

West Devon Planning and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 10th January, 2017								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman 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								
Interests – Declaration and Restriction on Participation:	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.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes

1 - 12

Meeting held on 13 December 2016

5. Planning Applications and 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) 1579/16/VAR

13 - 20

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

(b) 2686/16/FUL

21 - 32

Land adjacent to Fernside, Crease Lane, Tavistock, PL19 8EW
Residential development for 4No. detached dwellings with integral garages, external parking and new access off Crease Lane

(c) 00938/2015

33 - 42

Erection of two residential dwellings
Land Adjacent To Castleford", Castle Road, Okehampton

6. Planning Appeals Update

43 - 44

7. Planning Performance Indicators

45 - 50

8. Fees and Charges for 2017/18

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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 **13th** day of **DECEMBER 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)
Solicitor (SN)
Specialist Development Management (TF)
Specialist Assets (RJ)
Specialist Affordable Housing (AR)
Specialist – Democratic Services (KT)

DCC Highways (PT)

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

***P&L 40 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 abstained from the vote.

Cllr P R Sanders and Cllr R E Baldwin both declared a personal interest in application 2022/16/OPA: 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 – Land at 4722 7457 adjacent to New Launceston Road, Tavistock, by virtue of living relatively close to the application site, but neither being close enough to be significantly impacted by the proposal. They both remained in the meeting and took part in the debate and vote thereon.

***P&L 41 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 15th November 2016 were confirmed and signed by the Chairman as a correct record.

***P&L 42 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: Supporter – Dr Watkins

RECOMMENDATION: Conditional Approval

Members had a detailed debate on this application and the original recommendation of Conditional Approval was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**.

Prior to voting on refusal of the application,, Members also debated whether their reasons should apply to the new plot, or both plots that would result from the proposal. An amendment to the recommendation to amend the word ‘plots’ to ‘plot’ was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**. As a result, the recommendation as shown below was **CARRIED**.

COMMITTEE DECISION: Refusal

Reasons:

1. By virtue of the cramped nature of the resultant plots, development of the site will be detrimental to the character and integrity of the section of The Crescent within which the site is located and therefore is contrary to Policy H28 (i) and (ii) of the Local Plan; and
2. The new development is incompatible with the character of the neighbouring properties by virtue of design and materials and therefore is contrary to Policy H39 of the Local Plan

(b) Application No: 1579/16/VAR Ward: Milton Ford

Site Address: 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

Speakers included: Supporter – Mr Mark Evans: Parish Council – Cllr Peter Hough

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Defer for Site Visit

(c) Application No: 2022/16/OPA Ward: Tavistock North

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

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

Speakers included: Objector – Mrs Allen: Supporter – Mr Elliot Jones: Town Council – Cllr Dr Ward: Ward Members – Cllrs J Moody and J Sheldon

RECOMMENDATION: Delegate to COP Lead Development Management in consultation with the Chairman of the Planning and Licensing Committee to approve subject to completion of a Section 106 legal agreement and to review with Chairman of the Planning and Licensing Committee if not completed within three months of this Committee meeting date

During discussion on this application, a number of Members noted concerns in respect of Highways issues within Tavistock. A number of significant applications had already been granted approval and Members were concerned that the existing road infrastructure would not be sufficient for the resulting additional vehicles that would be generated by this major application. The Committee did not propose reasons for refusal on the basis of Highways, and a majority of Members voted in favour of this application.

COMMITTEE DECISION: Delegate to COP Lead Development Management in consultation with the Chairman of the Planning and Licensing Committee to approve subject to completion of a Section 106 legal agreement and to review with Chairman of the Planning and Licensing Committee if not completed within three months of this Committee meeting date

***P&L 43 PLANNING APPEALS UPDATE**

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

***P&L 44 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration. He confirmed that the Appeals information was not presented correctly and this would be rectified the following month.

P&L 45 PROPOSED CHANGES TO THE CONSTITUTION IN RESPECT OF PLANNING AND LICENSING COMMITTEE

Consideration was given to a report that set out the recommendations of the Political Structures Working Group which had met following a request from the Planning and Licensing Committee at its meeting on 26 July 2016 (Minute P&L14 refers). The recommendations suggested changes to the current Constitution in the way that the Planning and Licensing Committee functioned.

