

# West Devon Planning and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 13th December, 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 Mott</td> </tr> <tr> <td>Cllr Benson</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Roberts</td> </tr> </table>	Cllr Baldwin	Cllr Mott	Cllr Benson	Cllr Moyse	Cllr Cann OBE	Cllr Pearce	Cllr Hockridge	Cllr Roberts
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Cllr Benson	Cllr Moyse								
Cllr Cann OBE	Cllr Pearce								
Cllr Hockridge	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 - 18**

Meeting held on 15 November 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) 2173/16/FUL**

**19 - 26**

Bay Tree House, The Crescent, Crapstone, PL20 7PS  
Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

**(b) 1579/16/VAR**

**27 - 32**

Lamber Hey, 12 Venn Hill, Milton Abbot, PL19 0NY  
Variation of condition No.2 (Approved Plans) of planning consent 01830/2011 to allow for minor material amendments

**(c) 2022/16/OPA**

**33 - 54**

Land at 4722 7457 adjacent to New Launceston Road, Tavistock, Devon  
Outline application (with some matters reserved) construction of

up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure

- |           |  |                |
|-----------|--|----------------|
| <b>6.</b> | <b>Planning Appeals Update</b>   | <b>55 - 56</b> |
| <b>7.</b> | <b>Planning Performance Indicators</b>   | <b>57 - 60</b> |
| <b>8.</b> | <b>Proposed changes to the Constitution in respect of Planning and Licensing Committee</b> | <b>61 - 66</b> |
| <b>9.</b> | <b>Review of the Site Inspection Protocol</b>  | <b>67 - 74</b> |

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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 **15th** day of **NOVEMBER 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                              Cllr A Roberts

COP Lead Development Management (PW)  
COP Lead Environmental Health (IL)  
Solicitor (SN)  
Senior Specialist Environmental Health (JK)  
Specialist Licensing (NW)  
Senior Case Manager – Strategy and  
Commissioning (KT)

**In attendance:**

Cllrs R Cheadle, A F Leech, D K A Sellis and J Yelland

**\*P&L 33                      DECLARATION OF INTEREST**

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

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.

Cllr P R Sanders declared a personal interest in application 2173/16/FUL: Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance – Bay Tree House, The Crescent, Crapstone by virtue of knowing the applicants. He remained in the meeting and took part in the debate and vote.

**\*P&L 34                      CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 18<sup>th</sup> October 2016 were confirmed and signed by the Chairman as a correct record.

**\*P&L 35                      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: 2173/16/FUL      Ward: Buckland  
Monachorum**

**Site Address: Bay Tree House, The Crescent, Crapstone PL20 7PS**

Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

Speakers included: Parish Council Representative – Cllr Cheadle

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** Defer for Site Inspection (confirmed by Chairman's casting vote)

**(b) Application No: 3001/16/VAR      Ward: Okehampton**

**Site Address: Land adjacent to 25, 26, 27, 28 & 29 Hillside Drive,  
Hillside Drive, Okehampton**

Variation of condition number 2 of planning consent 01324/2014 to allow revisions to approved drawings

Speakers included: Local Ward Member – Cllr Leech

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

During discussion, Members noted that the application broadly resolved issues that had been raised whilst they were on site viewing an adjacent proposal.

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

**(c) Application No: 2544/16/FUL      Ward: Okehampton North**

**Site Address: Land to rear of 65 Exeter Road, Okehampton, Devon  
EX20 1QF**

Alternative proposal for construction of dwelling

Speakers included: Supporter – Mr Steve Blakeman: Parish Council Representative - Cllr Leech

**RECOMMENDATION:** Conditional Approval

In presenting the application, the Case Officer advised that Condition 4 as shown in the presented report was no longer required. In discussion, the height of the proposal was noted by Members, particularly in relation to the surrounding properties. However, that the upstairs windows were skylights was also noted so there would be no consequent overlooking issues.

**COMMITTEE DECISION:** Conditional Approval

Conditions: (please refer to report for conditions in full)

- Standard time limit
- Build in accordance with plans
- Removal of PD
- Boundary treatments
- Drainage details to be submitted/approved
- Parking to be provided and retained
- Landscape Scheme
- Environmental Health condition relating to unsuspected contaminated land

**\*P&L 36 PLANNING APPEALS UPDATE**

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

**\*P&L 37 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration.

**P&L 38 TO CONSIDER CHANGES TO THE CONSTITUTION OF THE COUNCIL IN RELATION TO THE DELEGATION OF POWERS FOR DETERMINATION OF CERTAIN LICENSING FUNCTIONS**

Consideration was given to a report that sought to recommend to Council amendments to the delegation of powers so that the Committee only made decisions on licences that had minimal technical input and where the basis of the determination should be quasi-judicial.

The COP Lead Environmental Health presented the report and gave a number of practical examples of the proposed amendments. He and the Senior Specialist Environmental Health responded to questions of clarity. Members asked that any future proposed amendments be presented as a tracked change document so that the differences between the current position and the proposed position were clear. Some Members felt that the discussion should be postponed until such information was forthcoming and a motion was **PROPOSED** and **SECONDED** that any decision was deferred until a document was provided showing the before and after position, however, on being put to the vote this motion was **LOST**.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions, as attached at Appendix A.

**P&L 39      APPROVAL OF POLICY IN RELATION TO THE LICENSING OF TAXI DRIVERS**

Consideration was given to a report that recommended to Council that the draft Taxi Driver Licensing Policy be adopted at the meeting on 6 December 2016.

The Senior Specialist Environmental Health presented the report and reminded Members of the background and consultation. He then responded to a number of questions of clarity. In proposing the recommendation, the Chairman added that the policy was to take affect from 1 January 2017.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the Taxi Driver Licensing Policy at the meeting on 6 December 2016 to take affect from 1 January 2017.

(The Meeting terminated at 11.55 am)

Dated this

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**Chairman**



## Appendix A to P&L minutes 15 November 2016

### Licensing: Current vs. Proposed constitution arrangements

#### Responsibilities

To be responsible for all of the Council's licensing functions

Current	Proposed	Reason
<ul style="list-style-type: none"> <li>• To review and recommend to Council:                             <ul style="list-style-type: none"> <li>○ the Licensing Statement of Policy</li> <li>○ the Gambling Statement of Principles</li> <li>○ the Policy not to permit casinos</li> </ul> </li> <li>• To determine the revocation of any licence</li> </ul>	<ul style="list-style-type: none"> <li>• To review and recommend to Council:                             <ul style="list-style-type: none"> <li>○ the Licensing Statement of Policy</li> <li>○ the Gambling Statement of Principles</li> <li>○ the Policy not to permit casinos</li> </ul> </li> </ul>	<p>No change</p> <p>Responsibility for revocation now with COP Lead Environmental Health for Taxi Driver/Hackney Carriage Licences</p>
<ul style="list-style-type: none"> <li>• To review and be responsible for all other Licensing Policies</li> </ul>	<ul style="list-style-type: none"> <li>• To review and be responsible for all other Licensing Policies</li> </ul>	<p>No change</p>
<ul style="list-style-type: none"> <li>• To determine the revocation and suspension of Hackney Carriage / Private Hire Driver or Vehicle Licences</li> </ul>	<ul style="list-style-type: none"> <li>• To determine to revoke or suspend a Hackney Carriage/Private Hire Driver or Private Hire Operator Licence.</li> </ul>	<p>Slight wording change and removed mention of vehicles as this is proposed to be dealt with by officers.</p>
<ul style="list-style-type: none"> <li>• To determine all licensing applications for all licensing functions (except in relation to the licensing functions under the Licensing Act 2003 and the Gambling Act 2005 see below) to which an objection has been received and not withdrawn or satisfactorily addressed by the applicant;</li> </ul>	<ul style="list-style-type: none"> <li>• To determine whether to refuse to grant a licence for the following licensing functions ;                             <ul style="list-style-type: none"> <li>• Street Trading Licence (South Hams)</li> <li>• Zoo Licensing</li> <li>• Sex Establishments</li> <li>• Houses in Multiple Occupation</li> </ul> </li> </ul>	<p>Removes ambiguity about applications where there is no remit for a member of the public to object but may need to be refused based on failing to meet specified criteria. These types of applications are listed due to their political, financial and social impact.</p>
	<ul style="list-style-type: none"> <li>• To determine such other applications as referred to the P&amp;L Committee by the Community of Practice Lead for Environmental Health</li> </ul>	<p>Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee.</p>

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Licensing sub-committee

Current	Proposed	Reason
<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <b><u>Licensing Act 2003</u></b>:</p> <ul style="list-style-type: none"> <li>• Applications for personal licences - if there is a police objection</li> <li>• Applications for personal licences with unspent convictions – all cases</li> <li>• Review of personal licences – if there is a police objection</li> <li>• Applications for premises licence/club premises certificate – if a relevant representation is made</li> <li>• Applications for provisional statement – if a relevant representation is made</li> <li>• Application to vary premises licence/club premises certificate - if a relevant representation is made</li> <li>• Applications to vary designated premises supervisor – if police objection made</li> <li>• Applications for transfer of premises licence – if police objection</li> <li>• Applications for interim authorities – if a police objection</li> <li>• Applications to review premises licence/club premises certificate – all cases</li> <li>• Decision to object when Council is a consultee and not relevant authority - all cases</li> <li>• Determination of a police or Environmental Health objection to a temporary event notice - all</li> </ul>	<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <b><u>Licensing Act 2003</u></b>:</p> <ul style="list-style-type: none"> <li>• Applications for personal licences - if there is a police objection</li> <li>• Applications for personal licences with unspent convictions – all cases</li> <li>• Review of personal licences – if there is a police objection</li> <li>• Applications for premises licence/club premises certificate – if a relevant representation is made</li> <li>• Applications for provisional statement – if a relevant representation is made</li> <li>• Application to vary premises licence/club premises certificate - if a relevant representation is made</li> <li>• Applications to vary designated premises supervisor – if police objection made</li> <li>• Applications for transfer of premises licence – if police objection</li> <li>• Applications for interim authorities – if a police objection</li> <li>• Applications to review premises licence/club premises certificate – all cases</li> <li>• Decision to object when Council is a consultee and not relevant authority - all cases</li> <li>• Determination of a police or Environmental Health objection to a temporary event notice - all</li> </ul>	<p>No changes proposed</p>

<p>cases</p> <p>b) Licensing sub-committees have the following responsibilities in relation to the <b><u>Gambling Act 2005</u></b>:</p> <ul style="list-style-type: none"> <li>• Application for <b>premises licence</b>: if a relevant representation has been made and not withdrawn</li> <li>• Application for a <b>variation</b> to a licence: if a representation has been made and not withdrawn</li> <li>• Application for a <b>transfer</b> of a licence: where representations have been received from the Gambling Commission</li> <li>• Application for a <b>provisional statement</b>: if a representation has been made and not withdrawn</li> <li>• <b>Review</b> of a premises licence</li> <li>• Application for <b>club gaming/club machine permits</b>: where objections have been made and not withdrawn, or where refusal proposed</li> <li>• <b>Temporary use notice</b>: Decision to give a counter notice, or where objection notice received</li> <li>• <b>Fees</b></li> </ul>	<p>cases</p> <p>b) Licensing sub-committees have the following responsibilities in relation to the <b><u>Gambling Act 2005</u></b>:</p> <ul style="list-style-type: none"> <li>• Application for <b>premises licence</b>: if a relevant representation has been made and not withdrawn</li> <li>• Application for a <b>variation</b> to a licence: if a representation has been made and not withdrawn</li> <li>• Application for a <b>transfer</b> of a licence: where representations have been received from the Gambling Commission</li> <li>• Application for a <b>provisional statement</b>: if a representation has been made and not withdrawn</li> <li>• <b>Review</b> of a premises licence</li> <li>• Application for <b>club gaming/club machine permits</b>: where objections have been made and not withdrawn, or where refusal proposed</li> <li>• <b>Temporary use notice</b>: Decision to give a counter notice, or where objection notice received</li> <li>• <b>Fees</b></li> </ul>	<p>No changes proposed</p>
<p>c) Licensing sub-committees have the following responsibilities in relation to the <b>Hackney Carriage / Private Hire Driver or Vehicle</b> Licences:</p> <ul style="list-style-type: none"> <li>• Review, revocation or suspension of licences</li> <li>• Refusal to renew licences</li> </ul>		<p>Deleted as replicates provisions in Licensing Committee and CoP responsibilities</p>
<p>d) To <b>determine appeals from officers' decisions</b> where required.</p>		<p>Deleted as this is not appropriate, appeals from officer decisions should be to the magistrates or other court as</p>

		specified by the legislation.
e) Officers shall have delegated authority to <b>suspend licences</b> in situations of urgency where there are reasonable grounds to do so		This has now been moved to the new paragraphs in relation to delegation to CoP lead.

