving consideration to:*

- *changing the name of the Planning and Licensing Committee to the 'Development Management Committee'; and*
- *establishing a separate stand-alone Licensing Committee.*

*with the Working Group recommendations being presented to the Council for determination, with any subsequent changes coming into effect from the Annual Council meeting in May 2017.'*

When put to the vote, this addition was declared **CARRIED**.

- (f) Members were supportive of the proposal for relevant planning performance indicators to be presented to the Committee and recognised that this would require Council approval of a minor change to the Committee Terms of Reference.

It was then **RESOLVED** that the:

1. content of the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report) be noted;
2. content of the Action Plan 2016/17 being implemented to improve performance within the wider Planning function (as outlined at Appendix 3 of the presented agenda report) be endorsed, subject to inclusion of the amendments highlighted in the minutes above; and

3. Committee receive on a monthly basis key performance data relevant to the Action Plan and the Council be **RECOMMENDED** to update the Committee Terms of Reference to reflect this additional responsibility.

(The Meeting terminated at 11.55 am)

Dated this

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**Chairman**

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT  
KILWORTHY PARK, TAVISTOCK ON WEDNESDAY 8 JUNE 2016**

**Present:** Cllrs Philip Sanders, Mike Benson and Terry Pearce  
Sue Nightingale, Solicitor  
Darryl White, Democratic Services Manager, Kathy Hoare, Case Manager  
James Kershaw, Senior Specialist Environmental Health & Licensing  
Naomi Wopling, Licensing Specialist  
Barry Sleight, Police Licensing Officer

**Also in attendance and participating:**

Mr Mehmet Kays and Mr Bingol –Representing the applicant  
Cllrs Julie Yelland and Ben Stephens (in their capacity as West Devon  
Borough Councillors)  
Cllr Tony Leech (in his capacity as an Okehampton Town Councillor)

LSC.1/16 **APPOINTMENT OF CHAIRMAN**

**RESOLVED**

That Cllr Sanders be appointed Chairman for the duration of the meeting.

LSC.2/16 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

LSC.3/16 **TO DETERMINE AN APPLICATION TO VARY THE PREMISES LICENCE OF DILLAN'S KEBAB HOUSE, OKEHAMPTON**

The Sub-Committee considered the application to vary the Premises License and make a determination in respect of the application.

The Licensing Officer proceeded to present the application and the contents of their report. The Chairman summarised the main issues for consideration as being the sale of alcohol from the premises and the home delivery service of alcohol.

**1. Address by Mr Bingol, Representing the Applicant**

In his address, Mr Bingol confirmed that he was happy for this hearing to go ahead without his barrister present and made particular reference to:

- ID cards would be required at the time of orders being made to ensure that no Under 18's were sold alcohol. In addition, no alcohol would be consumed within the premises;

- The CCTV matter raised by the Police being accidental and deleted in error; and ;
- The application was seeking an additional source of income to support the viability of the business.

In response to a question, the representative advised that the premises currently employed two members of staff and a driver. If this application was approved, the applicants would hope to increase their workforce.

## **2. Address by Mr Sleight, Police Licensing Officer**

In his address Mr Sleight made reference to his representations as outlined in the agenda papers and his most recent submissions that had been circulated before the meeting.

Of primary concern to Mr Sleight was the application being contrary to the following licensing objectives:

- Crime and disorder; and
- Protection of Children.

Mr Sleight stated that he was of the view that the applicant had not given suitable conditions of assurance to be able to prevent issues concerning crime and disorder and he emphasised that there was limited Police resource available in the town.

Regarding protection of children, the officer reiterated that he had concerns in particular relating to the home delivery service not protecting against underage sales from being made.

## **3. Address by Mr Kershaw**

In his address, Mr Kershaw echoed a number of the concerns raised by Mr Sleight and confirmed that he was also objecting to the application on the grounds of Crime and Disorder and Protection of Children.

Moreover, Mr Kershaw was also objecting on the grounds of Prevention of Public Nuisance and felt that the proposed conditions were inadequate to ensure the promotion of the licensing objectives.

## **4. Address by Cllrs Stephens and Yelland**

In their respective addresses, Cllrs Stephens and Yelland advised that, whilst ordinarily they supported local businesses, they unfortunately were both objecting to the application. In so doing, they highlighted the following points.

- The existing anti-social behavior in the area being potentially exacerbated through this application. Furthermore, there was a cumulative effect in light of the number of licensed premises in the area.
- The lack of parking provision and the premises being situated on a busy main road was stated.
- The application site was in very close proximity to residential dwellings and the impact on the Simmons Park area was stressed.
- Members were informed that a very popular Youth Club was located opposite the premises.
- In addition to Okehampton Town Council, Okehampton Hamlets Parish Council had also raised its objections to this application; and
- The on-site CCTV was recognized as being ineffective.

## **5. Address by Cllr Leech**

Cllr Leech advised that Okehampton Town Council had objected to this application and he proceeded to read the Town Clerk's letter of representation (page 39 of the presented agenda report refers).

## **6. Discussion**

The Committee asked a number of questions relating to the application to vary the premises licence as did the Ward and Town Council representatives for Okehampton.

Once all parties were content that they had no further issues or questions to raise, the Chairman advised that the Sub-Committee would adjourn in the presence of Mrs Nightingale only. For clarity, the Chairman confirmed that Mrs Nightingale would be in attendance to advise on the potential wording of the conditions and the legality of reasons and would have no other role in the decision-making process.

(Then at 3.30pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 4.05pm).

## **7. The Decision**

The Chairman read out the following statement:

"We have considered the application to vary the premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations received from parties not present today and have read carefully representations from parties present plus additional statements from persons here today.

It is our decision to: **Page 11**

1) Vary the licence only in relation to the plan submitted with the application and

2) REFUSE this Application for the following reasons:

1. The Police objections on the grounds of prevention of crime and disorder and of protection of children from harm.
2. The licensing authorities Senior Specialist's objection in the prevention of crime and disorder and protection of children from harm.
3. The proposed conditions do not adequately address the committee's concerns about compromise to the licensing objectives set out above.

Thank you all".

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Chairman



## PLANNING APPLICATION REPORT

**Case Officer:** Thomas Jones

**Parish:** Okehampton Hamlets **Ward:** Okehampton North

**Application No:** 1493/16/VAR

### Agent

WYG Planning and Design  
Hawkridge House  
Wellington  
TQ21 8YA

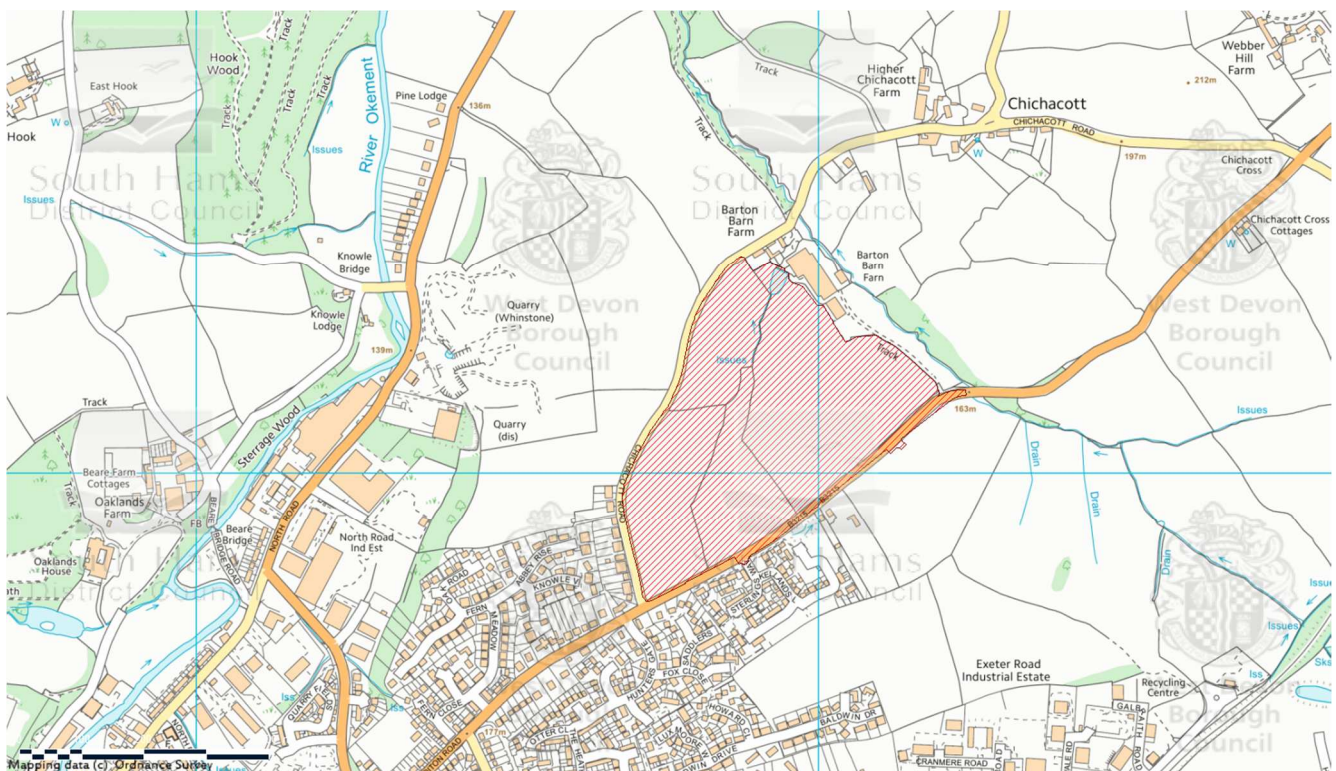
### Applicant

Hannard Developments Ltd

**Site Address:** Land North Of Crediton Road, Crediton Road, Okehampton, Devon

**Development:** Variation of conditions 3 & 21 following grant of outline application 01089/2013 to allow the development to be delivered in a phased manner.