It was then **RESOLVED**:

That Council be **RECOMMENDED** 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 existing sub-committee of three Members that was convened to determine alcohol and gambling licences; and
3. That the Planning and Licensing Committee be renamed with effect from the Annual Council meeting in May 2017, to the 'Development Management and Licensing Committee'.

P&L 46 REVIEW OF SITE INSPECTION PROTOCOL

Consideration was given to a report that recommended to Council that the current site inspection protocol be amended as set out in presented Appendix A.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the revised Site Inspection Protocol as presented at Appendix A to these minutes; and
Authority to make minor amendments be delegated to the COP Lead Development Management, in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee.

(The Meeting terminated at 1.35 pm)

Dated this

Chairman

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

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PLANNING APPLICATION REPORT

Case Officer: Rachel Head (TF)

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

Application No: 1579/16/VAR

Agent/Applicant:

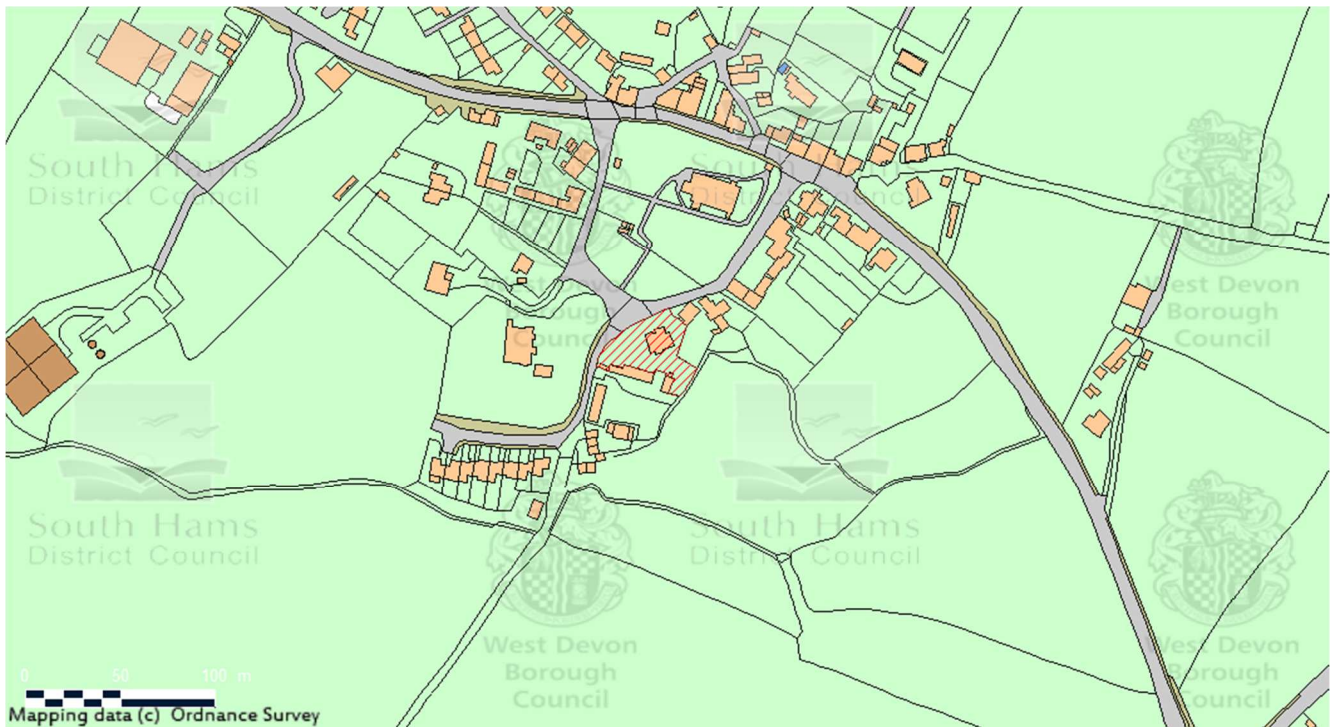
Mr Mark Evans
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

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.