Community of Practice Lead for Environmental Health

Current	Proposed	Reason
This is the responsibility of Licensing Committee	Shall have the delegated authority: <ul style="list-style-type: none"> <li>To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence.</li> </ul>	Determinations of whether a vehicle meets our policy are technical in nature and do not require a quasi-judicial process to assess the acceptability.
Not in current constitution. All revocations must go through committee.	<ul style="list-style-type: none"> <li>To determine in consultation with the Chair and Vice-chair of the P&amp;L Committee whether to revoke a Hackney Carriage or Driver licence in situations of urgency ('urgency' to be determined by the Community of Practice Lead for Environmental Health).</li> </ul>	Recently we had to revoke a licence in urgency due to concerns over the safety of the public. This had to be done by the Head of Paid Service using his emergency powers, otherwise the driver would have had to be brought in front of committee, possibly many weeks after the concerns were first raised.
Not in current constitution	<ul style="list-style-type: none"> <li>To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by the Licensing Committee.</li> </ul>	Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee

<p>Not in current constitution</p>	<ul style="list-style-type: none"> <li>• To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals; <ul style="list-style-type: none"> <li>○ Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments).</li> <li>○ Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.)</li> <li>○ Housing (e.g. Selective licensing of residential accommodation, Licensing of houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites)</li> <li>○ Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers)</li> </ul> </li> </ul>	<p>These changes are necessary to clarify which applications can be determined by the CoP lead without referring to Committee. The current constitution is not clear on whether an officer can refuse an application where no objection has been received but it would be contrary to policy.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> <li>• To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation</li> </ul>	<p>Sets service standards expected of the Environmental Health Community of Practice.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> <li>• To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy</li> </ul>	<p>Not explicitly shown in the current constitution.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> <li>• To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy South Hams only)</li> </ul>	<p>Not explicitly shown in the current constitution.</p>
<p>Taken from Licensing Sub-Committee section above: “e) Officers shall have delegated authority <b>to suspend licences</b> in situations of urgency where there</p>	<ul style="list-style-type: none"> <li>• Authority <b>to suspend licences</b> in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health</li> </ul>	<p>Moved from Committee delegation section to delegation to Community of Practice Lead, with slight rewording.</p>

are reasonable grounds to do so”		
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Current vs. Proposed constitution arrangements

**iv) Licensing**

**Responsibilities**

To be responsible for all of the Council's licensing functions

Current	Proposed	Reason
<ul style="list-style-type: none"> <li>• To review and recommend to Council:                             <ul style="list-style-type: none"> <li>○ the Licensing Statement of Policy</li> <li>○ the Gambling Statement of Principles</li> <li>○ the Policy not to permit casinos</li> </ul> </li> <li>• To determine the revocation of any licence.</li> </ul>	<ul style="list-style-type: none"> <li>• To review and recommend to Council:                             <ul style="list-style-type: none"> <li>○ the Licensing Statement of Policy</li> <li>○ the Gambling Statement of Principles</li> <li>○ the Policy not to permit casinos</li> </ul> </li> </ul>	No change
<ul style="list-style-type: none"> <li>• To review and be responsible for all other Licensing Policies</li> </ul>	<ul style="list-style-type: none"> <li>• To review and be responsible for all other Licensing Policies</li> </ul>	No change
<ul style="list-style-type: none"> <li>• To determine the revocation and suspension of Hackney Carriage / Private Hire Driver or Vehicle Licenses</li> </ul>	<ul style="list-style-type: none"> <li>• To determine to revoke or suspend a Hackney Carriage/Private Hire Driver or Private Hire Operator Licence.</li> </ul>	Slight wording change and removed mention of vehicles as this is proposed to be dealt with by officers.
<ul style="list-style-type: none"> <li>• To determine all licensing applications</li> </ul>	<ul style="list-style-type: none"> <li>• To determine whether to refuse to grant</li> </ul>	Removes ambiguity about applications

<p>for all licensing functions (except in relation to the licensing functions under the Licensing Act 2003 and the Gambling Act 2005 see below) to which an objection has been received and not withdrawn or satisfactorily addressed by the applicant;</p>	<p>a licence for the following licensing functions ;</p> <ul style="list-style-type: none"> <li>• Street Trading Licence (South Hams)</li> <li>• Zoo Licensing</li> <li>• Sex Establishments</li> <li>• Houses in Multiple Occupation</li> </ul>	<p>where there is no remit for a member of the public to object but may need to be refused based on failing to meet specified criteria. These types of applications are listed due to their political, financial and social impact.</p>
	<ul style="list-style-type: none"> <li>• To determine such other applications as referred to the P&amp;L Committee by the Community of Practice Lead for Environmental Health.</li> </ul>	<p>Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee.</p>



## Licensing sub-committee

Current	Proposed	Reason
<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <b><u>Licensing Act 2003</u></b>:</p> <ul style="list-style-type: none"> <li>• Applications for personal licences - if there is a police objection</li> <li>• Applications for personal licences with unspent convictions – all cases</li> <li>• Review of personal licences – if there is a police objection</li> <li>• Applications for premises licence/club premises certificate – if a relevant representation is made</li> <li>• Applications for provisional statement – if a relevant representation is made</li> <li>• Application to vary premises licence/club premises certificate - if a relevant representation is made</li> <li>• Applications to vary designated premises supervisor – if police objection made</li> <li>• Applications for transfer of premises licence – if police objection</li> <li>• Applications for interim authorities – if a police objection</li> <li>• Applications to review premises licence/club premises certificate – all cases</li> <li>• Decision to object when Council is a</li> </ul>	<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <b><u>Licensing Act 2003</u></b>:</p> <ul style="list-style-type: none"> <li>• Applications for personal licences - if there is a police objection</li> <li>• Applications for personal licences with unspent convictions – all cases</li> <li>• Review of personal licences – if there is a police objection</li> <li>• Applications for premises licence/club premises certificate – if a relevant representation is made</li> <li>• Applications for provisional statement – if a relevant representation is made</li> <li>• Application to vary premises licence/club premises certificate - if a relevant representation is made</li> <li>• Applications to vary designated premises supervisor – if police objection made</li> <li>• Applications for transfer of premises licence – if police objection</li> <li>• Applications for interim authorities – if a police objection</li> <li>• Applications to review premises licence/club premises certificate – all cases</li> <li>• Decision to object when Council is a</li> </ul>	<p>No changes proposed</p>

<p>consultee and not relevant authority - all cases</p> <ul style="list-style-type: none"> <li>• Determination of a police or Environmental Health objection to a temporary event notice - all cases</li> </ul>	<p>consultee and not relevant authority - all cases</p> <ul style="list-style-type: none"> <li>• Determination of a police or Environmental Health objection to a temporary event notice - all cases</li> </ul>	
<p>b) Licensing sub-committees have the following responsibilities in relation to the <b><u>Gambling Act 2005</u></b>:</p> <ul style="list-style-type: none"> <li>• Application for <b>premises licence</b>: if a relevant representation has been made and not withdrawn</li> <li>• Application for a <b>variation</b> to a licence: if a representation has been made and not withdrawn</li> <li>• Application for a <b>transfer</b> of a licence: where representations have been received from the Gambling Commission</li> <li>• Application for a <b>provisional statement</b>: if a representation has been made and not withdrawn</li> <li>• <b>Review</b> of a premises licence</li> <li>• Application for <b>club gaming/club machine permits</b>: where objections have been made and not withdrawn, or where refusal proposed</li> <li>• <b>Temporary use notice</b>: Decision to give a counter notice, or where objection notice received</li> <li>• <b>Fees</b></li> </ul>	<p>b) Licensing sub-committees have the following responsibilities in relation to the <b><u>Gambling Act 2005</u></b>:</p> <ul style="list-style-type: none"> <li>• Application for <b>premises licence</b>: if a relevant representation has been made and not withdrawn</li> <li>• Application for a <b>variation</b> to a licence: if a representation has been made and not withdrawn</li> <li>• Application for a <b>transfer</b> of a licence: where representations have been received from the Gambling Commission</li> <li>• Application for a <b>provisional statement</b>: if a representation has been made and not withdrawn</li> <li>• <b>Review</b> of a premises licence</li> <li>• Application for <b>club gaming/club machine permits</b>: where objections have been made and not withdrawn, or where refusal proposed</li> <li>• <b>Temporary use notice</b>: Decision to give a counter notice, or where objection notice received</li> <li>• <b>Fees</b></li> </ul>	<p>No changes proposed</p>

<p>c) Licensing sub-committees have the following responsibilities in relation to the <b>Hackney Carriage / Private Hire Driver or Vehicle Licences</b>:</p> <ul style="list-style-type: none"> <li>• Review, revocation or suspension of licences</li> </ul> <p>Refusal to renew licences</p>		<p>Deleted as replicates provisions in Licensing Committee and CoP responsibilities</p>
<p>d) To <b>determine appeals from officers' decisions</b> where required.</p>		<p>Deleted as this is not appropriate, appeals by officers should be to the magistrates or other court as specified by the legislation.</p>
<p>e) Officers shall have delegated authority <b>to suspend licences</b> in situations of urgency where there are reasonable grounds to do so</p>		<p>This has now been moved to the new paragraphs in relation to delegation to CoP lead.</p>

Community of Practice Lead for Environmental Health

Current	Proposed	Reason
<p>This is the responsibility of Licensing Committee</p>	<p>Shall have the delegated authority:</p> <ul style="list-style-type: none"> <li>• To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence.</li> </ul>	<p>Determinations of whether a vehicle meets our policy are technical in nature and do not require a quasi-judicial process to assess the acceptability.</p>
<p>Not in current constitution. All revocations must go through committee.</p>	<ul style="list-style-type: none"> <li>• To determine in consultation with the Chair and Vice-chair of the P&amp;L Committee whether to revoke a Hackney Carriage or Driver licence in</li> </ul>	<p>Recently we had to revoke a licence in urgency due to concerns over the safety of the public. This had to be done by the Head of Paid Service using his emergency</p>

	situations of urgency ('urgency' to be determined by the Community of Practice Lead for Environmental Health).	powers, otherwise the driver would have had to be brought in front of committee, possibly many weeks after the concerns were first raised.
Not in current constitution	<ul style="list-style-type: none"> <li>To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by the Licensing Committee.</li> </ul>	Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee.
Not in current constitution	<ul style="list-style-type: none"> <li>To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals; <ul style="list-style-type: none"> <li>Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments).</li> <li>Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.)</li> <li>Housing (e.g. Selective licensing of residential accommodation, Licensing of</li> </ul> </li> </ul>	These changes are necessary to clarify which applications can be determined by the CoP lead without referring to Committee. The current constitution is not clear on whether an officer can refuse an application where no objection has been received but it would be contrary to policy.

	<p>houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites)</p> <ul style="list-style-type: none"> <li>○ Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers)</li> </ul>	
Contained in next section of constitution on delegation to Senior Officers	<ul style="list-style-type: none"> <li>● To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation.</li> </ul>	Sets service standards expected of the Environmental Health Community of Practice.
Contained in next section of constitution on delegation to Senior Officers	<ul style="list-style-type: none"> <li>● To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy.</li> </ul>	Not explicitly shown in the current constitution.
Contained in next section of constitution on delegation to Senior Officers	<ul style="list-style-type: none"> <li>● To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy South Hams only)</li> </ul>	Not explicitly shown in the current constitution.
<p>Taken from Licensing Sub-Committee section above: “e) Officers shall have delegated authority <b>to suspend licences</b> in situations of urgency where there are reasonable grounds to do so”</p>	<ul style="list-style-type: none"> <li>● Authority <b>to suspend licences</b> in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health</li> </ul>	Moved from Committee delegation section to delegation to Community of Practice Lead, with slight rewording.

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## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Buckland Monachorum

**Ward:** Buckland Monachorum

**Application No:** 2173/16/FUL

**Agent/Applicant:**

Mr Paul Farnham  
1 Yelverton Terrace  
Meavy Lane  
Yelverton  
PL20 6AF

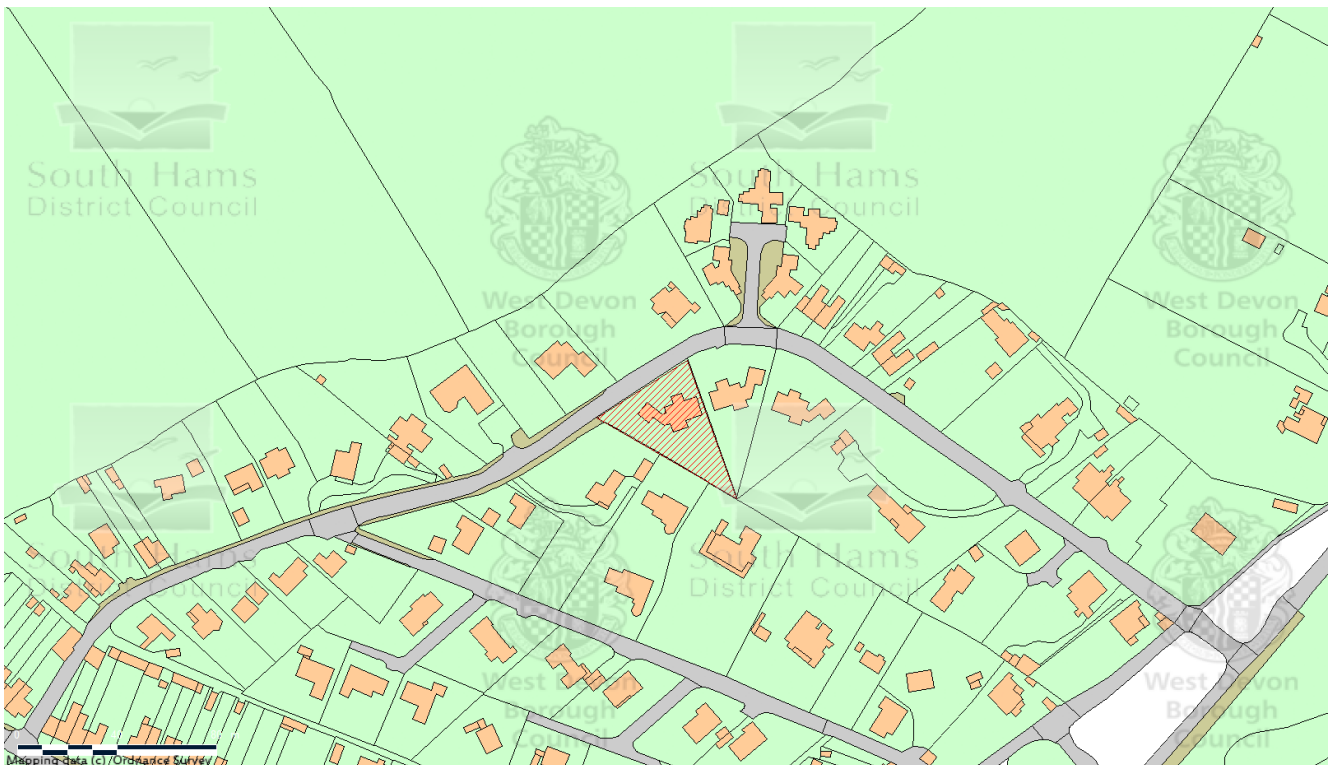
**Applicant:**

Dr & Mrs Roger and Mary Watkins  
Bay Tree House  
Crapstone  
PL20 7PS

**Site Address:** Bay Tree House, The Crescent, Crapstone, PL20 7PS

**Development:** Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

**Reason item is being put before Committee:** Referred by Cllr Cheadle, concerns regarding an over development of the plot and impact on character of the area.