**Reason item is being put before Committee:** The application has been called before committee by the Ward Councillors given the strategic importance of the development and objection from the Parish Council.



## Recommendation

Delegate to CoP Lead Development Management in consultation with the Chairman and Vice Chairman Planning and Licensing Committee to approve subject to conditions.

### Conditions (condition 3 and condition 21 amended from original permission as highlighted / and crossed out)

1. In the case of any matter reserved by this permission, any application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with detailed drawings for each phase which shall previously have been submitted to and approved by the Local Planning Authority prior to the commencement of the phase to which the details pertain . These detailed drawings shall show the following:
  - (a) the design and external appearance of the proposed building(s);
  - (b) its/their siting;
  - (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
  - (d) the materials for their construction
  - (e) the arrangements for the disposal of foul and surface water;
  - (f) the means of access from public highways;
  - (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
  - (h) all other works including walls fences means of enclosure screening.
  - (i) the location, extent and layout of open space(s) play space(s)
  - (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

3. The development hereby approved shall be carried out strictly in accordance with the drawings numbered :
  - 426 001B Site location plan
  - 426 004 B land use plan (layout) received 14/5/14
  - Proposed Vehicular Access Strategy 21227-HAR-10A
  - Proposed Ghost Island Junction 21227-HAR-11A
  - Proposed Roundabout Junction 21227-HAR-12A
  - Roundabout X Section 21227-VER-10
  - Proposed pedestrian crossing A092521SK09

Unless further amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

#### PRIOR TO COMMENCEMENT

4. No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
  - a) methods to reduce the amount of waste material
  - b) methods to re-use the waste within the development
  - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
  - d) estimated quantities of excavated/demolition materials arising from the site
  - e) evidence that all alternative methods of waste disposal have been considered
  - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

Reason: to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy WPC4: Waste Audit, of the adopted Devon County Waste Local Plan.

#### PRIOR TO COMMENCEMENT

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

6. No later than the submission of the first reserved matters application, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: in the interests of sustainability, the better functioning of the highway network and green travel.

#### PRIOR TO COMMENCEMENT

7. Prior to commencement of any phase of development the applicant shall provide a detailed design for the proposed site to demonstrate compliance with BS8233. The building envelope of all plots shall be constructed so as to provide sound attenuation against external noises, in accordance with the submitted noise assessment with window shut and other means of ventilation provided.

Reason: To protect amenity of future occupants

#### PRIOR TO COMMENCEMENT

8. Prior to commencement of development hereby approved an acceptable construction method statement will be required to be submitted to and agreed with the LPA, and this shall include:
- a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials (none of this will be allowed to stand or wait on the existing highway network, and it should be noted that low loaders currently experience difficulty negotiating part of this area and this must be resolved prior to commencement)
  - c) storage of plant and materials
  - d) wheel washing facilities
  - e) measures to control the emission of dust and dirt
  - f) estimates of the numbers of vehicles likely to visit the site during construction and daily hours of construction
  - g) a timetable of the works (including measures for traffic management)
  - h) wildlife protection measures required during construction.
  - i) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Informative: This list is not exhaustive.

Reason: In the interest of highway safety and prevention of public nuisance

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

10. There shall be only one retail unit on the site and the net retail floor area of this space shall be no larger than 250m<sup>2</sup> in total.

Reason: for the purposes of preserving the vitality and viability of the town centre.

11. The retail unit hereby approved shall sell convenience goods only and shall not sell comparison goods. The retail unit shall be a neighbourhood convenience store only and no other retail use.

Reason: in order to protect the vitality and viability of the town centre, and for the purposes of maintaining a sustainable development on this site.

12. At least 10% of energy used on the development shall be generated from decentralised and renewable or low carbon sources, or the development shall be constructed so as to be 10% more energy efficient than the standard for building regulations at the time of approval of reserved matters unless otherwise agreed in writing by the LPA.

Reason: for the purposes of sustainable development and a reduction in carbon emissions, (flexibility included due to emerging ministerial guidance.)

#### PRIOR TO COMMENCEMENT

13. Prior to the commencement of each phase, details of how fibre optic broadband connections to at least "superfast" (greater than 24Mbps) shall be facilitated to ensure that all Internet Service Providers (ISPs) are able to deliver their services to all premises within the phase and overall development area shall have been provided to and approved in writing by the Local Planning Authority. Such infrastructure as identified within these approved details shall be provided in phase with the development.

Reason: To support sustainable living and working patterns and ensure inclusiveness.

#### PRIOR TO COMMENCEMENT

14. Works to hedgerows that are likely to cause an offence against dormice shall not in any circumstances commence unless the LPA has been provided with either:

- a) A licence by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason: In the interests of the protection of protected species and biodiversity.

#### PRIOR TO COMMENCEMENT

15. Development shall not begin until details of a Landscape and Ecological Management Plan (LEMP) for the site have been submitted to and approved in writing by the LPA. The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations of ecology and landscape reports.

Reason: in the interests of biodiversity and environmental protection

16. Detailed mitigation, compensation and enhancement measures to be provided at Reserved Matters Stage (e.g. an Ecological Design Strategy or similar document) showing how impacts on wildlife will be avoided/minimised and how a net gain for biodiversity at the site will be achieved.

Reason: for the protection of wildlife, biodiversity and the environment

## PRIOR TO COMMENCEMENT

17. Details of on-site play provision and open space shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved .

Reason: in the interests of public amenity and wellbeing

18. The development shall be carried out in accordance with the revised Flood Risk Assessment received on 07/02/2014 as approved.

Reason: in the interests of flood protection, the environment and residential amenity

## PRIOR TO COMMENCEMENT

19. Prior to the commencement of the development, details of the foul and surface water design including percolation test results and/or discharge flow rates and details of flow control devices where applicable, and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Prior to the commencement of the development, a plan identifying each phase of development and the order in which such phases shall be developed shall be provided and agreed with the local planning authority. The LPA must be notified before any changes to this plan are made. Such changes must be agreed with the LPA before they are implemented.

Prior to the commencement of each phase of the development, details of construction phase surface water management scheme for each phase shall be provided and approved in writing by the local planning authority. This shall include details of the management of surface water run-off, silt and debris containment and reduction for the duration of the construction works.

Prior to the commencement of each phase the development, details of the protection measures for existing watercourses, ditches, ponds and any other drainage feature affected by that phase of development shall be provided and approved in writing by the local planning authority.

Details relating to the maintenance and management responsibility of the drainage systems must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved foul and surface water drainage details shall be completed and become fully operational before the first occupation of that phase of development. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained

20. The proposed estate roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local

Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals

#### PRIOR TO COMMENCEMENT

21. The development hereby approved shall not be carried out otherwise than in accordance with the 'amended phasing plan' which shall previously have been submitted to and approved by the Local Planning Authority in writing, dated August 2016, which indicates four phases: school, phase 1, phase 2 and phase 3. The timing of delivery of the phases does not need to follow in the numerical sequence implied. Phases can proceed concurrently.

Reason: To ensure the proper development of the site.

#### PRIOR TO COMMENCEMENT

22. No part of the development hereby approved shall be commenced until:

- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage (if required by this permission) has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

23. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

24. The following details shall be submitted at the same time as the layout under the reserved matters for each phase of the development hereby approved:

(i) location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion of each phase and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

25. The phased landscaping scheme as approved shall be fully implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity and landscape in order to protect and enhance the amenities of the site and locality

### **Financial Implications (Potential New Homes Bonus for major applications):**

It is estimated that this development has the potential to attract New Homes Bonus of £397,533 per annum, payable for a period of 6 years.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application. Committee is also advised that the NHB system is under review.

### **Key issues for consideration**

The application is to amend Condition 3 and Condition 21 of outline permission 01089/2013 to allow the development to be delivered in a phased manner.

The key issue is whether allowing the variation will ensure the delivery of the development as permitted and in accordance with the East of Okehampton Masterplan.

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### **Site Description**



The site forms part of a larger site allocated in the Council's adopted Core Strategy 2011. The application site is identified as parcel 2 of SP22a in the East of Okehampton Masterplan (the Masterplan).

It comprises approximately 14.7 hectares of land mainly in agricultural use for grazing. The application area is bordered to the east by the dense woodland of the Stockley Valley, to the north and east by Chichacott Lane and to the south by Crediton Road.

There are various constraints within and around this site, these include heritage and archaeological assets; to the west of Parcel 2 on the boundary of Chichacott Road is a Roman Fort, which is protected as a Scheduled Ancient Monument (SAM). This is a nationally significant asset. Some evidence of the fort is still available on the ground and as such the visual setting of this important heritage feature will be an important consideration in the layout of new development.

The Environment Agency has identified a flood zone through the Stockley Valley. This is classified as flood zone 3, which is considered to be at high risk of flooding. As such, residential development in this area is considered to be 'more vulnerable' and should not be located here. It is therefore proposed that no development takes place within the identified flood zone. There is also a minor watercourse in the northern part of the parcel. The watercourses and the woodlands which surround them are important habitats for local biodiversity.