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.

6. Within 3 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Local Planning Authority.

The scheme submitted shall be fully implemented in the planting season following the approval of the landscaping scheme and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

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

7. Within 3 months of the date of this permission, plans for the proposed treatment of the boundary walls and the wall to the north of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be constructed in accordance with the approved details in a timeframe to be agreed with the Local Planning Authority.

Reason: In the interest of preserving the character and appearance of the conservation area and the setting of nearby listed buildings.

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PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Tavistock **Ward:** Tavistock North

Application No: 2686/16/FUL

Agent/Applicant:

Rogers & Jones Architects
3 The Crescent
Plymouth
PL1 3AB

Applicant:

Mr G Caldwell
Cadover
1 Willowby Park
PL20 6AN

Site Address: Land adjacent to Fernside, Crease Lane, Tavistock, PL19 8EW

Development: Residential development for 4No. detached dwellings with integral garages, external parking and new access off Crease Lane

Reason taken to Planning Committee: The ward members have requested that the application be determined by planning committee due to concerns regarding drainage, location and access



Recommendation: Conditional approval subject to completion of s106 agreement

Conditions

Time

Accord with Plans

Materials samples prior to installation

Landscaping plan prior to commencement

Drainage specification prior to commencement

Laying out and completion of vehicle infrastructure prior to commencement of other development

Removal of Permitted Development Rights

Adherence to recommendations of ecological report

Universal condition for land affected by contamination

Verification Report

Unsuspected contamination

Key issues for consideration:

The main issue are the principle of residential development within this location, access to services, design, visual impact, any impact on ecology or the amenity of neighbouring properties, land contamination, access and parking and drainage

Site Description:

The application site is formed of two separate parcels of land to the east and west of the third party dwelling Fernside.

The application site is outside of the Tavistock Development Boundary which is on the other side of Crease Lane. The Tavistock Viaduct Walk, to the east, is a Local Nature Reserve and a cycle way. The site is also within the Critical Drainage Area.

Officers understand that there was previously a SHLAA assessment of the site but this considered a far greater quantum of residential development encompassing the field in its entirety.

The Proposal:

Planning consent is sought for the residential development of 4.no detached dwellings with integral garages, external parking and a new vehicular access off Crease Lane. The two detached dwellings to the east are accessed from a new opening using the existing splay serving Fernside and an agricultural access. A new separate access and splay is proposed to serve the two units to the west of Fernside, which will involve either moving and/or replacing the existing hedgebanks.

The houses are detached and two storeys, although the upper storey is housed within the large roofs and with dormers. The dwellings are set into the hillside under dual pitched roofs. The scheme takes reference from Fernside in the design. The materials palette is natural slate, render with plastic joinery and rainwater goods. The two larger houses to the west have detached garages with the two other units having integral garaging.

Consultations:

- County Highways Authority

No objection subject to condition – 04/10/2016 - *'The application site is served by Crease Lane, a classified road, C704. Its junction with A390 Callington Road is seriously substandard with respect to alignment, Width and gradient, forming an acute angle at the point of intersection. This access option*

to the site is not the only alternative, however, as it is quite possible to access the site using Uplands, which is certainly adequate to accommodate the additional traffic from the four proposed houses. There are therefore no objections in principle to the proposed development from a highway point of view.

The plans that have been provided in support of the application show no visibility splays at the access points onto Crease Lane, in spite of the statement in the Design and Access Statement (Section 4.01) which states that the accesses will maximise the visibility afforded whilst entering / leaving the proposed parking spaces'. As the application is a full application, the highway authority would expect to see visibility splays shown on the plans. Visibility splays of 2.4 metres by 33 metres in both directions at the access to plots 1 and 2 and in the trailing traffic direction to the access to plots 3 and 4 should be provided. The visibility splay across the frontage of Fernside from the eastern Site is acceptable at present.