**Recommendation:** Conditional approval

**Conditions:** (summary of conditions, see end of report for full list)

1. Standard time limit
2. Build in accordance with plans
3. Permitted development rights removed for extensions, additional windows roof lights or dormers, outbuildings, fences and means of enclosure.
4. Samples of materials for the dwelling and boundary treatment to be submitted
5. Drainage details to be submitted/approved
6. Parking to be implemented prior to occupation and retained thereafter for both dwellings
7. Access to Bay Tree House to be re-instated prior to development commencing.
8. Environmental Health condition relating to unsuspected contaminated land
9. Obscurely glazed windows on first floor side windows and rear elevations first floor south west window (shown as bedroom 2) prior to occupation and retained as such thereafter.
10. Tree protection barriers around protected trees for duration of the works

**Key issues for consideration:**

The main issues for consideration relate to whether the site can accommodate the dwelling proposed and what the subsequent impact upon amenity of the surrounding development would be. Highway safety and parking.

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**Site Description:**

The site contains a two storey detached dwelling sited on a large plot, to the west of the house is an attached double garage and utility room, vehicular access is from the Crescent, the original vehicular access constructed with the dwelling has been blocked, it is proposed that the new dwelling would utilise the existing vehicular access and the new dwelling would use the re-opened original vehicular access.

The Crescent has a mixture of dwellings in terms of age, style and siting. Predominantly, there are detached dwellings set on generous plot, however there are pairs of semi-detached dwellings

**The Proposal:**

The construction of a detached dwelling following the demolition of the double garage and utility room. The external materials used in the new dwelling are lime stucco rendered walls with natural slate roof. The roof pitch is set at a low 30 degrees which matches the existing pitch of Bay Tree House.

**Consultations:**

- County Highways Authority: Standing advice applies
- Environmental Health Section: No objection subject to unsuspected contamination condition
- Buckland Monachorum Parish Council: The proposed development is considered disproportionate both to the site proposed, and the surrounding properties within the Crescent, including the existing property, which would then occupy the complete width of its grounds.

**Representations:** 2 Objection letters received, planning points summarised below

- Loss of privacy to the Coach House and The Glade
- Highway safety concerns over the proposed re-instatement of the original access
- Over development and out of keeping



## Relevant Planning History

### ANALYSIS

Principle of Development/Sustainability:

The application site is within the settlement boundary of Crapstone and therefore the principle of a dwelling in this location is accepted providing the proposal complies with the following policy H28:

*Within defined settlement limits shown on the Proposals Maps small scale residential development will be permitted that is consistent with other policies in the Plan, and where:*

- (i) The scale, design, proportions, materials, character and size of plot of the development is compatible with the surrounding sites and the settlement;*
- (ii) The development would respect the form of the settlement and would not introduce or reinforce undesirable patterns of development;*
- (iii) The development can be safely and adequately accessed;*
- (iv) The amenities of adjacent residents are not adversely affected;*
- (v) The site is not an important open area within the settlement of historic or townscape importance nor is it of nature conservation value;*
- (vi) The development would not represent a visual intrusion of buildings into the landscape beyond the curtilage of existing adjacent development;*
- (vii) The development would provide a satisfactory standard of residential amenity; and*
- (viii) It would not prejudice the development potential of an adjacent site.*

This is the key policy within which the application is assessed. The Parish Council has objected to the scheme raising concerns that the proposal represents an over development of the plot. However, given the policy above, it is considered that infill plots can be accommodated providing the individual plot and proposal is acceptable. In this instance, the plot is generous with a very wide frontage given its triangular shape, there is ample room for the accommodation of the additional dwelling and both dwellings will still have off-street parking and private amenity space. Bay Tree House will occupy most of the width of its reduced plot size, however this is not out of keeping with the semi-detached dwelling located further along the crescent, which occupy most of the width of the respective plots they occupy.

There is no adopted local policy which prevents the development of a garden and Policy H39 does advise:

*Within settlement limits proposals for the redevelopment of large single residential plots will be permitted where the proposed development is compatible with the surrounding residential area in terms of scale, character and materials*

The proposal is therefore assessed on the basis of policy H39 and H28.

Design:

The application proposes the erection of a two storey dwelling. The design of the dwelling is generally consistent with the character and materials within the area. The dwelling is proposed to be rendered with a slate roof. There is a porch proposed on the north elevation which offers outside space under cover for entrance to the dwelling. Overall the materials are considered consistent with the area.

The size of the plot is small when compared with that of Bay Tree House and some of the dwellings within the locality, however there are smaller plot sizes within the local area and it is considered that the proposed dwelling is not an over development of the plot. Comments been made regarding the size of the dwelling in relation to the size of the plot and that this is not consistent with the pattern of development in the area. The vicinity has a mixture of dwellings and the design is not considered out of keeping. The amount of associated amenity space is smaller than that of some of the adjacent dwellings; however, personal preferences may mean that someone would prefer a small garden which requires minimum maintenance. It is considered that the amount of outdoor amenity space is sufficient.

#### Landscape:

The site is currently well screened with mature trees and shrubs on the existing boundaries of Bay Tree House, the trees which run along the border of Bay Tree House and Spectrum House are covered by a Tree Protection Order. Due to the existence of mature landscaping already in place, it is considered that it is not necessary for a further landscaping condition.

#### Neighbour Amenity:

There have been 2 letters of objection relating to concerns with loss of amenity. The key concern with this application relates to the impact of the proposed dwelling upon amenity of the Coach House and Spectrum House, both properties border the southwest boundary of Bay Tree House and will border the proposed dwelling either wholly in the case of the Coach house or partially in the case of Spectrum House. Policy H28 states that the dwelling can only be granted providing that the amenities of adjacent residents are not adversely affected.

The Coach House is a modest two storey dwelling, adjacent to Bay Tree House. It has 2no windows on the northeast elevation, once of which serves a bathroom and the other a bedroom. The existing hedge on the boundary between The Coach House and Bay Tree House precludes any significant degree of overlooking from the Coach House into the garden of Bay Tree House, the proposed dwelling is to be sited to the north of the Coach House, the rear window will be an on oblique angle and will not afford direct views into the windows on the coach house, in addition, it is proposed that the bedroom window closest to the boundary be obscured glazed. The angle of the Coach House and the proposed dwelling results in little change to the outlook from these windows, which look towards the main section of Bay Tree House. The Coach House has its amenity area to the front of the property, the proposed dwelling is to be sited directly adjacent to west of Bay Tree House, there will be a modest loss of morning sunlight into the front garden area of The Coach House, however it is not considered to be sufficiently harmful to warrant refusal of the application.

Spectrum House (shown as Attwood house on the OS plans) is sited to the south east of the Coach House, its rear boundary adjoins the boundary of Bay Tree house, due to the proposed dwelling being sited to the north, it is considered that there will be no loss of light to Spectrum House resulting from the development. A row of mature trees runs along the boundary of Bay Tree house and Spectrum House, which offers significant screening between the dwelling and the proposed dwelling, these trees are protected by a TPO and therefore will remain in situ. However, western end of the boundary, the cover afforded by the trees is less and views across to the proposed dwelling will be available, due to the distance and positioning it is considered that there will not be a loss of outlook. The window serving bedroom 2 of the proposed dwelling has potential to increase overlooking to the rear garden area of Spectrum House and therefore it is recommended that this window be obscurely glazed.

Court House is sited to the north of the proposed dwelling on the opposite side of The Crescent, it is considered that the proposed dwelling does not harm the amenity of the occupier of Court House. In addition, there will be a degree of mutual overlooking from the first floor rear windows of Bay Tree House as currently exists between Bay Tree House and Melbury House, this is considered to not be out of keeping.

On balance, it is considered that the application would not create so severe a loss of amenity upon the neighbouring properties to result in a refusal of planning consent. The application is considered to accord with the requirements of policy H28 of the Local Plan.

#### Highways/Access:

The proposed dwelling will utilise the existing access which serves Bay Tree House and it is proposed that the original vehicular access which served bay Tree House is re-instated. Highways have offered no objections to the proposal and indicated that standing advice applies. There are no visibility issues with the existing access which is proposed to be used for the new dwelling, the original access which served bay tree House was approved when the dwelling was originally constructed and offers better visibility than the dwelling to the east. The Crescent is a residential road, which is narrow at points and enclosed mainly by hedging and a natural stone wall, these features act as natural speed deterrents and whilst the road, may have more vehicular traffic than it may have had a number of years back, one additional dwelling will not give rise to a significant increase in vehicular movements. Additionally, The Crescent is not a classified road and therefore the original highway access could be re-opened without the need for planning consent.

Each dwelling will be served by a driveway and garage, which will offer sufficient off-street parking provision.

#### Other Matters:

The trees on the boundary with Spectrum House are protected by a Tree Protection Order, the proposed dwelling does not impact on these trees and the construction works can be accommodated without harm to them, however in order to ensure no materials are stored within the root area, a condition is recommended that protective tree fencing be erected within the root area of these trees for the duration of the works to ensure they are not harmed during construction works.

There are no ecology issues associated with the development. The proposed dwelling will be connected to the mains sewer for foul drainage and utilise soakaways for surface water drainage, the existing dwelling has the same arrangement and there is sufficient land to accommodate the necessary soakaways, a condition requiring the details to be submitted and approved is recommended.

#### Planning Policy

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

#### Planning Policy

National Planning Policy Framework

#### West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP9 – Meeting Housing Needs

SP17 – Landscape Character  
SP19 – Biodiversity  
SP20 – Promoting High Quality Design

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

NE10 – Protection of the Countryside and Other Open Spaces  
BE19 – Development on Contaminated Land  
H28 – Settlements with Defined Limits  
H39 – Redevelopment of Single Residential Plots  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems

### **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.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 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 permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations including the insertion of windows or roof lights)
- (b) Part 1, Classes B and C (roof addition or alteration)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (e) Part 1, Class F (hardsurfaces)
- (f) Part 1, Class G (chimney, flue or soil and vent pipe)
- (g) Part 14, class A & B (Installation of domestic Microgeneration Equipment)
- (h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and re-enacting this Order)
- (i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials and there finishes.

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

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

6. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority.

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

Such approved drainage details shall be completed and become fully operational before the development first brought into use. 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 environment and to ensure that the development is adequately drained.

7. The dwelling hereby approved shall not be occupied until the parking, and garaging areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

8. Prior to the commencement of the development hereby approved, the vehicular access for 'Bay Tree House' shall be constructed in accordance with the approved plans and maintained permanently thereafter.

Reason: To ensure the existing and proposed dwelling have off-street parking provision.

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 investigation and risk assessment and, where necessary, a 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the windows hereby approved on the first floor side elevations and the first floor south west window (shown as bedroom 2) on the rear elevation of the building shall be glazed in obscure glass, and have no opening parts 1.7 metres below the finished floor level of the room they serve, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

11. Tree protection measures shall be erected around the protected trees on the site for the duration of the construction works, the tree protection measures must adhere to BS5837.

Reason: To ensure the protected trees are protected during development works.

## PLANNING APPLICATION REPORT

**Case Officer:** Rachel Head (TF)

**Parish:** Milton Abbot **Ward:** Milton Ford

**Application No:** 1579/16/VAR

**Agent/Applicant:**

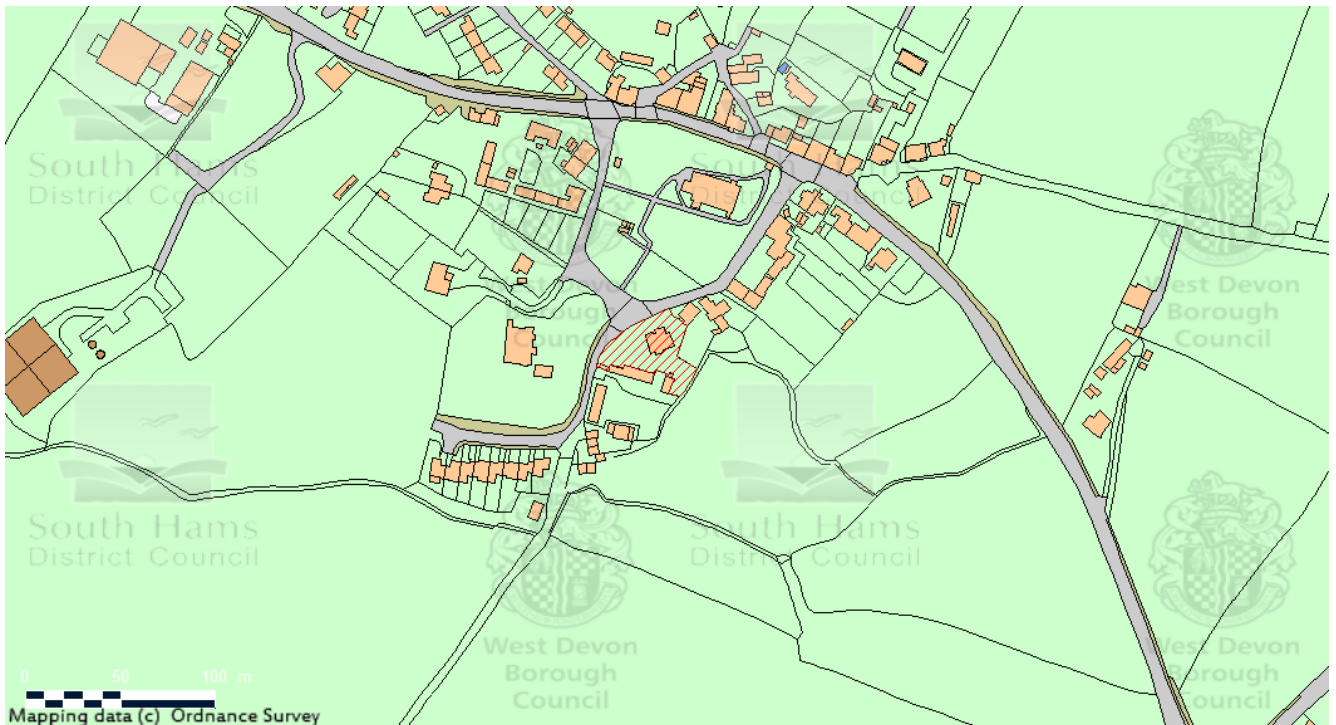
Mr Mark Evans  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr & Mrs Cleaver  
Lamber Hey, 12, Venn Hill  
Tavistock  
PL19 0NY

**Site Address:** Lamber Hey, 12 Venn Hill, Milton Abbot, PL19 0NY

**Development:** Variation of condition No.2 (Approved Plans) of planning consent 01830/2011 to allow for minor material amendments



**Reason item is being put before Committee:** Referred by Cllr Baldwin - This application consists of various elements that are additional /variations to the initial planning application 01830/2011. Whilst some of these are acceptable, I believe others should be considered by committee in view of the sensitive location of the property in a Conservation area, adjacent to a listed building.