The Stockley Valley forms a dense area of woodland and runs along the eastern boundary of Parcel 2. Lowland mixed deciduous woodland is present here. There is also a network of locally distinctive hedgerows present on this parcel. Parcel 2 can be viewed from the northern boundary of the Dartmoor National Park and in views towards Dartmoor. However, this area of land is relatively low lying and relates both physically and visually with surrounding built up development.

## **The Proposal**

It is proposed to vary Condition 3 and Condition 21 of planning permission.

Condition 3 seeks approval of a revised / substituted drawing for the roundabout.

To provide appropriate background with respect to condition 21, the existing permission is the subject of the conditions listed earlier and the following provisions. None of the provisions below would be altered through the granting of the variation.

- land for primary school to be transferred to DCC
- 6% of residential properties would be Affordable Housing, with a commuted sum payable if less money is contributed to transport infrastructure, TROs and sport / recreation
- 50% of AH units will be ready for occupation when 50% of open market is completed
- 100% of AH units will be ready for occupation when 80% of open market is completed
- 250m<sup>2</sup> neighbourhood retail unit
- 50% primary and secondary education school funds paid to appropriate body after the occupation of 37 residential units (10%) in any phase
- 100% primary and secondary school funds paid to appropriate body after the occupation of 182 residential units (50%) in any phase
- vehicular access to primary school prior to the construction of any residential properties

- vehicular access to east of site via roundabout on Crediton Road, with roundabout operational prior to the occupation of the 150<sup>th</sup> property
- £50k for sport paid to Council prior to the occupation of the 38<sup>th</sup> dwelling, with additional payment would accrue if less money is contributed to transport infrastructure and TROs
- 50% of transport contributions, including funds for link road, to be paid prior to 10% occupation
- 100% of transport contributions, including funds for link road, to be paid prior to 50% occupation
- a s38 / 278 Agreement and TRO is required prior to the commencement of development, with no dwelling occupied until highway works completed to the satisfaction of the Highway Authority
- within six months of commencement of development a deed of dedication is required to allow construction of the link road free of charge to the Highway Authority
- funds for road infrastructure
- uplift (provision of more money) would accrue where, on the basis on viability assessment submitted following construction of the 112<sup>th</sup> and 225<sup>th</sup> units, profits are 20% higher than predicted

Condition 21 states that

‘The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.’

The proposed phasing is shown in the drawing dated August 2016, which identifies the school and three separate housing phases.

Condition 3 would be amended to include a crossing at the roundabout.

The proposed programme of work is for the junction access to serve the school site to be provided prior to any dwellings at parcels 2, 3 or 4; and the roundabout to be provided upon the 150<sup>th</sup> residential occupation of parcel 2 or commencement of Parcel 3.

## Consultations

Devon County Council **Highway Authority**, in their response dated 4<sup>th</sup> July, states no objection in principle on the basis of the following:

1. the school access should serve the remainder of the site;
2. references to parcels 3 and 4 are not relevant and should be deleted;
3. the roundabout provided ‘prior to occupation of the 150<sup>th</sup> dwelling; and
4. a condition requiring the provision of detailed plans for the school access road.

**Okehampton Hamlets Parish Council** raises, in their representation dated 6<sup>th</sup> July, the following concerns / comments:

Objection to the variation of Condition 21 on the grounds that it could delay the completion of the road linking Exeter Road and Crediton Road. To avoid major detrimental impact on the economy of the town, caused primarily by traffic congestion, the Parish Council considers that development of Parcel 2 should be completed before any further development.

With respect to Condition 3 the Parish Council defers to the judgement of the Highway Authority.

### **Relevant Planning History**

Outline planning permission was granted for the development in 2014.

### **ANALYSIS**

The application provides a revised roundabout design, which is acceptable to the Highway Authority.

The matter for consideration is whether the amendment to the proposed phasing allows the Council to retain appropriate control over the delivery of all aspects of the development.

It is the view of Officers that this can be maintained given two additional conditions. Firstly, that access is provided from the school access road to the remainder of the development at least and until the provision of the second access to the east; and secondly, that development does not commence on Parcel 3 until the roundabout and the second section of the Exeter Road / Crediton Road link are fully operational.

### **Conclusion**

The proposed changes would secure, in principle, the delivery of the development as agreed in the original permission. The key issue, however, is the need to ensure the timely delivery of the link road, which sits outside this permission.

The solution is considered to be an appropriately worded conditional approval for the related application (2731/15/OPA) OR a s106 Agreement that covers Parcels 2, 3 and 4 together. Either of these can be achieved if permission is granted for the variation of condition and the recommendation is, therefore, approval.

### **Planning Policy**

#### **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development

SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments

SP4 – Infrastructure Provision

SP5 – Spatial Strategy

SP7 – Strategic Distribution of Housing

SP8 – Inclusive Communities

SP9 – Meeting Housing Needs

SP 12 – Retailing

SP13 – Community Services and Facilities

SP14 – Accessibility Planning

SP15 – Traffic Management

SP16 – Safer Communities

SP22 – Okehampton

#### **West Devon Borough Council Local Plan Review 2005(as amended 2011)**

BE3 – Listed Buildings  
BE4 – Features and Artefacts of Local Importance  
BE7 – Archaeology and Sites of Local Importance  
BE8 – Archaeology and Sites of Local Importance  
BE9 – Archaeology and Sites of Local Importance  
BE10 – Archaeology and Sites of Local Importance  
BE13 – Landscaping and Boundary Treatment  
H26 – Open Space Provision in New Residential Developments  
H42 – Disabled and Those with Mobility Issues  
H44 – New or Replacement Community Uses  
R5 – Neighbourhood and Village Shopping  
T1 – Walking and Cycling  
T2 – Pedestrian and Cyclist Safety  
T3 – Protection of Existing Footways, Cycleways and Bridleways  
T4 - Footpath Links to Okehampton Town Centre  
T5 – Public Transport  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems

NPPF

East of Okehampton Design Brief

East of Okehampton Masterplan SPD

2007 Infrastructure and Facilities to Support New Development SPD

#### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

*This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

## PLANNING APPLICATION REPORT

**Case Officer:** Thomas Jones

**Parish:** Okehampton Hamlets **Ward:** Okehampton North

**Application No:** 2731/15/OPA

### Agent

WYG Planning and Design  
Hawkridge House  
Wellington  
TQ21 8YA

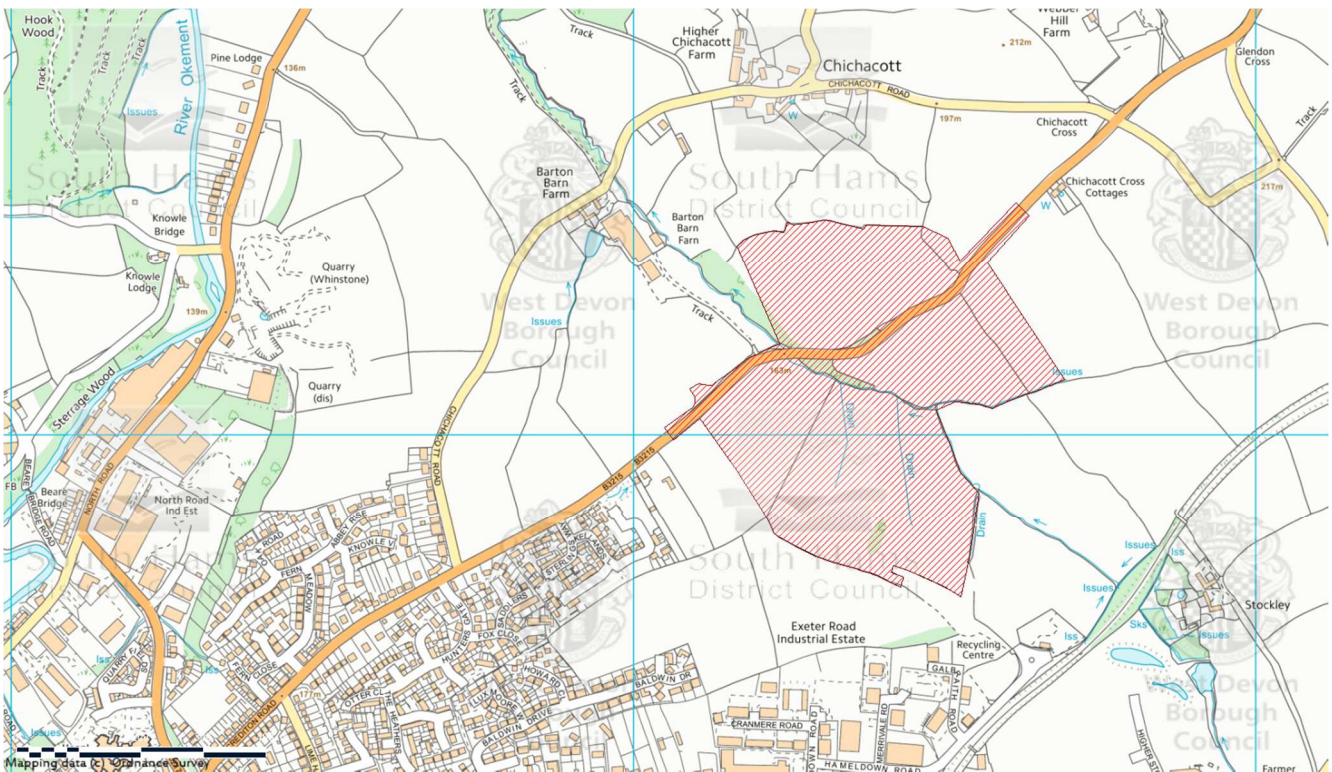
### Applicant

Hannard Developments Ltd

**Site Address:** SX603 960 (Parcels 3 & 4), east of Okehampton, Crediton Road, Okehampton

**Development:** READVERTISEMENT (Extension to consultation period) Outline application with some matters reserved (access to be considered) for residential development of up to 400 dwellings

**Reason item is being put before Committee:** The application has been called before committee by the Ward Councillors given the strategic importance of the development and objections from the Parish and Town Councils and from third parties.