The highway authority reserve the right to be re-consulted once the amended / additional plans have been provided so that appropriate conditions may be recommended on any permission granted, if appropriate'

06/12/2016 - The proposed accesses to Crease Lane have now been provided with visibility splays commensurate with the prevailing speed of vehicles in Crease Lane as requested in the highway authority's previous response and the plans are acceptable to the highway authority.

- County Education Authority

No objection – request £13,329.50 in obligations towards primary school infrastructure

- Environmental Health Section

No objection subject to condition

- WDBC Ecology

No objection subject to conditions – 'I have reviewed the Preliminary Ecological Appraisal and am largely in support of the conclusions of the report. I also note the further email from the consultant ecologist (the ecologist being incorrect within this email – the Tavistock Viaduct Walk is a designated Local Nature Reserve – this highlighting a weakness in the submitted report – a records search should have been made via the DBRC which would have informed the ecologist of this designation and the various other protected species records from the adjacent LNR – this ecologist has previously been advised that he should be undertaking such records searches to support planning applications for exactly this type of reason – I will reiterate this separately to the ecologist – notwithstanding this, I am satisfied that in this case this omission does not undermine the conclusions of the report).

The key requirement will be to retain the north-south hedgerow/tree line which divides the two fields and the eastern boundary of the site (the Tavistock Viaduct Walk LNR), and ensure that new residents do not interfere with the effectiveness of these as habitat corridors and landscape features.

This section of Crease Lane is already subject to streetlighting however it is well-established that bats use the adjacent Viaduct Walk LNR for commuting and foraging, and I strongly suspect that this extends to the edge of the tree line which forms the eastern boundary of this proposed development site.

It is important that the proposal does not lead to significant additional illumination of the tree line to the east (i.e. the edge of the Viaduct Walk LNR). To this end you may wish to introduce controls on external lighting for units 02 and 04 – i.e. prior to installation of any external lighting requiring approval of the LPA.

I also would like to see some method of ensuring the new residents of Unit 4 were prevented from interfering (i.e. cutting) the tree line forming the eastern boundary of the site. This boundary (at least for

the last 10 years) has not been subject to any significant cutting. Whilst I acknowledge that the landowner is entitled to cut any overhanging branches, to do so would detract from the value of this boundary, and it would be regrettable to see this change by virtue of the proposed dwellings. I can think of 3 possible options:

A post and wire fence set back 1m from the existing fence line which would discourage the new residents from seeking to cut this boundary.

*Extending the new planting proposed in the southeastern corner along the entirety of the eastern boundary – providing some strengthening/buffering of the tree line to the east.
Apply a restrictive condition/include in particulars for this unit?*

I note the inclusion of new Devon hedge on the northern boundaries of the proposed dwellings which are welcome – these would be even more beneficial if the Devon hedge was extended along the back of Fernside (!).

*Recommendation: No objection subject to conditions securing:
No external lighting on Units 2 and 4 unless agreed prior to installation by the LPA
Protection of the tree line (forming part of the Tavistock Viaduct Walk LNR) which forms the eastern boundary of the site using one of the three suggested options above.
Adherence to measure within section 7 of the ecology report.'*

- Tavistock Town Council

Objection – *'Outside settlement boundary, concerns regarding additional traffic on a very narrow road, on a greenfield site'*

Representations:

30 letters of representation have been received at the time of writing this report. Concerns raised within the submitted letters are summarised as follows:

- The development will have a detrimental impact upon highways safety
- Should be considered within context of other development within Tavistock
- The development will adversely impact ecology
- The loss of hedgerows and banks is unacceptable
- The site is outside of the Development Boundary
- Will erode rural character and tranquillity
- Will prejudice integrity of walking and cycling routes
- The design is out of keeping
- Will dominate the streetscene and adjacent properties
- Will lead to overlooking of adjacent properties
- Could lead to flooding issues at neighbouring sites
- Could lead to further development
- Housing has already been approved at alternative sites
- Could affect tourism within the town
- Will not meet housing needs
- Will not provide affordable housing
- There are inaccuracies within the submission

Relevant Planning History

00283/2015 - Pre-application enquiry for erection of two detached dwellings – Officer support forthcoming (covering west element of site)

Analysis

Principle of development

The application site is outside of, but adjacent to, the Tavistock Development Boundary, leading to conflict with the relevant housing policies which seek to direct housing within such boundaries.