**Recommendation:** Conditional approval

**Conditions:**

Accord with plans  
Accordance with drainage report  
Applicant to notify the LPA to enable inspection of the drainage system  
Garage for storage of motor vehicles only

No additional windows on southeast or southwest elevation

**Key issues for consideration:**

Whether to the proposed amendments are acceptable in relation to the impact on adjacent occupiers, the character and appearance of the conservation area as well as issues relating to drainage and flooding.

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**Site Description:**

The application site relates to a detached 2 storey dwelling, located within the settlement of Milton Abbot. The property is not listed, but is located within the Conservation Area, and has listed buildings nearby, the closest being 11 Venn Hill (Gil) to the north. Lamber Hey is a more modern property within the context of Milton abbot, and is formed from a mixture of local stone, red slate hanging on the front elevation, white render on the rear and sides, and brown roof tiles. Whilst the building is not of the same materials and more modern in character than the surrounding Conservation Area, its arts and crafts style and traditional form is considered to be a heritage asset that contributes positively to the character of the Conservation Area.

**The Proposal:**

This application seeks amendments to the previously approved scheme and includes re-grading or garden levels, including new steps and retaining features incorporated into landscape and drainage modifications, storage shed, relocated Bore holes relating the drainage scheme, relocated replacement tree and minor re-siting and re-design of garage including alterations to rear design to incorporate single storey lean-to extension.

**Consultations:**

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Milton Abbot Parish Council: Object, the following points are made;
  - The status of the original application for the redevelopment of the property, application 01830/2011 should be established as a matter of urgency, given the views of residents that it had lapsed, prior to the commencement of the development.
  - Should that application have lapsed, enforcement action in respect of any consequently unauthorised works be instigated without delay.
  - The current application should be refused on the following grounds;
    - Boundary walls constructed at Lamber Hey have had an adverse effect on the amenities of adjoining properties, Meadow Cottage and 9 Venn Hill, through loss of light and visibility from existing windows.
    - The adverse effect on the privacy of Meadow Cottage due to being overlooked from the patio area of Lamber Hey and the construction of office space that has a large window area.
    - The construction of a roof of a building at Lamber hey that connects with the roof of Meadow Cottage.
    - The hard landscaping and overbearing nature of the development, caused by the extension of the property to the boundaries of adjacent dwellings, creates an urban aspect out of keeping with the predominantly rural nature of the village, especially as the property is sited within a conservation area.
    - Inadequate sightlines for vehicles exiting the adjoining property, due to increase in height of boundary wall.



- The construction of a boundary wall in block and render instead of stone as shown on previously approved plans.
  - The close proximity of the Grade II listed buildings, Dukes Cottage, 3-8 and 11 Venn Hill, and the nearby Grade I listed Church of St. Constantine.
- Drainage Engineer: Recommendations – No Objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the installation of the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

#### Observations and comments

Sufficient foul and surface drainage details have been provided to confirm that a workable scheme can be accommodated on the site. The scheme will be reliant on being installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and will need to be checked upon completion.

#### Suggested conditions

##### *Surface Water*

*1. The scheme must be installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and maintained for the life of the development.*

*2. The applicant is to notify the LPA on completion of the external surfacing and drainage system to arrange an inspection to ensure it has been built in accordance with the plans.*

*Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.*

#### **Representations:**

Objection comments received, which make the following points;

- Highway safety issue from boundary wall
- Loss of light to Meadow Cottage
- Garden storage shed overbearing
- Flooding and drainage issues
- Loss of privacy from rear patio
- Multiple power sockets in room over garage
- Loss of privacy to Bowled Over
- Stream at rear has been piped over
- Removal of Devon hedge
- Windows should have been replaced like for like
- Changes not suitable for CA setting
- Stop notice should be issued
- Damage to public highway

#### **Relevant Planning History**

01830/2011 - Erection of glazed extension and link attached garage and utility room with storage above - Approved

#### **ANALYSIS**

Principle of Development/Sustainability:

The principle of extensions and alterations to the dwelling were approved under application 01830/2011, however the development as built has gone beyond the approval given under

01830/2011 and now seeks approval via an amendment to the approved scheme. The principle of alterations to domestic dwellings is acceptable provided the proposal accord with other relevant policies.

#### Design/Landscape:

The main changes to the approved scheme include; an additional lean to on the rear of the garage to house a plant room, changes to the roofing materials on the single storey rear lean to extensions and alterations to the garden areas in respect of levels, drainage and amended tree position.

The overall bulk and scale of the proposed extensions are broadly the same other than the modest plant room to the rear of the garage and the height of the garage remains the same as the extant permission with a minor change its position. The 3No roof lights were approved under application 01830/2011, the approved plans indicated a void over the garage, however as internal works are not development, the inclusion of internal steps to access this area would not require consent and whilst the use of the garage was controlled via condition, the void above it was not.

The approved scheme had stated in the design and access statement like for like replacement of windows where necessary, however the window details did not form part of the approved application and were not conditioned. Therefore, as a dwellinghouse with Permitted Development rights, the change of windows to a different material and opening style did not require planning consent in itself. Whilst it is regrettable that the original timber framed windows have been removed, as consent is not required for the replacement, it is considered that refusal on this ground would not be justified.

As the changes which have given the dwelling a more modern appearance are primarily within the constraints of Permitted Development on the original dwelling, the impact on the conservation area and the setting of the nearby Listed Buildings is considered acceptable.

The conditions attached to 01830/2011 included time limits, approved plans, approval for details of external finishes and garage door, car storage only on the garage and no new additional windows on the southeast or southwest elevations.

The conditions relating to the plans, use of the garage and removal of PD for additional windows are recommended as part of this approval. The buildings works to the exterior of the dwelling are completed and the materials are acceptable, the garage door is a roller door with a dark grey finish, which is considered acceptable.

The amended materials on the roof of the single storey lean to extensions are considered acceptable, they are modern in design and the main single storey garden room extension was approved with modern fenestration including large glazed doors across the back, this elevation is not visible from the public highway, the provision of solar PV panels was also shown on the single storey lean to roof extension under the approved 2011 scheme.

The garden store in the rear garden is acceptable, it matches the scale of the garages/outbuildings serving Meadow Cottage. The external finish is a slate roof with painted rendered walls.

#### Neighbour Amenity:

The previous approval included a patio area to the rear of the dwelling, the patio that has been constructed is not in accordance with the approved plans and this application seeks to regularise the patio as built. The patio area is larger than the patio approved under 01830/2011, however the approved scheme allowed for a degree of overlooking to the roofline of Meadow View and it is considered that the patio as built does not significantly increase this as to warrant refusal on these grounds.

It is considered that the scheme does not result in a loss of privacy to the occupiers of Bowled Over, which is sited to the south of Meadow Cottage.

The boundary wall between the application site and Meadow Cottage has the potential to result in some loss of light to the ground floor windows on north elevation of Meadow Cottage, however the loss of light is modest due to the original means of enclosure on this boundary being a timber fence which was approximately the height of the eaves of Meadow Cottage and the relative height of Meadow Cottage being much lower.

#### Highways/Access:

The highways officer has offered no objections to the proposal. The parking provision remains the same as the previous approval and conditions are recommended in respect of the retention of the garage for the parking of cars.

The boundary walls are considered not to result in highway safety issues.

The public highway is a county matter and any damage to that highway would be a matter for Devon County Council to assess and take appropriate action.

#### Drainage:

The excavation on the site had resulted in surface water drainage issues, the application has been accompanied by a details drainage scheme, which the LPA's Drainage Officer has reviewed and offered no objections subject to conditions, which are recommended for inclusion.

#### Other Matters:

The removal of hedging on a domestic property does not require planning consent and permitted development rights allow for a means of enclosure up to 1 metre in height to be constructed where the means of enclosure is adjacent to a highway and up to 2 metres in height where the means of enclosure does not adjoin a highway. Therefore, whilst the removal of the hedge was not shown on the previous planning application, its removal did not require consent. In addition, the front boundary was a mixture of hedge and natural stone wall, the hedge being to the northern part and stone wall being to the south between the pedestrian and vehicular access and beyond the vehicular access to the boundary with Meadow Cottage. The stone wall that has been constructed mimics the original stone wall with the cock and hen stones atop the wall.

In respect of the stream at the rear, the stream had been covered over but this has now been removed.

A number of comments have indicated that the development was not commenced within the 3 year period of application 01830/2011 being granted. The applicants have stated that it was commenced within the 3 year period. No evidence to show whether or not the scheme was commenced within the three years has been submitted. Irrespective of this, there is no record of the pre-commencement conditions attached to 01830/2011 having been discharged. The applicant was advised to cease works whilst an enforcement investigation was undertaken, which has resulted in this application being submitted, it is appropriate to consider whether the breach of planning control can be rectified through a planning application before formal action is considered.

***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**

*All standard policies listed (delete where not relevant, add others as relevant, including NPPF):*

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

SP1 – Sustainable Development

SP18 – The Heritage and Historical Character of West Devon

SP20 – Promoting High Quality Design

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

BE1 – Conservation Areas

BE3 – Listed Buildings

H40 - Residential Extensions

### **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.

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The drainage scheme must be installed in strict accordance with the Foul and Surface Water Drainage Strategy Report - AT2256 dated October 2016 and maintained for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

3. Prior to commencement of the external hard surfacing the applicant is to notify the LPA on completion of the main drainage runs to arrange an inspection to ensure it has been built in accordance with the plans. Any pipes already back filled may need to be exposed to complete the inspection. On completion of the hard surfacing the applicant is to notify the LPA to arrange an inspection to ensure the final connections have been built in accordance with the plans.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The proposed garage hereby approved shall be used only for the storage of a private motor vehicles and other uses ancillary to the private dwelling and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers in accordance with Development Plan Policy H40.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no additional windows to the South East and South West elevation shall be installed without the express grant of planning permission.

Reason: In order to preserve the amenities of the adjacent property in accordance with Local Plan Policy H40.

## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Tavistock **Ward:** Tavistock North

**Application No:** 2022/16/OPA

**Agent/Applicant:**

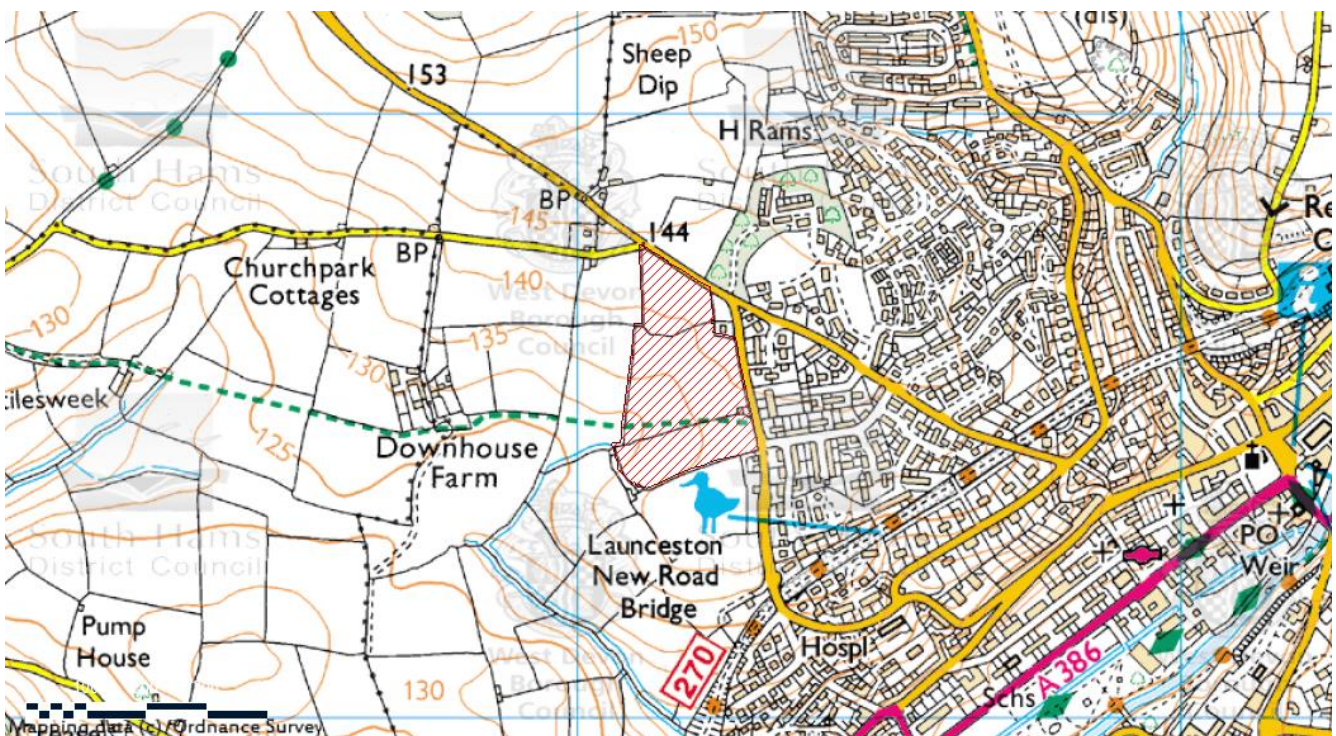
Boyer  
Elliot Jones  
1B Oak Tree Court  
Mulberry Drive  
Cardiff Gate Business Park  
Cardiff  
CF23 8RS

**Applicant:**

Cavanna Homes (South West) Ltd  
Cavanna House  
Riviera Park  
Torquay  
TQ2 7TD

**Site Address:** Land at SX 4722 7457, adjacent to New Launceston Road, Tavistock, Devon

**Development:** Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure



**Reason item is being put before Committee:** Given the scale of the development and the issues raised it is appropriate that this application is considered by the Planning and Licensing Committee.

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

## Conditions:

1. Standard time limit for outline permission
2. Reserved matters
3. Adherence to plans
4. Phasing Plan prior to commencement
5. Construction of highways infrastructure prior to commencement
6. Construction of highways infrastructure prior to occupation of dwelling
7. Maintenance of highways infrastructure
8. Construction Environment Management Plan
9. Groundwater Monitoring Programme prior to commencement
10. Percolation testing/results and subsequent SuDS detail prior to commencement
11. Surface Water Drainage Management Plan prior to commencement
12. Foul disposal details prior to commencement
13. Tree protection
14. Landscape and Ecological Management Plan prior to commencement
15. Unsuspected contamination
16. Archaeology

## Key issues for consideration:

Adherence to the Development Plan and all material planning considerations and whether the proposal constitutes sustainable development as set out within the National Planning Policy Framework. Details of S106 agreements relating to affordable housing, transport, education and open space.