**Recommendation:** Delegate to CoP Lead Development Management in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee to approve subject to conditions and the completion of a Section 106 legal agreement, and to review with Chairman of the Planning & Licensing Committee if not completed within 3 months of the committee date.

**Summary Conditions (full conditions at end of the Report):**

1. Standard time limit for outline permission
2. Reserved matters
3. Adherence to application drawings
4. Full detail of play areas
5. Waste Audit Statement
6. Archaeology
7. Travel Plan
8. Noise
9. Construction Environment Management Plan / Method Statement
10. Unsuspected contamination
11. Energy Efficiency / renewable energy
12. provision for high speed broadband
13. works to hedges and dormice
14. Landscape and Ecological Management Plan
15. Adherence to Flood Risk Assessment (FRA)
16. Foul and surface water drainage
17. estate roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance / vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture
18. highways works
19. phasing
20. Lighting Strategy
21. framework residential travel plan

**s106:**

- 20% Affordable Housing (80 of 400);
- £1,066,240.00 towards primary school places (and / or or an amount towards the purchase of land for the primary school that would be built on land in Parcel 2);
- £875,520.00 towards secondary school places (and / or or an amount towards the purchase of land for the primary school that would be built on land in Parcel 2);
- £400,000 to support public transport services;
- £50,000 for pedestrian and cycle routes off site (infrastructure on site would be provided);
- £5,000 for a Traffic Regulation Order, which is necessary to reduce speeds approaching the junction off Crediton Road into the norther part of the site;
- £103,240.00 towards formal recreation / sport, combined with £50k from Parcel 2 (off-site commuted sum towards new rugby pitches and facilities at Hilltown Cross, Okehampton, and / or improvements to pitches and facilities at the Okehampton College site);
- Securing public access, free of charge, in perpetuity Public Open Space within the proposed development;
- Securing management and maintenance of Public Open Space in perpetuity; and
- Timing of delivery of infrastructure

## **Financial Implications**

It is estimated that this development has the potential to attract New Homes Bonus (NHB) totalling £3.5m.

Committee is advised that this is provided for information only and is not a material planning consideration in the determination of this application. Committee is also advised that the NHB system is under review.

## **Key issues for consideration**

The principle of development is established through Strategic Policy 22 of the Core Strategy DPD, which allocates this land for development as part of a wider area that includes mixed employment, residential, school and open space use.

The following paragraphs from the National Planning Policy Framework (NPPF) are fundamental to the decision to be made by Committee.

Paragraph 14, which establishes a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

Paragraph 173 of the NPPF stipulates that to ensure viability of development the costs of any requirements likely to be applied to a permission, 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.

With reference to the East of Okehampton SPD, which was adopted in January 2014, and sets out a framework for the development of the wider area, key issues are considered to include:

- highway infrastructure
- the provision of a second primary school for the town
- economic and employment growth
- landscape
- Stockley Valley Flood Risk Zone 3
- extensive woodland
- provision of housing including Affordable Housing
- phasing of development and s106 triggers

A full list of the policies relevant to this application is provided at the end of this Report.

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## **Site Description**

The site comprises 21.44 hectares of open countryside located immediately to the north east of Okehampton and lies beyond a current development site (residential, reference 10418/2007/OKE) and a site where development has been permitted for up to 375 houses (Parcel 2 of the Core Strategy, reference 01089/2013).

It forms part of a larger area allocated in the Core Strategy 2011 for mixed use development. The application site is identified as Parcel 3 and Parcel 4 of SP22a in the East of Okehampton Masterplan (the Masterplan).

Crediton Road runs in a west to east direction, separating Parcel 3 and the southern part of Parcel 4 from the northern part of Parcel 4.

In the north the site borders the dense woodland of the Stockley Valley (on the west side) with open farmland to the north and east in the vicinity of Chichacott Lane. South of Crediton Road the site borders the partially constructed Crediton Road / Exeter Road link and, to the east and south, open countryside.

Outside the site Grade II Listed Buildings are found to the north at Chichacott; with a Roman Fort, designated as a Scheduled Monument, lying to the west.

The site contains numerous mature hedgerows and trees.

Stockley Valley runs through the site in a north to south direction and is classified as flood zone 3, which is considered to be at high risk of flooding.

The southern part of the application site lies adjacent, to the east, to a housing development that is nearing completion. The valley bottom includes recently constructed drainage features (large ponds). The southern boundary currently lies in open countryside, but is below an industrial area. The eastern boundary would be a newly created woodland buffer with open countryside to the east.

Overhead wires and electricity poles cross the site.

The site is visible from the northern boundary of the Dartmoor National Park and in views towards Dartmoor. However, this area of land is relatively low lying and relates both physically and visually with surrounding built up development either existing or permitted

## **The Proposal**

The application seeks planning permission for up to 400 residential units with the detailed layout, form, landscaping and design reserved. The applicant has provided an indicative layout to inform the decision by Committee. This includes access arrangements and an indication of the form and landscaping that would be appropriate given the sensitivities of the site.

The Masterplan sets out the development objectives for the wider area and of relevance to this application the proposal seeks to deliver a proportion of the 900 dwellings, open space, improvements to public transport and a road linking Crediton Road and Exeter Road.

If granted permission and given the planning permission for Parcel 2 the combined development brought forward under SP22 would be up to 775 houses, a 250m<sup>2</sup> neighbourhood retail unit and a new primary school.

An integral part of the proposed development is a requirement to construct the link road and a s106 agreement based on the items set out at the beginning of this Report.

The level of Affordable Housing and the split of the money available for contributions has been agreed with the applicant following a review, by an independent assessor, of the Viability



Assessment that was submitted by the applicant and through discussion with the other interested parties, notably Devon County Council.

The above would be combined with the section 106 package that has been agreed for Parcel 2 to deliver a phased and co-ordinated extension to the east of Okehampton whereby a roundabout would be constructed at the junction of Crediton Road and the link road ahead of the completion of Parcel 2.

The primary school would be constructed by Devon County Council. Funding for DCC to purchase the land for the school is to be provided by the developer of Parcel 2, Parcel 3 / 4.

Across the whole area development would adhere to schemes agreed and to be agreed to ensure appropriate delivery, management and maintenance of drainage, landscape and ecology and open space.

## Phasing

In combination with Parcel 2 (permission reference 01089/2013, as amended by 1493/16/VAR), the development of the Allocation SP22a would follow the following programme and include the triggers listed with respect to the release of s106 monies:

### Parcel 2

- land for primary school transferred to DCC
- 6% of residential properties would be Affordable Housing, with a commuted sum payable if less money is contributed to transport infrastructure, TROs and sport / recreation
- 50% of AH units will be ready for occupation when 50% of open market is completed
- 100% of AH units will be ready for occupation when 80% of open market is completed
- 250m<sup>2</sup> neighbourhood retail unit
- 50% primary and secondary education school funds paid to appropriate body after the occupation of 37 residential units (10%) in any phase
- 100% primary and secondary school funds paid to appropriate body after the occupation of 182 residential units (50%) in any phase
- vehicular access to primary school prior to the construction of any residential properties
- vehicular access to east of site via roundabout on Crediton Road, with roundabout operational prior to the occupation of the 150<sup>th</sup> property
- £50k for sport paid to Council prior to the occupation of the 38<sup>th</sup> dwelling, with additional payment would accrue if less money is contributed to transport infrastructure and TROs
- 50% of transport contributions, including funds for link road, to be paid prior to 10% occupation
- 100% of transport contributions, including funds for link road, to be paid prior to 50% occupation
- a s38 / 278 Agreement and TRO is required prior to the commencement of development, with no dwelling occupied until highway works completed to the satisfaction of the Highway Authority
- within six months of commencement of development a deed of dedication is required to allow construction of the link road free of charge to the Highway Authority
- funds for road infrastructure
- uplift (provision of more money) would accrue where, on the basis on viability assessment submitted following construction of the 112<sup>th</sup> and 225<sup>th</sup> units, profits are 20% higher than predicted

Parcels 3 and 4 (this application)

- 20% Affordable Housing (80 of 400)
- School contributions
- public transport services (could be bus or rail)
- pedestrian and cycle routes
- open space access, recreation / sport

The applicant proposes that Parcel 3 construction traffic access would be only via existing Hameldown Road spur road, which links to Exeter Road to the south.

The first section of the link road, providing access to and from Crediton Road would be prior to the first occupation at parcel 3. The final section of the link road would be completed upon occupation of 75% of properties at Parcel 3. Not dwellings would be occupied at parcel 4 until occupation of 75% of parcel 3.

### **Consultations**

Devon County Council (DCC) has provided a detailed response, dated 22<sup>nd</sup> January 2016, covering highways, education, flood risk, heritage and drainage.

With respect to **Education**, payment is requested for primary and secondary school places.

The **Lead Local Flood Authority (DCC)** initially required further information but on submission of the updated FRA, no objections subject to conditions and the detailed design and layout adhering to the FRA.

**The Historic Environment Team (DCC)** makes no objection and recommends an archaeological recording condition.

The **Highway Authority**, has considered the principle of the use of the proposed access as well as other consequences of the development with respect to the highway network. Devon County Council raises no objection. The Highway Authority recommends conditions that are listed at the end of this Report.