## Financial Implications

It is estimated that this development has the potential to attract New Homes Bonus (NHB) totalling £1.295m.

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.

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## Site Description:

The proposed site lies on the north-west outskirts of Tavistock, approximately 1 km from the town centre. It comprises approximately 5.8Ha (14 acres) of agricultural land currently set out as three separate field enclosures.

It is bounded by New Launceston Road to the east and Launceston Road to the north. Existing residential development lies directly to the east, while it is surrounded by open countryside to the north, west and south. An existing detached dwelling occupies the north-east corner of the site, but this remains outside of the site area.

## The Proposal:

Outline application (with some matters reserved) construction of up to 148 dwellings, including affordable and market housing, areas of open space and landscaping, a new vehicular access and associated site infrastructure.

The Section 106 terms that have been put forward are as follows;

- Affordable Housing: 25%. Tenure split to be 50% Affordable Rent & 50% Shared Ownership (this has been agreed with the Affordable Housing Officer)

- Primary School education contribution: £373,226 (DCC requested £493,190/ £13,329.50 per primary school place for 148 no. plots, District Council advised that only private homes contribute, hence actual sum is 28 places x £13,329.50 = £373,226).
- Public open space: £203,816 (Council figure)
- Bus contribution: £135,000 (Devon County Council figure)
- Railway contribution: £587.32 per plot – (in accordance with Butchers Park Appeal mechanism)

## Consultations:

### Representations from Internal Consultees

#### Ecology, Open Space and Trees

No objection subject to conditions and S106 contributions related to open space and recreation

#### Affordable Housing

The agents for this application have engaged with specialists for the council with regard to affordable housing at the pre – application stage. The agents are aware that SP9 of the Core Strategy states that affordable housing provision for this application should be 40%, subject to viability. If the agents believe that this application is not going to be policy compliant at 40% affordable housing then a viability assessment will be required for independent assessment to evidence this. The costs of the independent assessment will be met by the agent/developer as per the affordable housing code of practice.

The Core Strategy states that 80% of the affordable housing on the development should be rented accommodation and 20% intermediate home ownership ie shared ownership. The council may accept other forms of intermediate home ownership, subject to discussions with an affordable housing specialist.

This is only an outline application and therefore, should this application be granted consent, the number of bedrooms and the tenure can be discussed in more detail at a later date.

#### Heritage Specialist

This site was considered as part of the SHLAA process so I assessed the potential impact at that time and raised no objection to the principle of development on this site.

World Heritage Site – The distance from the WHS boundary and the lack of significant intervisibility means there is no threat to the OUV of the WHS or negative impact on setting. If the scale of development has no implications for future alterations to the road network within the WHS then I would not raise any concerns.

The Toll House (grade II) – There will be some impact on the setting of the toll house as a result of development here. The character of the building is typical of the building type and its location on a junction gives it considerable prominence. It is of some significance that the toll house is a building that marks the sense of arrival into the town and that impression is something it is desirable to protect. I note that the indicative plan layout does show retention of a strong natural boundary to the main road and avoids what would be a harmful main junction in this location. I also note that there is a quite substantial open public space which reduces the apparent scale of development in close proximity to the toll house. There is, however, a strongly urban terrace which could compete with the toll house as the entry point to Tavistock. It is fair to say that the setting has been somewhat compromised by past developments nearby. It is also a building of clear character which would remain evident even if there were development on the application site.

I assess the impact to be in the 'less than substantial' category if the development seeks to respect the setting as seems to be intended by the indicative layout. Applying para 134 of the NPPF requires us to weigh the minor harm against public benefit. If provision of necessary housing is judged to be a public benefit then that may be taken by Members to meet the test of para 134.

## **Representations from External Consultees:**

### **Environment Agency**

Site lies within Flood Zone 1, EA no longer a statutory consultee in relation to surface water drainage

### **Devon and Cornwall Police Architectural officer**

Advised that Secure By Design be incorporated into detailed designs and layout.

### **Devon County Council Education**

No existing surplus places in local primary school, proposal will generate the need for 37 places, therefore contribution of £493,190.00, which equates to £13,329.50 for each required primary school place.

### **Devon County Council Highways**

Original Observations dated 10 August 2016 :

The planning application is supported by a Transport Assessment which has been prepared after discussion and site visits with the highway authority. Its content and conclusions are broadly agreed and accepted. The proposals are generally acceptable in principle from a highway perspective, especially having regard to the extant planning permission for a garden centre on the site.

Although the application is in outline, means of access have been asked to be considered in detail at the outline stage. For that reason, the highway authority would require a couple of issues to be addressed satisfactorily on the submitted plans before they were able to recommend the imposition of suitable conditions:-

1. The applicant is showing a bus stop adjoining the site access for northbound buses. There is no similar provision for southbound buses nor are there any shelters proposed or shown on the plans. It would appear that there is sufficient room to provide these and yet they have been omitted from the plans.
2. There is a crossing point from the site side of the road to the opposite side of the New Launceston Road shown on the plans. This needs to tie in with a similar facility on the opposite side of the road which has not been shown on the plans.

Following the provision of this requested additional information / amended plans, the highway authority would wish to be re-consulted so that further recommendations can be made.

Further observations following receipt of additional information from the applicant: Clarification has now been received with respect to the points raised initially and the proposals are now acceptable to the highway authority and the following conditions are recommended,



subject to the prior contribution of a sum of £135,000 towards public transport in the vicinity, particularly route number 89, and a sum of £587.32 per residential unit towards the reinstatement of the Tavistock to Bere Alston railway line, in line with the figure determined by the Planning Inspector at a recently allowed appeal at Butcher Park Hill Tavistock.

Recommendation:

Subject to the applicant first entering into a suitable Agreement to secure the contribution of £135,000 towards local bus services, particularly route number 89, and the sum of £587.32 per residential unit towards the re-establishment of the Tavistock to Bere Alston railway line:-

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme, including construction vehicle access, 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.

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

A) The access road (including any temporary construction access road) has been laid out, kerbed, drained and constructed up to base course level for the first 30 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 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.

3. 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 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 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 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 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

4 When once constructed and provided in accordance with condition 3 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

5. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) full details of any temporary site access for construction purposes

has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period

REASON: In the interest of highway safety

### **Devon County Council Flood Risk Management Team**

Recommendation:

Assuming that the documents referred to below are formally submitted to the Planning Case Officer and registered with the above planning application, our objection is withdrawn and we have no in-principle objections to the proposals at this stage, subject to the following pre-commencement planning conditions being imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage Of the site, with particular focus placed on the locations and depths Of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

This detailed permanent surface water drainage management plan will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Proposed Drainage Strategy (Drawing No. 14356-051, Rev. B, dated 29th November 2016) and the Consulting Drainage Engineers letter (Ref. jp/14.356, dated 14th November 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response (FRM/814/2016, dated 8th August 2016), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in e-mails dated 25th November 2016 and 29th November 2016, for which I am grateful.

The applicant's Consulting Drainage Engineer has provided a letter (Ref. jp/14.356, dated 14th November 2016) which clarifies that groundwater monitoring has been undertaken over the past ten months, at the locations shown on the Exploratory Hole Location Plan (Drawing No. Figure 2, Rev. 0, dated 19th November 2016), with another two months of testing remaining, which is acceptable Furthermore, the applicant has provided a revised proposed Drainage Strategy (Drawing No. 14356-051

Rev. B, dated 29th November 2016) which now shows the indicative locations of the proposed surface water drainage management features across the site, including source control features such as underdrained permeable paving and rain gardens, which is acceptable.

The applicant has also committed to designing the proposed surface water drainage management system to the 1 in 100 year (+40% allowance for climate change) rainfall event, as well as incorporating long term storage, at the detailed design stage, which is acceptable.

### **Devon County Council Archaeologist**

No objection subject to inclusion of following condition - *'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 Planning Authority.*

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

### **Historic England**

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Natural England**

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

### **South West Water**

No objection subject to condition:

No development shall commence until:-

The owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under 598 of the water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary). No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development)

- **Tavistock Town Council:** Object on following grounds;

- Site does not fall wholly within the area designated for development in the local plan
- Represents an undesirable extension of built development into the open countryside
- It is served by an unsatisfactory access onto the highway in a location where the highway is inadequate to accommodate the volume and flows on projected consequential traffic movements.

### Representations:

Objections have been received and cover the following points:

- Highway and traffic issues
- Site is not currently allocated
- Unnecessary extension of town and intrusion into open countryside
- Density of dwellings too high
- Two access roads required and prohibition of construction traffic via Spring Hill
- New Launceston Road has been narrowed by recent footpath construction
- Potential pollution to Lumburn and Tavy rivers
- Impact on gateway to town and World Heritage Site
- Adjacent site not included in plan
- Development of the Tavistock sites should be considered together
- Extant permission on site is to give owner financial options
- Existing footpath well used

### Relevant Planning History

Extant consent for a garden nursery on the site

### Analysis

Paragraph 14 of the NPPF states that:

*‘At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be Restricted’*

### Principle of Development and presumption in favour of sustainable development

This application relates to an area of land that is not allocated within the current plan. As the site is not allocated and is outside of any Development Boundary, the proposal is in conflict with the Borough’s policies which relate to the location of residential development. However, it is currently proposed to allocate this site for residential development of up to 150 dwellings within the emerging Joint Local Plan, under reference WD\_45\_01/08/13.

Whilst the proposed allocation has very limited weight, it is indicative that this site has been considered carefully in respect of access, visual impact and its suitability for residential development at the strategic level, as is the case within the officer assessment of this current planning application.

Residential development of this land, in the scale proposed, is considered by officers to lead to a development which will relate well to the existing built environment and will not impinge harmfully upon affected land designations. The site is appropriately connected to the wealth of facilities within Tavistock whilst the site is relatively remote from the town centre it is on existing bus routes and has reasonably good vehicular access towards the A386. The topography may make walking and cycling to the site difficult but there is potential to link to the route along the former railway line (viaduct walk). A footway has recently been introduced along New Launceston Road which provides safe pedestrian access for the most direct route to the community hospital, Tavistock Community Primary School and Tavistock College. It is therefore considered to be a sustainable location with regard to access to services. The proposal seeks to achieve sustainable growth for the town by combining residential development with open space and recreational areas.

Although a degree of policy conflict at the local level is acknowledged, overall the social and economic benefits of the proposal significantly and demonstrably outweigh adverse impacts, and the scheme represents sustainable development and is compliant with the principles of the National Planning Policy Framework.

### 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 site's allocation is proposed 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 accessible open space is considered to be a benefit.

### Landscape

The Landscape and Visual Impact Assessment (LVIA) which accompanies this application considers the potential impact of development on the site on the immediate and surrounding landscape by identifying potentially sensitive landscape and visual receptors. The assessment process highlighted where mitigation could be drawn into the layout proposals, and these have been incorporated into the design development process.

The site lies to the north-west of Tavistock, abutting the urban edge. It comprises three fields, divided and bound by Devon hedgebanks. It is located on a gently sloping, west-facing valley side of the

River Lumburn. Immediate views are possible from the adjacent properties, roads and public footpaths. However, due to the site's location, neighbouring built form, surrounding vegetation and topography; generally it is visually well contained in both immediate and longer distance views. Some, limited views are possible, although these tend to experience the site in the context of Tavistock and through intervening vegetation.

The assessment highlighted sensitive areas and views which were more susceptible to development, including the open uplands landscape to the east and views from the adjacent properties. Mitigation measures therefore aim to reduce the effect of change the proposed development will have on both landscape character and visual amenity, whilst helping to integrate the proposals into the surroundings in line with relevant local planning policy and designations.

The principal measures are layout, and density of the development to be sympathetic with that of the surrounding built form. Careful design of the new buildings which are oriented parallel to the existing residences. Aiming to relate to the scale of the surrounding properties and to create a balanced streetscape. The use of white, smooth rendering with slate roofs and stone features to mirror that of the local vernacular. The proposed retained and enhanced line of Horse Chestnut trees along New Launceston Road will enhance the amenity value and help to filter views of the development, whilst also softening the streetscape.

### Biodiversity

The submitted ecology report notes suitable neighbouring (but offsite) habitats with potential for roosting bats, and there are habitats in the wider neighbourhood with similar potential. Whilst acknowledged that the site itself has no suitable habitats for roosting bats, the hedgerow habitats are likely to be used by bats for commuting and foraging purposes. Further, it is noted that the existing hedgerow habitats are to be retained, which appears to be the basis for not recommending additional bat activity surveys.

There is some reasonable basis to this approach, however officers did initially have concerns that no bat activity surveys were undertaken to establish bat species using the site/hedgerows for commuting – it is not uncommon for greater horseshoe bat use of the western side of Tavistock (a particularly light sensitive species).

Whilst hedgerows are to be retained, the site plan shows the hedgerows within/bounding residential gardens – accordingly there is likely to be a level of physical resident interference with the hedgerows (as they will not be managed holistically, e.g. by a company) and also light spillage from the residences both of which could impact on the bat use of the site. Only by understanding bat use of the site, and the relative importance of various hedgerows can detailed layout/mitigation be drawn up.

The inclusion of 'wildlife-friendly' lighting principles detailed in the report is welcomed, this realistically would only apply to public realm lighting and does not take into account impact from light spillage from the residences.

Further information was submitted in respect of Bat surveys on 7<sup>th</sup> October, which addressed the Ecologist's concerns regarding a lack of bat survey and no further comments or objections were offered on the basis of this information.

There was no detailed dormouse survey undertaken. This is reasonable given the lack of proposed hedgerow removal, and the lack of local records of the species. Nonetheless, the search method used should not be considered as evidence of dormouse absence from the site, and it is expected therefore that the presence of dormice must be considered within a LEMP and the LEMP should, if necessary, include appropriate mitigation measures.

The proposed habitats within the masterplan are welcomed, and considered to offer the potential to increase the wildlife value of this site particularly in association with the drainage features (if well designed) and associated planting. The proposed scheme makes references to rejuvenating some of

the poor quality hedgerows through coppicing, hedgelaying, replanting, which is beneficial, however the success of this will depend on the ongoing management of hedgerows. In this respect it is noted that very few hedgerows are likely to be retained in active management by a company (or similar), instead they will fall within residential gardens and are likely to be negatively impacted. Further thought should be given at Reserved Matters and through the LEMP with respect to ensuring ongoing positive management of hedgerows (e.g. post and rail fence set 1m back from hedgebank/hedgerow base to allow hedge growth/minimise interference, information leaflets, etc).

Standard s106 clauses will be required with respect to the management and maintenance of public open space in perpetuity and adherence to the LEMP, and also a condition will be required for submission of a LEMP prior to commencement of development.

Open Space, Sport and Recreation

Provision for OSSR is required in accordance with retained policy H26 of Local Plan and as per SP4 of the Core Strategy (2011). These are shown in the table below.

	<b>West Devon standard (hectares per 100 residents) as set out in H26 of Local Plan</b>	<b>Expected open space for development of 148 dwellings*</b>	<b>Committed sum** (Capital + 20 year maintenance)</b>
<b>Playing pitches (and associated facilities)</b>	0.16 (1,600 sqm)	0.5548 (5,548 sqm)	£187,413 + £16,403 Total sum of £203,816
<b>Children play areas</b>	0.04 (400 sqm)	0.1396 (1,396 sqm)	N/A
<b>Green space</b>	0.06 (600 sqm)	0.2094 (2,094 sqm)	N/A

\* Calculation based on the West Devon average household size of 2.36 occupiers (2011 census data accessible at [http://www.devon.gov.uk/2011\\_census\\_first\\_release.pdf](http://www.devon.gov.uk/2011_census_first_release.pdf)) – 349 residents in this case

\*\* Based upon OSSR establishment and maintenance figures within Atkins, West Devon OSSR Study (2007)

In terms of place space, The West Devon OSSR Study advises that a Neighbourhood Equipped Area for Play should be triggered at 150 dwellings - a NEAP typically being requiring a 1,000sqm active area with a 30m buffer to the nearest habitable room of a dwelling. The play area is not yet shown on the submitted layout – the proposed public open space likely to have sufficient space to accommodate the play area is likely to be that at the northern boundary.

There is a significant amount of open/green space provided within the proposed layout which officers conclude to meet the policy requirement – there is an opportunity at Reserved Matters to add interest to much of this green space.

The submitted Draft Heads of Terms refers to offsite contribution to pitches and associated facilities. Based upon the calculations within the table above, the proposed development will generate 349 additional residents, and a requirement for an off-site contribution of £203,816 towards provision and maintenance of playing pitches and associated facilities. This figure has been proposed as part of the S106 terms.

Retained policy H26 of Local Plan and SP4 of the Core Strategy (2011) set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the West Devon OSSR Study (2007).



This proposed development will be unable to incorporate levels of playing pitches and associated facilities as required by policy on site at the proposed development, however an additional 349 anticipated residents will generate increased pressure on existing sports facilities off site within Tavistock.

The South Hams and West Devon Playing Pitch Strategy (Nov 2015) identifies and prioritises the sports facility improvement projects required in Tavistock to meet current and future needs of the residents in Tavistock. Investment in these facilities will assist with making them sustainable and mitigate for the pressure on these facilities generated by the proposed development, and accordingly make the proposed development acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

It is recommended that the contribution is sought within a s106 agreement towards the following priority 1 projects within the West Devon PPS:

- Provision of additional football pitch at Crowndale and/or;
- Improvement of club facilities at Crowndale and Langsford Park sites (2) and/or;
- Improvements to rugby facilities at Sandy Lane site (2) and/or;
- Improvements to Tavistock Cricket Club pavilion (2) and/or;
- Improvements to Tavistock Hockey Club facilities

In anticipation of the question with respect to pooled contributions – reference to them has been included in brackets to those projects for which there is a signed s106 securing a contribution to these projects. The requests made above are either the first or 3<sup>rd</sup> requests with respect to pooling for each project.

#### Public Right of Way diversion

An application from the developer to divert Tavistock Footpath No.3 has been received by WDBC. The LPA is in the process of commencing informal consultation with the DCC PROW team before widening out the informal consultation to statutory consultees and the public.

It is anticipated that informal consultations can be carried out in advance of any subsequent Reserved Matters planning application. At the time of the RM application, it is anticipated commencing the formal consultation with respect to a PROW diversion order.

#### Flood risk, drainage and ground conditions

The application has been submitted with detailed drainage information, this has been assessed by Devon County who are the lead flood authority for the development, Devon County Flood team have offered no objections subject to the inclusion of conditions.

#### Heritage and Archaeology

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 that there would be limited impact such that the impact on the setting of the Listed Buildings would be less than substantial. Sensitive landscape planting within the site will provide further assurance in this respect. The development is not considered by officers to generate harm towards the outstanding universal value of the World Heritage Site. Applying para 134 of the NPPF requires us to weigh the minor harm against public benefit. In this case the provision of up to 148 new homes is considered to be of considerable public benefit in helping to address the housing need as set out in the emerging Local Plan. It is considered that this benefit outweighs the limited harm to the setting of the listed building.

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. Contributions are being made on the open market dwellings, which is in accordance with WD policies.

#### Highways and access

The Highway Authority has provided a detailed response, which is displayed in the consultation sections at the top of the report. Detailed discussions have taken place.

#### Contributions to Tavistock railway line

The proposed S106 makes allowance for a contribution for the Tavistock to Bere Alston railway line, this is line with a recent appeal decision and is considered acceptable by both Devon County and the LPA.

#### 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 and viability

SP9 of the Core Strategy relates to the affordable housing policy requirements. Any site within West Devon's Planning area should deliver 40% affordable housing on site. An off-site contribution can be made in exceptional circumstances. The level of affordable housing provision is subject to the viability of the proposed scheme. The applicants have engaged in viability discussions as officers were previously advised that this scheme is not deemed to be viable to provide 40% affordable housing. Other contributions are required in order for this scheme to come forward for education, transport and highways.

The scheme was tested and considered to be viable to deliver affordable housing at 18%. This was based on the affordable tenure mix as per the current policy of 80% rent and 20% shared ownership. Following discussions, and in agreement with the affordable housing officer, it has been agreed that the tenure split could be amended. Following the tenure amendment this marginally improves the viability of the scheme and therefore the provision of affordable housing which can now be delivered is 25%. Of the 25% this scheme will deliver 50% affordable rented properties and 50% shared ownership properties. This is deemed to meet the needs of local people who are registered with Devon Home Choice for rented properties and Homebuy South West for those seeking intermediate home ownership.

Members will note that this application remains below the adopted policy requirement in the Core Strategy but is considered acceptable by the affordable housing officer. The affordable housing officer agrees that amending the tenure split will not only make slight improvements to the viability, although not to the 25% level, but more importantly will provide choice for local people. Other schemes have recently been granted approval with different models of intermediate home ownership products. However, this proposal provides the opportunity to access a share of a home from initial purchase. In some cases there is an opportunity to staircase with further equity shares at a point when a resident can afford to do so. Some people will not have the financial capacity to staircase out right but they still retain part ownership of a home whilst paying a proportion of rent.

The proposed 25% is considered to be acceptable by officers, the size of the units will be discussed in further detail at the reserved matters stage. An indicative mix of 25% 1 beds, 50% 2 beds and 25% 3 beds has already been provided to the agents for future discussion.

#### Other matters raised by representations

The application is concerned with the site shown that has been applied for, which was considered as part of the sites allocation process in the formation of the Joint Local Plan and was found to be acceptable.

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 affordable housing, funds for public transport, funds for education and for recreation.

Although a degree of policy conflict at the local level is acknowledged, the environmental impacts of the development are limited. Overall, the social and economic benefits of the proposal significantly and demonstrably outweigh adverse impacts and the scheme is compliant with the principles of the National Planning Policy Framework. The application is therefore considered to represent sustainable development.

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

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

## **Planning Policy**

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

SP1 – Sustainable Development  
SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments  
SP6 –Density of Housing Development  
SP7 – Strategic Distribution of Housing  
SP9 – Meeting Housing Needs  
SP15 – Traffic Management  
SP16 – Safer Communities  
SP17 – Landscape Character  
SP18 – The Heritage and Historical Character of West Devon  
SP20 – Promoting High Quality Design  
SP23 – Tavistock

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

NE10 – Protection of the Countryside and Other Open Spaces  
BE1 – Conservation Areas  
BE3 – Listed Buildings  
BE7 – Archaeology and Sites of Local Importance  
BE13 – Landscaping and Boundary Treatment  
H26 – Open Space Provision in New Residential Developments  
T1 – Walking and Cycling  
T2 – Pedestrian and Cyclist Safety  
T7 – Railways  
T8 – Car Parking  
T9 – The Highway Network  
PS2 – Sustainable Urban Drainage Systems  
PS3 – Sewage Disposal

### **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.

### **Conditions**

1. Application for approval of the reserved matters shall 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).
2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;
- viii) the location, extent and layout of open spaces and play spaces; and
- ix) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.
- x) Full detail of all play areas
- xi) Provision of ducting for high speed broadband

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application). The reserved matters details required for approval in respect of condition 3 shall be in general accordance with Drawing Numbers (associated with this application)

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme, including construction vehicle access, 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.

5. No other part of the development hereby approved shall be commenced until.

A) The access road (including any temporary construction access road) has been laid out, kerbed, drained and constructed up to base course level for the first 30 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 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.

6. 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 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 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 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 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

7. When once constructed and provided in accordance with condition X above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

8. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) full details of any temporary site access for construction purposes

Has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period

Reason: In the interest of highway safety

9. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period Of 12 months, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on this site is an appropriate means of surface water drainage management.

10. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage Of the site, with particular focus placed on the locations and depths Of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

11. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

This detailed permanent surface water drainage management plan will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Proposed Drainage Strategy (Drawing No. 14356-051, Rev. B, dated 29th November 2016) and the Consulting Drainage Engineers letter (Ref. jp/14.356, dated 14th November 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

12. No development shall commence until:

The owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under 598 of the water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary). No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development)

Reason: To ensure adequate foul water infrastructure will serve the development

13. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence;
- (ii) No fires shall be lit within the spread of the branches of the trees;
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees;
- (iv) Any damage to the trees shall be treated with an appropriate preservative;
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: In order to identify, and protect, trees of public amenity value

14. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for the management and maintenance of public open space and green infrastructure for biodiversity, landscape and informal recreation purposes. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Details of the proposed new play area and equipment;
- (iii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iv) Details of inbuilt provision for birds and bats;
- (v) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (vi) Arrangements for stripping, storage and re-use of topsoil;
- (vii) Materials, heights and details of fencing and other boundary treatments;
- (viii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (ix) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (x) A timetable for the implementation of all hard and soft landscape treatment.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

15. 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 investigation and risk assessment and, where necessary, a 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.

16. 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 Planning Authority.

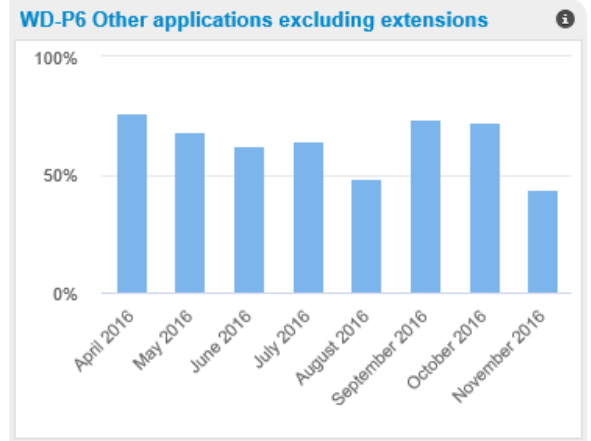
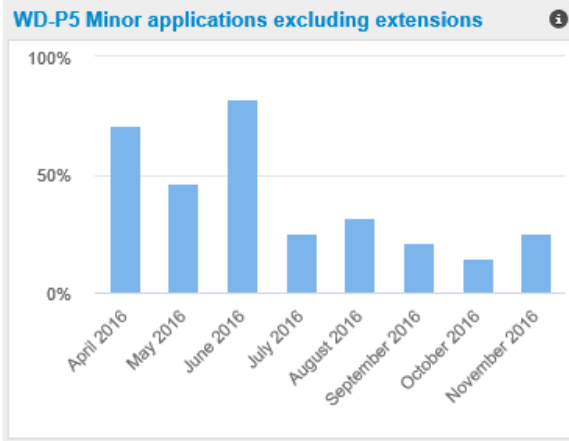
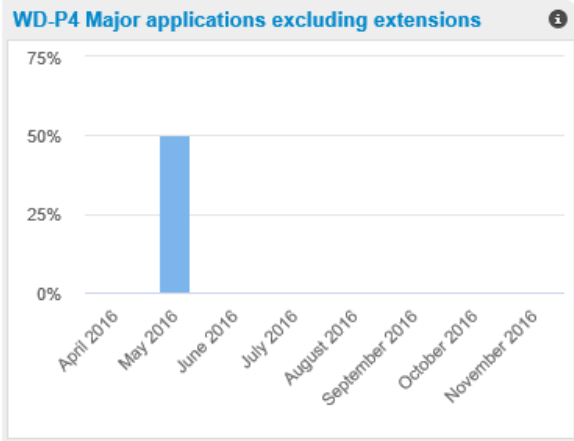
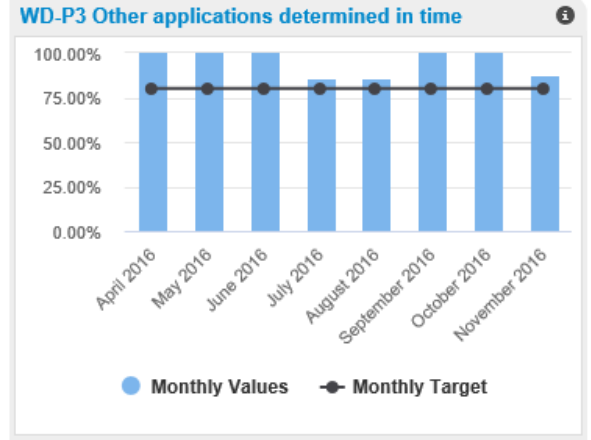
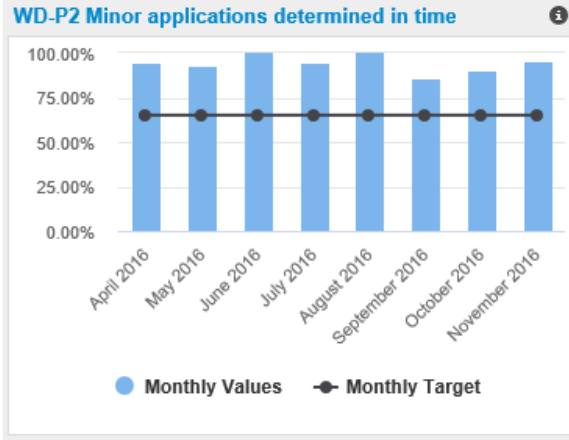
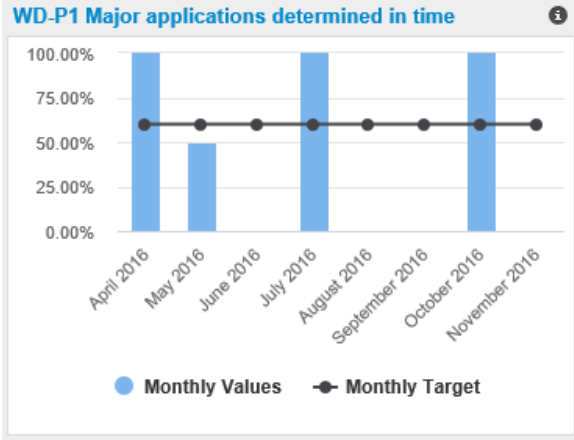