**Highways England**, in their response dated 13th July 2016, makes no objection to the development. In reaching this conclusion reference is made to additional modelling that has been provided by the applicant. Highways England states that the modelling with respect to the impact on the A30 is acceptable.

**WDBC Environmental Health**, in their email dated 14<sup>th</sup> February, makes no objection subject to a condition requiring a Construction Management Plan.

The **WDBC Affordable Housing Specialist** advises that on the basis of the review of the Viability Assessment that was submitted by the applicant the level and mix of Affordable Housing is acceptable and can be secured through a s106 Agreement.

The **WDBC Natural Environment Team** makes no objection with respect to **biodiversity**. Detailed comments are provided in an email dated 9<sup>th</sup> August 2016 and are included in the relevant part of this Report. Recommendations are made with respect to conditions and s106 requirements.

The **WDBC Natural Environment Team** makes no objection with respect to **open space, sport and recreation**. Detailed comments are provided in an email dated 9<sup>th</sup> August 2016 and are included in the relevant part of this Report. It is noted that concerns are raised with respect to the recreation offer. Recommendations are made with respect to conditions and s106 requirements.

**WDBC Landscape Officer** – no objection, subject to conditions.

The **Environment Agency**, makes an objection on their response of 5<sup>th</sup> February on the basis of the inclusion of land with Flood Zone 3 (flood risk).

**DNPA** – no comment received at the time of writing this Report.

**Historic England**, in their response dated 19<sup>th</sup> January 2016, makes no objection and advises that the Council seeks the views of DCC Historic Environment Service with respect to archaeology. Historic England advises that the impact on heritage assets would be 'less than substantial' at the most.

**South West Water** – no comment received at the time of writing this Report.

**Natural England**, in their response dated 1<sup>st</sup> February, does not object and refers to standing advice.

The **Police Liaison Officer**, in their response received in April, recommends that a '@designing out crime' statement is provided. The applicant has been advised that this should be included at eh Reserved Matters stage.

## **Representations**

Okehampton Hamlets Parish Council and Okehampton Town Council raise a number of comments that are addressed in this Report and summarised below in so far as they relate to material considerations. A note providing a direct response to the points raised has been emailed by the Officer to the Councils.

- Highways access should be considered
- Transport data not up to date
- importance of phasing
- 1 hectare of the red line is outside the boundary of the allocation
- No geological survey concern about location of deposits of peat with respect to drainage and ability to construct the link road
- Higher density of development / total number of dwellings than policy stipulates
- Design does not differentiate between density / layout of Parcel 3 and Parcel 4, as required by policy
- No environmental impact assessment for removal of hedgerow
- The impact of run off from the Okehampton Business Park on Parcel 4 has not been taken into consideration / Adequate allowance for flood alleviation has not been made drainage / flood risk
- The footpaths / cycle ways are shown running over the flood plain, and there is no detail as to how this can be done without doing damage to the existing hedges and restricting the flow of water down the stream.

- Presence of radon
- Inadequate visual assessment
- Economic benefits overstated
- Importance of bus service
- Air Quality and Traffic congestion
- Harm to biodiversity
- Further Historic Assessment required
- Flawed community involvement

Objections have been received from 15 residents the issues raised are addressed in this Report and summarised below in so far as they relate to material considerations.

- highway congestion
- no need for housing
- landscape impact
- scale and form of development unsuitable to location
- more detail needed for public transport
- more detail needed for points of access
- does not support railway station
- s106 details should be made publicly available
- adverse impact on biodiversity, including fragmentation of habitat and introduction of predators (including pets) – particularly vulnerable are dormouse
- loss of farmland
- aesthetic / cultural impact
- consultation with the National Health Service / need for Doctor's surgery
- drainage
- includes land outside Allocation SP22a
- density not in accordance with Policy SP6 / Masterplan
- land stability
- quality of landscape proposals, including type / source of trees

A letter of support has been received from one resident, although this is subject to the provision of sufficient infrastructure to support the development.

Additional comments within the representations emphasise:

- Importance of link road
- Importance of town centre relief road
- Importance of renewable energy / reduced need for energy
- Importance of design to minimise landscape / visual impact
- Importance of education / children's services

### **Relevant Planning History**

No previous planning applications or permissions relevant to this application. The site is part of the East of Okehampton Masterplan SPD, which is discussed in detail elsewhere in this Report.

## **ANALYSIS**

### Principle of Development

This application relates to an area of land allocated as part of site SP22A in the Core Strategy 2011. The context is described earlier in this Report.

The principle of development is, therefore, established subject to the provisions of SP22 and of the Masterplan, which was adopted as an SPD in 2014.

The SPD establishes a set of principles (a to m) to guide the nature and form of development. These include the subjects of design, including sustainable design (items a, b, l and j), landscape (b and c), integration with existing services / facilities (d), increase travel choices and easing traffic flows (e and f), Affordable Housing (g), green infrastructure / sport / recreation / open space (h), wildlife and water management (h) and sustainable water strategy (i). Item m identifies that development should support and not prejudice the delivery of a road linking Crediton Road and Exeter Road.

It is considered that the proposed development is either directly in accordance with these principles or has the potential to given the use of and adherence to appropriate conditions.

Two other principles would be achieved through development of the related sites, including ED2 of the Core Strategy (planning permissions 00794/2015 and 00466/2015 and 00868/2014), SP22b and Parcel 2. One of these principles is neighbourhood retailing and other facilities to meet the additional needs of the expanded community and employment uses.

Development should support and not prejudice the provision of a new railway station in the east of the town and the potential to reintroduce a full rail passenger service from Okehampton (principle l).

### Presumption in favour of sustainable development

The proposal seeks, as part of wider development to the east of Okehampton, to achieve sustainable growth for the town by combining residential development with open space and recreational areas and supporting facilities, including a primary school and a local neighbourhood retailing facility.

### Phasing of development

The phasing is described above and is designed to ensure timely delivery of highway and education infrastructure.

### Quantum and density of development

The application is for up to 400 dwellings, which does not significantly diverge from the SPD requirement.

Parcel 3 would be at a density of 41 dwelling per hectare (dph) and Parcel 4 30 dph. Policy SP6 of the Core Strategy DPD seeks to resist development of less than 30 dwellings per hectare in

order to achieve the most efficient use of land and the SPD requires a lower density in the Parcel 4 area. The proposed development is, therefore, considered to be acceptable in this respect.

## Housing Mix

Strategic Policy 8 of the Core Strategy requires development to provide a mix of affordable housing sizes and types to meet the needs of the Borough's communities. The latest evidence of housing need collected in the 2013 Strategic Housing Market Needs Assessment identifies a need for mainly one, two and three bedroom properties across both market and affordable tenures.

An appropriate dwelling mix will be secured by the section 106 agreement.

## Neighbour Amenity

As an outline application there is limited scope for consideration with respect to neighbourhood amenity since proximity, overlooking and heights are reserved matters. The allocation as a whole is adopted and consideration has previously been given to the acceptable in general with regards to amenity and loss of views, although the latter is not a material planning consideration.

Of importance to this application is the location of housing and access. In this respect the proposed layout and form is considered unlikely to have an unacceptable impact upon any neighbouring use or property.

The provision of footpaths and cycle routes together with accessible open space are considered to be benefits.

## Landscape

The site is contained within a visual envelope at the eastern edge of Okehampton and the landscape impact has been assessed at the stage of allocating the site. Whilst views of and from the site are relatively limited, key sensitivities are the view from the east looking towards Okehampton from the vicinity of Crediton Road, and views from the south looking across the site towards open countryside. Limited and distant views of the northern part of the site would be available from Dartmoor National Park.

The application site is set within landscape 1D, 'Inland Undulating Uplands' as defined in the West Devon Borough Council and Tamar Valley AONB Landscape Character Assessment. In summary the key characteristics and guidelines are;

- *Gently rolling upland with streams*
- *Mainly pastoral cultivation, in a small to medium sub-regular pattern on slopes, with some arable cultivation on flatter areas*
- *Little woodland*
- *Network of sinuous minor roads*
- *Sparse settlement pattern*
- *High and open, with extensive views where hedge banks permit*
- *ensuring that development does not lead to the loss of valuable habitats*

This information and the site opportunities and constraints have informed the site layout with the following principles of landscaping have been agreed;

- *retention of the internal hedgerow network within new landscape corridors through the site with only minimal severance for crossings. The valley central to the site will provide a green internal spine.*
- *key trees have been identified and incorporated into the indicative layout, few in number, their retention is important to add landscape maturity to the site. Detailed design/planning needs to incorporate a BS5837 tree constraints plan and should heavily focus on giving the A grade individual trees dominance in the layout.*
- *planting buffer along boundaries*
- *surface water drainage via a system of swales and attenuation ponds through an open space corridor along the valley within the site including wet grassland planting around the swales and pond perimeters and wildflower meadows along the remainder of the open space corridor*
- *biodiversity improvements through conservation management of the open space network along the retained hedges*

Adherence to the above landscape goals would result in a new development that sits reasonably within the landscape context of the eastern edge of Okehampton. As such the proposal is considered to be acceptable in landscape terms with the imposition of conditions, including a Landscape and Ecological Management Plan. Inclusion of a lighting strategy will help to minimise the impact on Dartmoor National Park.

## Biodiversity

The proposal is accompanied by an EclA (David Fee, November 2015). The EclA includes results of desk studies, an Extended Phase 1, detailed bat activity surveys, and references to recent dormouse survey work from neighbouring development sites.

The EclA describes the site as comprising 'semi-improved' neutral grassland fields with little ecological value, the most valuable features being the boundary hedgerows, and the trees and shrubs running either side of the stream bisecting the site.