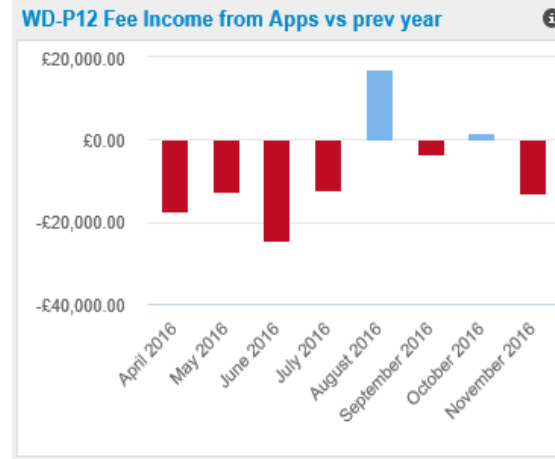
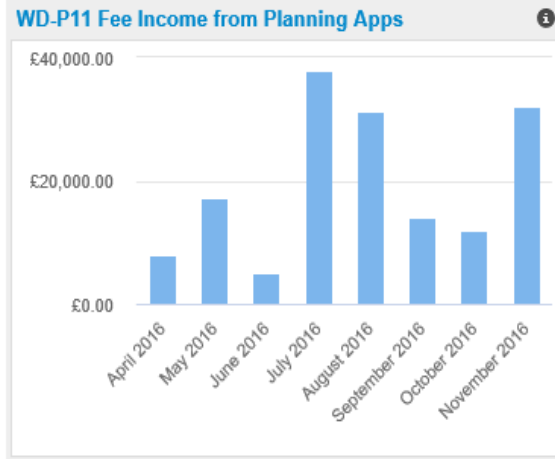
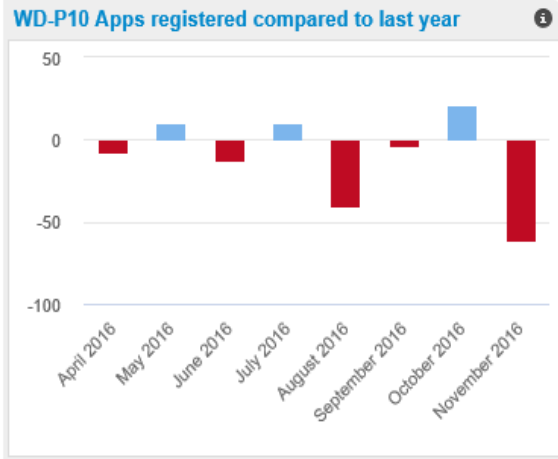
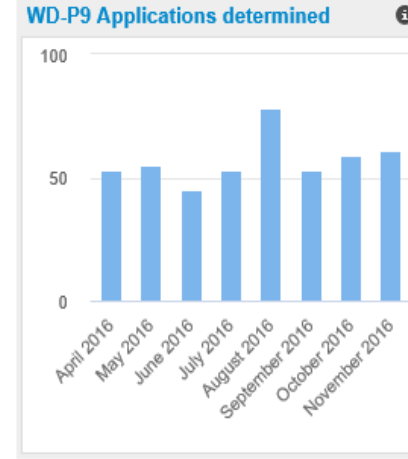
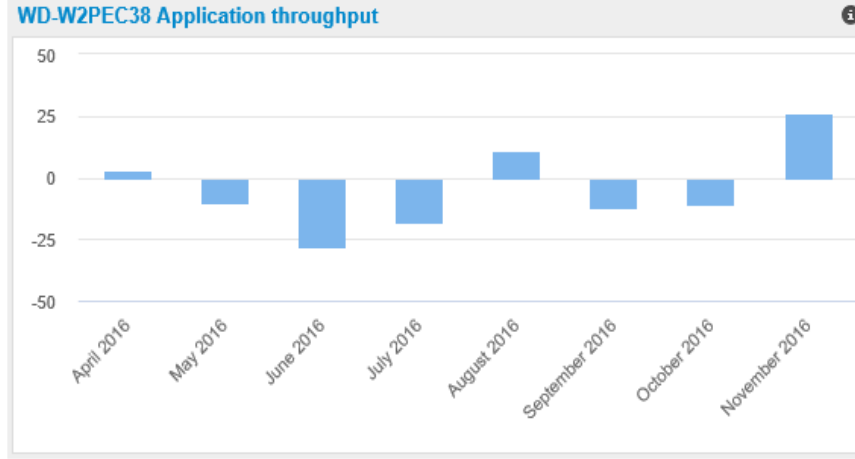
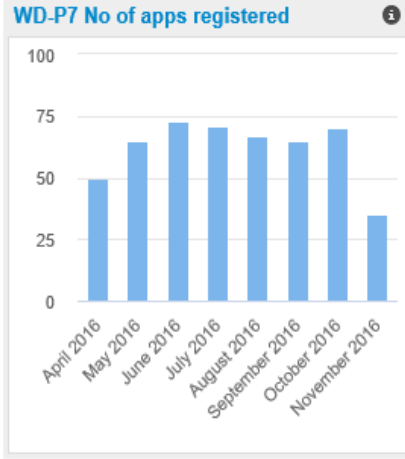
Reason: 'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

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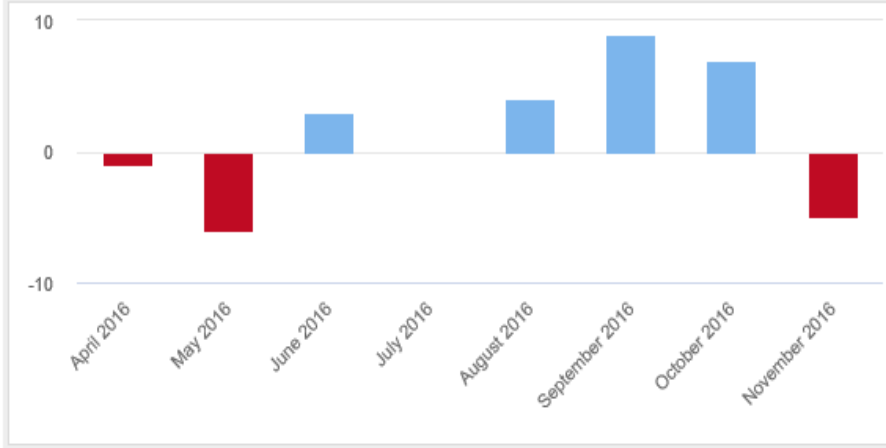


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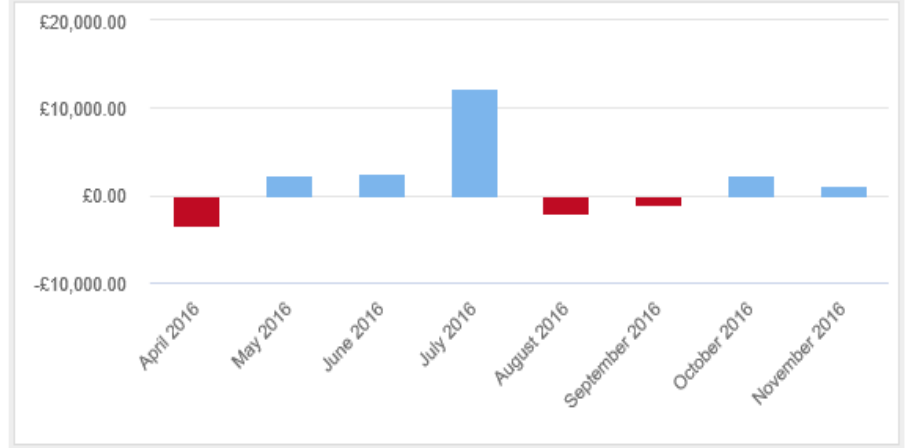




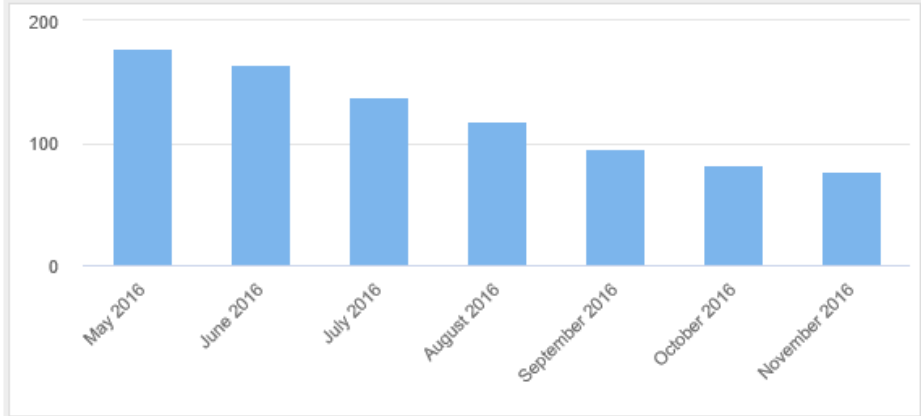
WD-P13 Pre-Apps Received compared to last year



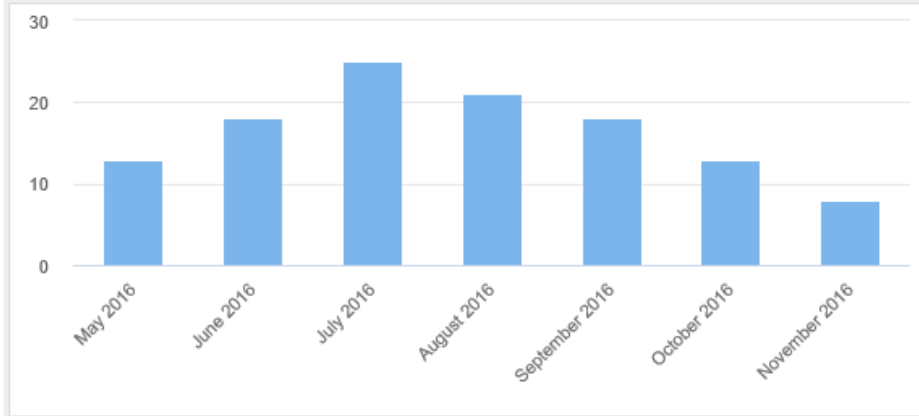
WD-P14 Fee Income from Pre-Apps compared to last year



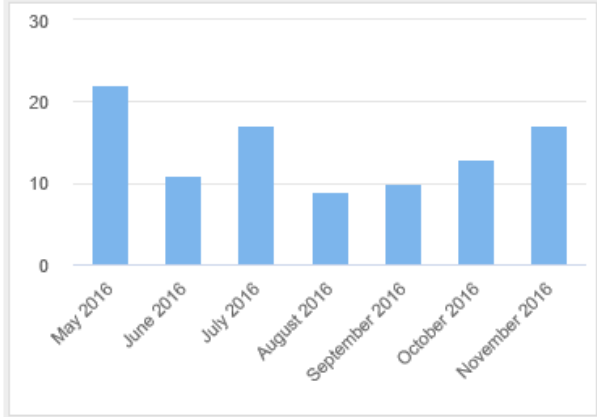
WD-E1 Enforcement Cases Outstanding Backlog



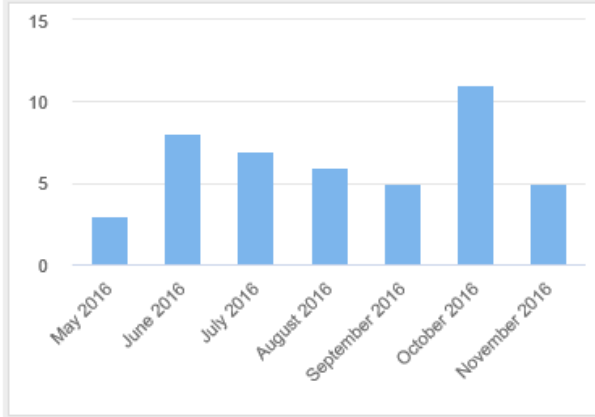
WD-E2 Enforcement Cases Closed Backlog



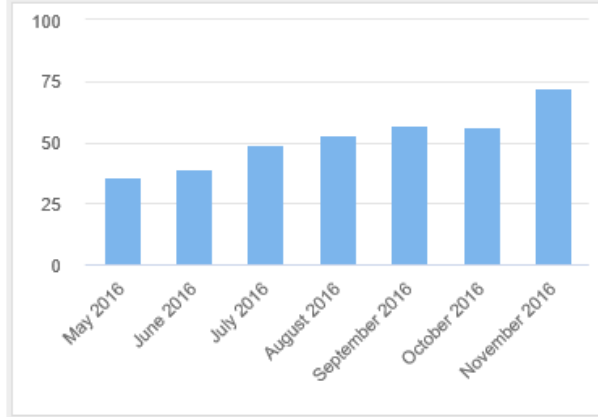
WD-E3 Enf Cases Received (since March 2016)



WD-E4 Enf Cases Closed (since March 2016)



WD-E5 Enforcement Cases Outstanding





## Proposed changes to the Constitution in respect of Planning and Licensing Committee

Report to: **Planning and Licensing Committee**

Date: **13 December 2016**

Title: **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

Portfolio Area: **Customer First – Cllr J Moody**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny (Internal) Committee**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
**Recommendation to Council February 2017, to take effect after Annual Council May 2017**

Author: **Kathryn Trant** Role: **On behalf of the Political Structures Working Group**

Contact: **Kathryn.trant@swdevon.gov.uk**

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### **RECOMMENDATIONS:**

**That the Planning and Licensing Committee RECOMMEND to Council that the West Devon Borough Council Constitution be amended as set out below to reflect the recommendations of the Political Structures Working Group, and to take effect from the Annual Council meeting in May 2017:**

- 1. That West Devon Borough Council continue to have a Planning and Licensing Committee of ten Members who will determine both planning and licensing applications;**
- 2. That the Constitution be amended to allow for a sub-committee of five Members (drawn from the ten appointed Planning and Licensing Committee Members) to be convened to determine taxi driver licence applications and other miscellaneous licences, in addition to the current sub-committee of three Members convened to determine alcohol and gambling licences; and**

## **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

### **3. The Planning and Licensing Committee be renamed with effect from the Annual Council meeting in May 2017, to the Development Management and Licensing Committee**

#### **1. Executive summary**

- 1.1 The report sets out the recommendations of the Political Structures Working Group, which met following a request from the Planning and Licensing Committee at their meeting on 26 July 2016 (Minute P&L14 refers).
- 1.2 The recommendations suggest changes to the current Constitution in the way that the Planning and Licensing Committee works.