Dormice are assumed to be present within suitable habitats (boundary hedgerows and the tree / vegetation corridor alongside the stream) on site due to being recorded in recent surveys on neighbouring development sites. No important bat commuting routes were recorded during the activity surveys, however foraging activity was recorded in association with the tree / vegetation corridor alongside the stream, and also the other hedgerows to a lesser degree. As might be expected, the majority of bat activity recorded on site was from Pipistrelle species with a low number of records of Noctule and Myotis species. Pipistrelle are typically regarded as more light tolerant, while Myotis are more light sensitive – survey results recorded Myotis species use of the site in association with the woodland and vegetated stream (these being habitats which will largely be unaffected by the development).

It is considered that there is no likelihood of any Habitats Regulations offence in relation to the proposal and bats. With respect to dormice, the EclA correctly identifies vegetation removal methods that could be used to minimise the impact of any hedgerow removal on dormice. It may be possible to undertake any minor hedgerow removal under method statement, however the ecologist advises that this can be revisited at Reserved Matters once the extent of hedgerow removal for access is clear. If the removal is significant enough to trigger potential of a Habitats Regulations offence, then the removal would require a European Protected Species Licence (as per the other development sites in the vicinity), and at that Reserved Matters stage the LPA would be obliged to consider the 3 derogation tests accordingly.

The EcIA advises that a variety of breeding birds are likely to use the boundary hedgerows and mature trees. No evidence of badgers was recorded on site, and there was no habitat considered suitable for common reptiles on site. These conclusions are considered reasonable.

#### Mitigation, compensation, enhancement

There is limited hedgerow proposed for removal and the existing woodland is not expected to be affected (that is removed). The main habitat of ecological value will be retained by virtue of its location within an undevelopable area, and this habitat will continue to act as a green corridor through the site.

Limited detail has been provided at this outline stage with respect habitat creation, however, it is apparent from the masterplan that significant new planting is proposed within the site and valley. While the main focus of this planting may be for landscaping purposes, this planting (if designed with input from an ecologist) could play an important role in enhancing the wildlife value of this site, including for the protected species that have been recorded as currently using the site (i.e. dormice and bats). This is especially important because there is likely to be some impact (notably on dormice) from the introduction of domestic animals to the site, and it is important that the habitat away from the domestic gardens is enhanced for this species.

There is also potential to increase the wildlife interest and value (which in turn will have benefit for new residents) of the site by ensuring that the SUDS are well designed. There is a wealth of guidance available on increasing the value of the SUDS and the opportunity should be taken to create a community and wildlife feature at this site.

There are 3 key factors to consider at Reserved Matters/prior to commencement, which are referenced within the EcIA:

- *A Construction Environmental Management Plan (CEMP) – to ensure proper protection of habitat features during construction*
- *A LEMP – to detail habitat retention, enhancement and creation, incorporating specific measures for species (e.g. inbuilt bird and bat boxes). The LEMP should consider the specific requirements of bats and dormice, but also seek to enhance the wildlife value of the site (e.g. wildflower grassland to improve upon existing semi-improved grassland, and introduction of appropriate species in and around the SUDS features).*
- *A lighting strategy – to ensure the key ecological habitat through the site (woodland and vegetated stream) is unlit/sensitively lit to ensure it continues to act as a valuable wildlife feature.*

Based upon survey results, and proposals as per the outline masterplan, it is reasonable to consider that the wildlife value of the site can be maintained and significantly enhanced. Accordingly the proposal is considered to be in accordance with policy (NPPF Para 118, NERC Act, WDBC Core Strategy SP19).

The Council's Natural Environment Team does not object, subject to conditions and s106 clauses. These are listed elsewhere in the Report.

#### Flood risk, drainage and ground conditions

Geological survey has been provided to inform the assessment of drainage / flood risk. The submitted Geotechnical Investigation and Contamination Assessment Report shows lab results from a number of soil samples taken from across the site. A Ground Conditions plan is contained at appendix E of the assessment. This shows that there are deposits of peat in certain locations around the site denoted by the pink trial pit locations. Percolation tests were



also taken which show that soakaways would not work. The proposed drainage solution is therefore mainly pond attenuation. Storage volumes of the attenuation ponds are calculated assuming a 100% waterlogged site, that is to say there is no reliance on any storage capacity of rainwater in the soil.

In addition the drainage strategy is designed to attenuate at the 1 in 10 year storm event, not the normal 1 in 100 year storm event that would be needed for equivalent greenfield runoff rates. The amount of attenuation proposed is, therefore, higher than that achieved by the existing fields. Discharge of surface water from the site (measured in litres per second per hectare) would be less when the site is developed compared to the current discharge rate of the field.

The existence of peat at locations within the site has no impact, therefore, upon the proposed drainage strategy.

Further to the submission of the revised FRA it is the view of officers consider that this aspect can be addressed in full by the application of drainage conditions.

### Heritage

There are seven designated heritage assets within 1km of the site. The majority relate to Grade II Listed Buildings at Chichacott, with a Roman fort designated as a Scheduled Monument. There are 27 non designated assets.

The findings of the Historic Environment Assessment have been reviewed and are found to be accurate. With respect to the test of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered, therefore, that there would be limited impact such that the impact on the setting of the Listed Buildings would not be harmed. Sensitive landscape planting at the northern edge of the site will provide further assurance in this respect.

The desk-based assessment and results of the geophysical survey submitted with the application suggest that there is some potential for archaeological features to be identified in the application area, relating to Romano-British and medieval settlement and field systems. Therefore, if permission were to be granted by the Local Planning Authority, in accordance with paragraph 141 of the National Planning Policy Framework an archaeological recording condition would be attached (see end of Report for full details). This would ensure that any archaeological deposits which are not conserved would be recorded and that the results of the fieldwork and any post-excavation analysis would be detailed in a suitably illustrated report. At this stage, it is envisaged a staged programme of archaeological work, with further evaluation trenching to establish if more detailed recording, is required. The Historic Environment Team at DCC would provide further advice on an appropriate level of recording.

### Education Provision

Policy SP22 requires the wider development to make provision for appropriate education facilities as well as securing land for the provision of a new primary school in the east of the town as a result of the new development.

## Highways and access

Highway infrastructure is identified as critically important in the adopted the Masterplan. The Masterplan seeks the delivery of the Exeter Road to Crediton Road Link Road and the Town Centre Access Road, in an appropriately phased manner. Funds for both are due from the development of Parcel 2. The proposed development for Parcel 3 and Parcel 4 includes delivery, in phases, of the link road.

A further matter is the creation of a right turn from Exeter Road into Hameldown Road. This will not be achieved through this application.

The applicant proposes that Parcel 3 construction traffic access would be only via existing Hameldown Road spur road, which links to Exeter Road to the south.

The first section of the link road, providing access to and from Crediton Road would be prior to the first occupation at parcel 3. The final section of the link road would be completed upon occupation of 75% of properties at Parcel 3. No dwellings would be occupied at parcel 4 until occupation of 75% of parcel 3.

The applicant is aware of the locations of peat with respect to potential impact on road construction.

The Highway Authority has provided a detailed response, which is available on the Council's web site. Subsequent discussion has clarified that that the Highway Authority is satisfied that if construction access is gained from Exeter Road the proposed development would be acceptable with appropriate conditions attached.

The Highway Authority has considered the implications of access from Crediton Road into the site, both north and south and concludes that with the use of Traffic Regulation Orders appropriate speeds can be achieved to ensure safe operation of these newly created junctions. One TRO is included in the s106 for Parcel 2, with a second required for this application.

The proposed s106 (amended from the original offer) includes a payment of £400k towards public transport. This can be used either for the construction of a railway station or for bus services. An appropriate network of footpaths / cycleways is proposed, with funds for off-site work being paid through a s106 Agreement / s278 Agreement.

It is considered, therefore, that the proposals broadly achieve the objectives of the Masterplan with respect to providing alternative means of transport to the private car and to integrate with the existing community.

## Travel Planning

DCC has requested a framework residential travel plan will be required, through a condition, to accompany any reserved matters applications. This will be based on the draft that has been provided as part of the application.

## Waste disposal

In the response from DCC they state that as the Waste Planning Authority DCC does not object to this application. Although the Geotechnical Investigation and Contamination Assessment Report does mention the removal of inert waste, a more detailed consideration of waste needs to

be provided through submission of a waste audit statement, the waste audit statement will consider how the waste generated during the construction and operational phases of development will be reduced to a minimum, how unavoidable waste will be managed in accordance with the waste hierarchy and how and where waste which is generated will be managed.

This requirement would be secured through the use of appropriate planning conditions.

One representation raises concern with respect to radon. Standard building precautions / building regulations can address this.

### Open Space, Sport and Recreation

Applying the policy standards (as set out in retained Policy H26 of the Local Plan, and as should be expected in accordance with SP4, SP13 and SP22 of the WDBC Core Strategy) the following amounts of open space would be required to support the proposed development of 400 dwellings:

	<b>West Devon standard (hectares per 100 residents) as set out in Policy H26 of Local Plan</b>	<b>Expected on/off-site provision of open space for development of 400 dwellings</b>
<b>Amenity open space and informal areas</b>	0.06	0.55ha
<b>Playing pitches</b>	0.16	1.47ha
<b>Equipped children's play areas</b>	0.04	0.37ha

### Playing pitches

Given that it is not possible to provide playing pitches on site, an offsite commuted sum would be expected in accordance with the following table:

	Off-site provision for 400 houses	Contribution per person	Off-site contribution for 375 houses	Contribution per person for maintenance	Maintenance for 20 year period	TOTAL
Playing fields	1.47ha	£537	£494,040	£47	£43,240	£537,280

(Based on 920 residents - 2.3 residents per household)

It is understood that due to viability constraints a sum of just £100,000 is being offered as a playing pitches commuted sum. Clearly the consideration of infrastructure mix and viability is one for yourself, however I would like to take this opportunity to highlight that Okehampton continues to suffer both a lack of playing pitches and existing pitches which require considerable improvement to meet the existing (and increasing) demand upon them. There has been a significant amount of development within Okehampton in recent years, none of which has made any significant contribution towards investing in improving/new pitches – none of the recent developments have made contributions that meet that expected within our policy standards. Whilst I can accept that this is because there are issues (namely traffic congestion) which are considered more deserving of investment at this time, it

would be remiss of me not to highlight that by not investing in pitches through developer contributions we are effectively exacerbating the current issue.

## **Open Space**

The outline masterplan provides a level of open space which clearly exceeds that required by WDBC policy standards, this being possible because of the site constraints which lend themselves to the valley sides and lower valley acting as a green corridor. It should be noted however that the expectation is that such open space is usable public open space – i.e. that it serves the purpose of providing information recreational value (walking, cycling, picnicking, kick-about areas).

There is potential for this green corridor to have multiple benefits for informal recreation, biodiversity, SUDS, play. A balance will need to be struck within the detail at Reserved Matters with respect enabling the appropriate level of public access (e.g. through formalised paths/circular walks through the woods) and management of particular areas for wildlife, and SUDS.

I am conscious that I previously raised doubts concerning the ability for an ‘informal kickabout area’ within the valley to provide a meaningful contribution towards Okehampton’s playing pitch requirements given the space available, gradients, cut and fill required, drainage works, and lack of space for associated facilities – notwithstanding this, it would be worthwhile seeking to allow a distinct area within the open space provision which could be used for the purpose of informal kickabouts (i.e. a level, grassed area).

## **Play space**

The Design and Access Statement makes reference to the main public open spaces providing opportunities for play areas.

My earlier comment (attached) advised that *‘Parcel 4 would benefit from a small play area to the west of Crediton Road, and more significant play provision should be focussed in Parcel 3, perhaps tied in with a MUGA, being mindful of the location and types of other play provision provided in recent and progressing developments (including 01089/2013 site).’*

Reviewing the proposed masterplan, I now tend to think that it would be more productive to concentrate on meaningful play provision within the public open space between Parcels 3 and 4, and lose the reference to a small play area to the west of Crediton Road.

As per my earlier comment, the design of the equipped play offering should take into account the types of play areas and equipment being completed/planned as part of development to the southwest, and also the type of provision that will come forward as part of the reserved matters on the 01089/2013 site. Clearly the aim should be to complement and not duplicate provision on these other sites. In considering the provision of play equipment across these sites, it must be noted that as well as toddler/junior play provision, there must also be provision for older children (i.e. 14+) – this could include hard surface/MUGA provision, youth shelters, etc.

There would be little point in duplicating existing/planned play provision from the developments to the southwest, and accordingly I will be expecting evidence that this has been considered at Reserved Matters (preferably based on local consultation) and that proposals are meeting local need and filling gaps in provision.

## **High Speed Broadband**

The provision of high speed broadband plays a vital role in enhancing communications, having positive benefits such as improving flexibility, productivity, reliability, work-life balance and personal

empowerment. The laying of appropriate ducting for future fibres will be secured by condition during construction to enable connections for high speed broadband.

#### Decentralised renewable and/or low carbon energy provision

The site in its entirety will be built out in a phased manner over a number of years. The Council's Core Strategy includes policy SP2 which requires at least 10% of energy to be generated from decentralised and renewable or low carbon sources; alternatively to offer flexibility, properties may be built to a standard higher than Building Regulations which reduces their carbon footprint by 10%. These will be secured by condition.

#### Affordable Housing

There is a continued need for affordable housing across the Borough, with Core Strategy Strategic Policy 9 requiring 40% affordable housing subject to viability.

The most recent evidence collected by the Borough Council in the Strategic Housing Market Needs Assessment (SHMNA) identifies an annual newly arising need across the Borough (outside of the DNP) of 67 affordable homes per year. It has been perceived that there is little need for affordable housing in Okehampton due to the delivery of about 170 new affordable homes over the last ten years. This is not the view which has been taken by the Affordable Housing Officer and the figures on the Devon Home Choice Register also reflect that this is not the case. In addition the proposal is in outline only at this stage and, even if approved, a subsequent reserved matters application may not be submitted until several year's-time, followed by a long build out. Within the figures for this scheme a 7 year build has been estimated and there is every likelihood that the affordable housing need will continue to grow even greater in this time.

At 20% the level of affordable housing provision is significantly below the policy requirement and is discussed in more detail below.

This is an outline application and therefore specific details on the tenure of the affordable units and housing mix have not yet been agreed. This will need to be agreed at the reserved matters stage. However, there is likely to be a need for smaller properties in response to the needs identified.

#### Viability

The NPPF clearly details the approach to viability and its consideration in the deliverability of sites at paragraph 173 and this is quoted, in part, at the start of this Report.

The applicant submitted a Viability Assessment and Officers commissioned and received an independent review, which was undertaken by Plymouth City Council.

As is the procedure in such instances, officers also met with local Members to discuss their priorities for the contributions. Officers were able to share headline figures with the officer / Member contact group.

As a result of viability testing it has been agreed that the amount of affordable housing and contributions that can be provided is less than the policy objectives. A summary report is available separately.

The scheme cannot meet all the objectives of policy and Officers have worked flexibly with interested parties to seek to deliver Member / community priorities.

The details of the s106 are provided at the start of this Report. It is the view of Officers that in the context of paragraph 173 of the NPPF the contributions are acceptable and that 20% is an agreeable percentage despite this not being policy compliant.

#### Other matters raised by representations

The ecology report considers the impact of loss of vegetation and habitat. It is assumed that OHPC is questioning whether the impact of the removal of the hedgerow is such that the proposed development constitutes 'EIA Development' and that the application should, therefore, be supported by an Environmental Statement. This aspect of the proposed development was considered when reaching the conclusion that the development is not EIA Development and the detail of the ecology report, landscape and visual assessment and the application drawings are considered to provide sufficient information for an informed judgement to be made.

The application is in outline. It is considered to be reasonable to assume that cycle and foot connections can be delivered as required, but the comment in a representation raising concern with respect to the difficulty presented by land being in Flod Zone 3 is noted.

No concern has been expressed by consultees with respect to potential adverse impact on Air Quality breaching national standards / guidelines.

#### **Planning Balance and Conclusion**

Paragraph 14 of the NPPF requires a balanced judgement to be made on the basis of the various impacts relating to material considerations.

The proposed development seeks to deliver a significant contribution to meeting housing need and includes the negotiated package of s106 benefits that include delivery of the link road, funds for a public transport, funds for cycling infrastructure, funds for education and for recreation.

The application is considered, therefore, to be significantly positive with respect to social and economic benefits.

Not all the objectives of the Masterplan would be met, but in the context of provisions of paragraph 173 of the NPPF it is not appropriate to burden development with requirements that make it unviable.

Having regard to all of the policy considerations listed and the requirements established in the Masterplan, it is considered that there are merits to the proposal in terms of the strategic allocation set out in Core Strategy Policy SP22.

No significant adverse impacts have been identified.

The critical point is, therefore, whether the proposed development, conditions and s106 Agreement will ensure the timely delivery of the infrastructure and Affordable Housing that is thus secured. It is the view of Officers that this is possible and, therefore, that planning permission should be granted.

## Full Conditions

1. In the case of any matter reserved by this permission, any application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby authorised shall be carried out in accordance with parameter plans as set out in the Design and Access Statement and amended plan (reference 524 011B) and detailed drawings for each phase which shall previously have been submitted to and approved by the Local Planning Authority prior to the commencement of the phase to which the details pertain. These detailed drawings shall show the following:
  - (a) the design and external appearance of the proposed building(s);
  - (b) siting;
  - (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
  - (d) the materials for their construction
  - (e) the arrangements for the disposal of foul and surface water;
  - (f) the means of access from public highways;
  - (g) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
  - (h) all other works including walls fences means of enclosure screening.
  - (i) the location, extent and layout of open space(s) play space(s)
  - (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

3. The development hereby approved shall be carried out strictly in accordance with the drawings numbered :
  - all application drawings (to be added)

Unless further amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

#### PRIOR TO COMMENCEMENT

4. Details of on-site play provision and open space shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved.

Reason: in the interests of public amenity and wellbeing

#### PRIOR TO COMMENCEMENT

5. No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
  - a) methods to reduce the amount of waste material
  - b) methods to re-use the waste within the development
  - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
  - d) estimated quantities of excavated/demolition materials arising from the site
  - e) evidence that all alternative methods of waste disposal have been considered
  - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

Reason: to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy WPC4: Waste Audit, of the adopted Devon County Waste Local Plan.

#### PRIOR TO COMMENCEMENT

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

7. No later than the submission of the first reserved matters application, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: in the interests of sustainability, the better functioning of the highway network and green travel.

#### PRIOR TO COMMENCEMENT

8. Prior to commencement of any phase of development the applicant shall provide a detailed design for the proposed site to demonstrate compliance with BS8233. The building envelope



of all plots shall be constructed so as to provide sound attenuation against external noises, in accordance with the submitted noise assessment with windows shut and other means of ventilation provided.