#### **2. Background**

- 2.1 At the meeting of the Planning and Licensing Committee on 26 July 2016, the Planning Peer Challenge Action Plan was presented for Member's consideration (Minute P&L14 refers).
- 2.2 The Committee agreed with the recommendations and actions set out within the presented Action Plan, and added a further action, as follows:

*'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.'*

- 2.3 A meeting of the Political Structures Working Group was convened for 8 November 2016. The meeting was chaired by Cllr McInnes and attended by Cllrs Sanders, Baldwin and Musgrave.
- 2.4 The Group discussed the two elements as requested, and their recommendations are shown later in this report.

## **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

### **3. Outcomes/outputs**

- 3.1 Firstly, the Group considered establishing a separate stand-alone Licensing Committee. Whilst it was accepted that most authorities now had separate Planning and Licensing Committees, the Members felt that the size of West Devon Borough Council, along with the current workload of the Planning and Licensing Committee, did not justify two distinct committees, or the associated potential cost implications of two Special Responsibility Allowances for two chairmen.
- 3.2 The Members then discussed how the Committee currently worked, particularly in respect of various licensing applications. The Senior Specialist Environmental Health had proposed a more effective way of working for the Group to consider which expanded the current use of sub-committees.
- 3.3 The Constitution currently allowed for a sub-committee to be set up to hear licensing applications for alcohol and gambling determinations. This sub-committee, currently drawn from the P&L Committee Members, was made up of three Members. The Group then discussed a sub-committee to determine taxi driver licence applications and other miscellaneous licences. It was suggested that this sub-committee consist of five Members, again to be drawn from the P&L Committee.
- 3.4 Licensing applications are subject to a number of administrative restrictions, and one of these is reflected in the deadlines that apply throughout the process. These deadlines do not always sit well within the statutory publication deadlines associated with the Council's published calendar of meetings. The use of sub-committees would allow a flexibility that would enable officers to better meet those deadlines and provide a more effective service for applicants.
- 3.5 The use of sub-committees did not preclude the P&L Committee from having licensing related items presented to them. For example, it may be appropriate for the committee to receive an annual report on the number of licences granted, and it would be appropriate for the full committee to make recommendations in respect of fees to the Council.
- 3.6 The Group then considered the possible change of name of the Committee. The Group felt that it would be appropriate to change the name of the Committee to the Development Management and Licensing Committee, as this would better reflect the responsibilities of the Committee in respect of the planning determinations it was required to make.

## **Proposed changes to the Constitution in respect of Planning and Licensing Committee**

### **4. Options available and consideration of risk**

- 4.1 The Political Structures Working Group is a constituted Group of West Devon Borough Council, able to make recommendations to full Council.
- 4.2 In considering the proposals put before them, the Group also looked at the associated risks. Whilst the majority of authorities operated with separate Planning and Licensing Committees, the Group considered that a single Committee was appropriate for the size and workload of West Devon Borough Council.
- 4.3 Members selected to sit on the proposed sub committee would be drawn from the existing Planning and Licensing Committee, and therefore full and ongoing training on both planning and licensing matters would have been (and continue to be) received.

### **5. Proposed Way Forward**

5.1 The recommendations put forward by the Group are:

- that the Council proceed with a single committee to determine planning and licensing applications
- that sub-committees of the P&L Committee be convened to determine taxi driver and miscellaneous licences
- that the name of the P&L Committee be changed with effect from Annual Council May 2017 to Development Management and Licensing Committee.

### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Political Structures Working Group is a constituted Group of West Devon Borough Council that is able to make recommendations on matters that affect the Constitution and the decision-making governance of the Council. Any recommendations are ultimately considered by full Council, which is the only Council body able to authorise Constitutional amendments.

## Proposed changes to the Constitution in respect of Planning and Licensing Committee

Financial	Y	There are no financial implications directly related to the recommendations within this report.
Risk	Y	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no equality and diversity implications directly related to this report.
Safeguarding	N	There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder	N	There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications directly related to this report.
Other implications	N	N/A

### **Supporting Information**

#### **Appendices:**

None

#### **Background Papers:**

Report to P&L Committee 26 July 2016 – Planning Peer Challenge Action Plan 2016/17  
Minutes of P&L Committee 26 July 2016

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# Agenda Item 9

Report to: **Planning and Licensing Committee**  
Date: **13 December 2016**  
Title: **REVIEW OF SITE INSPECTION PROTOCOL**  
Portfolio Area: **Customer First**  
Wards Affected: **All**  
Relevant Scrutiny Committee: Overview and Scrutiny (Internal)  
Committee

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Committee recommendations will be presented to the Council meeting on 7 February 2017 for approval.

Author: **Pat Whymer** Role: COP Lead Specialist – Development Management

**Kathryn Trant** Senior Case Manager

Contact: **Email: [pat.whymer@swdevon.gov.uk](mailto:pat.whymer@swdevon.gov.uk)  
[kathryn.trant@swdevon.gov.uk](mailto:kathryn.trant@swdevon.gov.uk)**

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## **RECOMMENDATION:**

**That the Planning and Licensing Committee RECOMMEND to Council to adopt the revised Site Inspection Protocol as presented at Appendix A of the report; and**

**Authority to make minor amendments be delegated to the COP Lead Specialist Development Management, in consultation with the Chairman of P&L Committee**

## **1. Executive summary**

- 1.1 The Council has an adopted Site Inspection Protocol. Following the Planning Peer Review, an action plan was produced. One of the recommendations from the Review was to 'Review Committee Site Visit protocols to ensure planning decision making is as efficient as possible'.
- 1.2 As a result, a small group of Members was invited to come together as a Working Group to discuss the current Site Inspection Protocol, and make recommendations to amend the protocol to improve efficiency of planning decision making. The resulting amended protocol is attached at Appendix A.

## **2. Background**

- 2.1 West Devon Borough Council has a Site Inspection Protocol in place that guides Members on how a Site Inspection should be conducted and includes details of who is able to take part.
- 2.2 Currently, the majority of site inspections are referred from the previous Committee meeting, following a presentation of the facts of the application by the Case Officer.
- 2.3 Paragraph 5.10 of the Final Report of the Planning Peer Review states the following:

“In order to aid efficiency in decision making the peer team recommend a review of the site visit protocols at both Councils. By way of context, we understand that at one recent West Devon Planning Committee meeting all three items were deferred for site visits. Deferrals for site visits introduces delay, additional costs and continued uncertainty for applicants. Site visits are an important part of the decision making process where appropriate and the Councils could consider their use before Committee with the Chair and Community of Practice Lead discussing a forward agenda list of items that includes the recommending of site visits. The ward councillor (s) could also be invited on these visits, provided they are made aware that it isn't a lobbying opportunity or the place for a debate of the proposal.”
- 2.4 In line with the Planning Peer Review Recommendations and Action Plan, a Working Group was convened to discuss the existing Site Inspection Protocol and asked to consider possible changes to both the process and the timing of site inspections. The Working Group met on Tuesday 11 October and included Cllr A Roberts, Cllr G Parker and Cllr T Pearce.



### 3. Outcomes/outputs

- 3.1 Members of the Working Group had a full discussion on the site inspection process. The current protocol was critically assessed to understand where efficiencies could be made.
- 3.2 In terms of process, the Working Group concluded that Site Inspections should continue to be private meetings but that agents or applicants should be in attendance to assist with access. In exceptional circumstances, the Chairman may ask the agent/applicant questions of clarity.
- 3.3 In discussing the role of Town and Parish representatives the Group felt that it was important that any discussion or views expressed by the Town/Parish representative should be heard by all Members in the Chamber at the Committee meeting as part of the debate on the application.
- 3.4 Members of the Group then discussed the timing of the site inspections. A proposal was put forward that when a Member asks for an application to be called to Committee, in line with the Scheme of Delegation, they confirm at that point to the Case Officer if they feel a site inspection will be required. When the Committee Briefing meeting takes place with the Chairman and Vice Chairman, the Chairman then decides which of the applications will be included on the Site Inspection Itinerary. The Site Inspection Itinerary will be included with the agenda papers, and the site visits will take place on the Thursday prior to the Committee meeting on the Tuesday.
- 3.5 This will facilitate site inspections prior to presentation at Committee, and the significant advantage is that it reduces the time taken to make a decision on the application. This can be demonstrated as follows:

Currently:	
Member requests application to Committee on	15 November
Application referred for site visit on	1 December
Application presented back to Committee for decision on	<b>13 December</b>
Proposed:	
Member requests application to Committee on	15 November
Application referred for site visit on	10 November
Application presented to Committee for decision on	<b>15 November</b>

- 3.6 The Working Group felt that the time saved in making decisions by holding site inspections prior to the Committee would have a significant impact on performance statistics and should be included in the proposed protocol. However, the new protocol should not preclude an application being referred for site inspection at the Committee meeting in exceptional circumstances.
- 3.7 As a result of their discussions, the Working Group have agreed the proposed Site Inspection Protocol as attached at Appendix A.

#### **4. Options available and consideration of risk**

- 4.1 The Site Inspection protocol guides Members on conduct at a site inspection. It is an important part of the planning decision making process. Members have considered a number of ways of making that process more efficient and at the same time considered the associated risks. The process of including Town and Parish Council representatives at the site visit ensures transparency, as does only allowing their views to be expressed at the Committee. Restricting any debate or discussion to the Council Chamber ensures that those empowered to make the decisions hear all of the relevant facts and views.
- 4.2 Whilst the change to the timing of the inspections may cause concern and will require revised dates to be set, the Working Group felt that the significant improvement in time taken to determine applications as a result was worth the change.

#### **5. Proposed Way Forward**

- 5.1 Following the support of the Member Group, a revised Site Inspection Protocol has now been produced. The Working Group consider that the proposed amendments to the current protocol will improve efficiency of decision making. Members are therefore requested to approve the revised document.

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council Constitution includes the ability for Members of the Planning and Licensing Committee to attend site inspections. It is best practice for site inspection to be carried out in a lawful and transparent way and a written protocol supports this

Financial	Y	There are no direct financial implications but the revised protocol will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the planning application process
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

**Supporting Information**

**Appendices:**

1: Proposed Site Inspection Protocol

**Background Papers:**

Planning Peer Review Action Plan

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**Purpose:**

The purpose of site visits is to enable Members to view particular aspects of an application in context. No decision is reached on site and there is no debate as to outcome at the site meeting.

**Attendees:**

In addition to the Council's officers and advisors (eg. County Highways), those who are entitled to attend and take part and who make up the Site Inspection Panel are:

- a. All Planning and Licensing Committee Members, including nominated substitutes for the Committee meeting, and
- b. The WDBC Member(s) representing the Ward in which the site is located
- c. A representative of the relevant Parish/Town Council

The Panel are able to ask questions of clarity but should not discuss or debate the application.

**The applicant/agent will be informed of the site inspection arrangements including this protocol. They may attend the site meeting but not participate, however, they will be expected to 'peg out' the proposed development, to include a demonstration of height where appropriate**

**At the discretion of the Chairman, the applicant or agent may be allowed to answer questions of clarity.** Specific requests to view the proposal from a particular place (e.g. objector's home) may be accommodated at the Chairman's discretion.

**Procedure on Site:**

1. The site inspection will be chaired by the Chairman (or in his absence, the Vice Chairman) who will formally open the site inspection with introductions and then invite the Planning Officer to describe the application
2. The Planning Officer then describes the proposal and relevant site specific considerations, and guides the Members to appropriate vantage points which may be within and/or outside the site
3. The Chairman will invite questions from Members to seek clarification but not opinion from the Planning Officer and advisors. At the Chairman's discretion, and in exceptional circumstances, questions may be asked of the applicant/agent or one of the representatives of the Parish/Town Council
4. Any questions that the Case Officer is unable to answer will be listed and a full response given by the Case Officer at the Committee meeting the following week
5. Chairman formally closes the meeting

**To request a site inspection:**

The Scheme of Delegation sets out the circumstances when a Member can call an application to Committee. At that point, if the Member feels a site inspection should take place, the request should be made in writing to COP Lead Development Management giving material planning reasons

At the P&L Briefing meeting held the week prior to the publication of the agenda, which is attended by the Chairman, Vice Chairman, COP Lead Development Management and Senior Case Manager (Strategy & Commissioning), the Chairman and Vice Chairman will discuss with the COP Lead Development Management which applications should be referred for site inspection. The final decision on applications to be referred for site inspection will be delegated to the COP Lead Development Management in consultation with the Chairman and material planning reasons given for his decisions

The site inspection itinerary will be prepared by the Senior Case Manager (Strategy & Commissioning) and circulated one week prior to the site inspections taking place. The itinerary will be included as part of the committee agenda

The site inspection will take place on the Thursday prior to the Committee date, and Members will receive their agenda papers prior to the site inspection taking place