Reason: To protect amenity of future occupants

#### PRIOR TO COMMENCEMENT

9. Prior to commencement of development hereby approved an acceptable construction method statement will be required to be submitted to and agreed with the LPA, and this shall include:
- a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials (none of this will be allowed to stand or wait on the existing highway network, and it should be noted that low loaders currently experience difficulty negotiating part of this area and this must be resolved prior to commencement)
  - c) storage of plant and materials
  - d) wheel washing facilities
  - e) measures to control the emission of dust and dirt
  - f) estimates of the numbers of vehicles likely to visit the site during construction and daily hours of construction
  - g) a timetable of the works (including measures for traffic management)
  - h) wildlife protection measures required during construction.
  - i) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Informative: This list is not exhaustive.

Reason: In the interest of highway safety and prevention of public nuisance

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

11. At least 10% of energy used on the development shall be generated from decentralised and renewable or low carbon sources, or the development shall be constructed so as to be 10% more energy efficient than the standard for building regulations at the time of approval of reserved matters unless otherwise agreed in writing by the LPA.

Reason: for the purposes of sustainable development and a reduction in carbon emissions, (flexibility included due to emerging ministerial guidance.)

#### PRIOR TO COMMENCEMENT

12. Prior to the commencement of each phase, details of how fibre optic broadband connections to at least "superfast" (greater than 24Mg Bps) shall be facilitated to ensure that all Internet Service Providers (ISPs) are able to deliver their services to all premises within the phase and overall development area shall have been provided to and approved in writing by the Local Planning Authority. Such infrastructure as identified within these approved details shall be provided in phase with the development.

Reason: To support sustainable living and working patterns and ensure inclusiveness.

#### PRIOR TO COMMENCEMENT

13. Works to hedgerows that are likely to cause an offence against dormice shall not in any circumstances commence unless the LPA has been provided with either:

- a) A licence by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason: In the interests of the protection of protected species and biodiversity.

#### PRIOR TO COMMENCEMENT

14. Development shall not begin until details of a Landscape and Ecological Management Plan (LEMP) for the site have been submitted to and approved in writing by the LPA. The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations of ecology and landscape reports. The LEMP will incorporate a Green Infrastructure Plan and will include clear enhancement, avoidance and compensation measures showing how impacts on wildlife will be avoided / minimised and how a net gain for biodiversity at the site will be achieved

Reason: in the interests of biodiversity and environmental protection

15. The development shall be carried out in accordance with the Flood Risk Assessment (add reference to document).

Reason: in the interests of flood protection, the environment and residential amenity

#### PRIOR TO COMMENCEMENT

16. Prior to the commencement of the development, details of the foul and surface water design including percolation test results and / or discharge flow rates and details of flow control devices where applicable, and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Prior to the commencement of the development, a plan identifying each phase of development and the order in which such phases shall be developed shall be provided and agreed with the

local planning authority. The LPA must be notified before any changes to this plan are made. Such changes must be agreed with the LPA before they are implemented.

Prior to the commencement of each phase of the development, details of construction phase surface water management scheme for each phase shall be provided and approved in writing by the local planning authority. This shall include details of the management of surface water run-off, silt and debris containment and reduction for the duration of the construction works.

Prior to the commencement of each phase the development, details of the protection measures for existing watercourses, ditches, ponds and any other drainage feature affected by that phase of development shall be provided and approved in writing by the local planning authority.

Details relating to the maintenance and management responsibility of the drainage systems must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved foul and surface water drainage details shall be completed and become fully operational before the first occupation of that phase of development. 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.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained

17. The proposed estate roads, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals

#### PRIOR TO COMMENCEMENT

18. No part of the development hereby approved shall be commenced until:
- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) The footway on the public highway frontage (if required by this permission) has been constructed up to base course level
  - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

#### PRIOR TO COMMENCEMENT

19. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure the proper development of the site.

#### PRIOR TO COMMENCEMENT

20. A lighting strategy shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved. The Strategy will detail how the impact of lighting will be minimised in particular respect to biodiversity and Dartmoor National Park

Reason: in the interests of public amenity and wellbeing, ecology and visual impact.

21. A Framework Residential Travel Plan shall be submitted to and approved in writing by the LPA before any development commences, and the development shall be carried out as approved.

Reason: in the interests of sustainable development.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **Planning Policy**

NPPF

East of Okehampton Design Brief

East of Okehampton Masterplan SPD

2007 Infrastructure and Facilities to Support New Development SPD

## **West Devon Borough Council Core Strategy 2011**

SP1 – Sustainable Development

SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments

SP3 – Renewable Energy

SP4 – Infrastructure Provision

SP5 – Spatial Strategy

SP6 – Density of Housing Development

SP7 – Strategic Distribution of Housing

SP8 – Inclusive Communities

SP9 – Meeting Housing Needs

SP10 – Supporting the Growth of the Economy

SP11 – Rural Regeneration

SP 12 – Retailing  
SP13 – Community Services and Facilities  
SP14 – Accessibility Planning  
SP15 – Traffic Management  
SP16 – Safer Communities  
SP17 – Landscape Character  
SP18 – The Heritage and Historical Character of West Devon  
SP19 – Biodiversity  
SP20 – Promoting High Quality Design  
SP21 – Flooding  
SP22 – Okehampton

**West Devon Borough Council Local Plan Review 2005(as amended 2011)**

NE10 – Protection of the Countryside and Other Open Spaces  
BE3 – Listed Buildings  
BE4 – Features and Artefacts of Local Importance  
BE7 – Archaeology and Sites of Local Importance  
BE8 – Archaeology and Sites of Local Importance  
BE9 – Archaeology and Sites of Local Importance  
BE10 – Archaeology and Sites of Local Importance  
BE13 – Landscaping and Boundary Treatment  
BE14 – Public Art  
BE19 – Development on Contaminated Land  
H26 – Open Space Provision in New Residential Developments  
H31 – Residential Development in the Countryside  
H32 - Residential Development in the Countryside  
H33 - Residential Development in the Countryside  
T1 – Walking and Cycling  
T2 – Pedestrian and Cyclist Safety  
T3 – Protection of Existing Footways, Cycleways and Bridleways  
T4 - Footpath Links to Okehampton Town Centre  
T5 – Public Transport  
T7 – Railways  
T8 – Car Parking  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems  
PS3 – Sewage Disposal  
PS5 – Okement Rivers Improvement Programme  
PS6 - Okement Rivers Improvement Programme  
PS7 – Buffer areas With Rivers

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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**West Devon Borough Council** **Agenda Item 6**  
**PLANNING AND LICENSING COMMITTEE 23-Aug-16**

**Appeals Update from 13-Jul-16 to 12-Aug-16**

**Ward Bere Ferrers**

APPLICATION NUMBER : **2589/15/HHO** APP/Q1153/D/16/3147148  
APPELLANT NAME: Mr I McAuliffe  
PROPOSAL : Retrospective application for raised decking  
LOCATION : 51 Broad Park Road Bere Alston Devon PL20 7DT  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 01-April-2016  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 14-July-2016

**Ward Exbourne**

APPLICATION NUMBER : **00888/2015** APP/Q1153/W/16/3152648  
APPELLANT NAME: Mr B Dufty  
PROPOSAL : Full planning application for 28 residential dwellings with associated roads, footways, parking, landscaping and drainage. Part previously a pproved application under reference 01037/2013  
LOCATION : 4 Land West Of High Street North Tawton West Devon Known As Batheway Fields; E: 2 EX20 2FN  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-July-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Hatherleigh**

APPLICATION NUMBER : **2723/15/OPA** APP/Q1153/W/16/3151032  
APPELLANT NAME: Mrs J Walter  
PROPOSAL : Outline application with all matters reserved for 1no. dwelling  
LOCATION : Tree Tops Church Road Highampton Devon EX21 5LS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 03-August-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Mary Tavy**

APPLICATION NUMBER : **WDE/00001/2015** APP/Q1153/C/16/3149564  
APPELLANT NAME: Mr J Henry  
PROPOSAL : Operational Development for the installation of a pre-fabricated garage  
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 03-June-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **WDE/00001a/2015** APP/Q1153/C/16/3149560  
APPELLANT NAME: Mr J Henry  
PROPOSAL : A material change of use of the Land without planning permission from Agricultural (Sui Generis) to Residential Garden (C3) (the 'Development')  
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 03-June-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Tavistock North**

APPLICATION NUMBER : **00812/2015** APP/Q1153/W/16/3147322  
APPELLANT NAME: Fado Ltd  
PROPOSAL : Prior approval for proposed change of use of agricultural barn to dwellinghouse (Class C3)  
LOCATION : Barn At Higher Wilminstone Farm Wilminstone Wilminstone Devon PL19 0JT  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 12-April-2016  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 19-July-2016

APPLICATION NUMBER : **WDE/00064/2015** APP/Q1153/C/16/3152288  
APPELLANT NAME: Mr M Bassett  
PROPOSAL : A material change of use of the Land without planning permission from Agricultural (Sui Generis) to Motor Vehicle Storage and / or Distribution Place (Sui Generis)  
LOCATION : Land at Higher Wilminstone Farm Wilminstone Wilminstone Devon PL19 0JT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 29-July-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Tavistock South East**

APPLICATION NUMBER : **01186/2015** APP/Q1153/W/16/3146685  
APPELLANT NAME: Mr M Beveridge  
PROPOSAL : Erection of detached dwelling with integral garage and alterations to access (resubmission of 00726/2015)  
LOCATION : Little Church Park Whitchurch Tavistock Devon PL19 9EL  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 06-April-2016  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 22-July-2016