However, national government policy does not necessarily follow the same agenda and requires authorities to instead avoid homes which are in 'isolated' countryside locations. In addition, paragraph 14 of the National Planning Policy Framework seeks the presumption in favour of sustainable development which for decision taking 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.*

The site relates well to the existing settlement of Tavistock and could not be considered isolated. It is, in the opinion of officers, within walking distance to bus stops, the town centre, the wealth of facilities within it, and the site is not unsustainable with regard to access to services. In any case, officers also acknowledge that the site is within close proximity to hundreds of households within this part of Tavistock, and the proposed dwellings will maintain the same degree of access to services.

Officers therefore accept the principle of residential development of the site.

Impact on rural character

The street scene has a suburban character. Officers note the presence of the two detached dwellings on the northern side of Crease Lane, and also note that the scheme represents, in effect, the infilling of the existing spaces between these properties and the residential development further to the east. For this reason, the proposal is not considered by officers to represent the harmful and inappropriate incursion of the built environment into the countryside, but the consolidation of residential development on this part of the northern side of Crease Lane.

Officers acknowledge that, due to the topography of the land, the open character of the two sites allows some views across Tavistock and the surrounding countryside, but these views are only seen fleetingly from the public realm as one travels up and down this part of Crease Lane.

Breaks in the screening when walking along the old railway line do allow views towards the field but to the lower half, and the proposed development will not be readily seen from this important public footpath. If glimpsed the proposal will be seen in conjunction with the existing development on Crease Lane. Future development further down the hillside would be seen from the railway walk and would have different implications regarding the impact on rural character.

Officers understand that there was previously a SHLAA assessment of the site but this considered a far greater quantum of residential development encompassing the field in its entirety. The outcome of the SHLAA, which did register some potential issues regarding character, access and drainage, is therefore attributed less weight, as the strategic residential development of the entire field has significantly different planning implications than the scheme for four dwellings contained along the roadside, as is now before the Council.

Overall, for these reasons, the residential development of the sites, in the density and specific locations proposed, is considered to lead to a small scale and limited loss of rural character which is outweighed

by the social and economic benefit provided by the houses. The suburban character of Crease Lane is broadly conserved.

Officers also note that hedgebanks are retained or introduced along the roadside and other boundaries, and the landscaping scheme provides an opportunity to provide ecological benefits and further assimilate the development into this location. The ability to secure additional planting can be secured through a landscaping condition and will ensure that the development does not prejudice the nearby Nature Reserve at the old railway line. This is in line with the comments of the Council's ecological expert.

Access and parking

The proposal provides adequate levels of onsite parking to serve the dwellings and adequate onsite turning, preventing the need to enter or exit the site in reverse gear.

Officers are mindful of the level of third party representation which has been received which has expressed concerns regarding the impacts of the development on highways safety. However, the application has been carefully considered by the DCC specialist highways officer, who is not objecting to the proposal.

After careful consideration, the highways officer has stated that *'The application site is served by Crease Lane, a classified road, C704. Its junction with A390 Callington Road is seriously substandard with respect to alignment, Width and gradient, forming an acute angle at the point of intersection. This access option to the site is not the only alternative, however, as it is quite possible to access the site using Uplands, which is certainly adequate to accommodate the additional traffic from the four proposed houses. There are therefore no objections in principle to the proposed development from a highway point of view.'*

The highways officer also asked for further plans clarifying the access visibility splays and this has now been provided. The highways officer has now added that *'The proposed accesses to Crease Lane have now been provided with visibility splays commensurate with the prevailing speed of vehicles in Crease Lane as requested in the highway authority's previous response and the plans are acceptable to the highway authority.'*

Officers subsequently consider the impact on highways safety to be acceptable, and certainly not 'severe' as is required by the National Planning Policy Framework.

Design and massing

The proposed dwellings clearly take some reference from surrounding development but particularly the roof profile of Fernside. The design is considered to be entirely appropriate within this suburban context.

Although slate is a divergence from the common roof finish in the area, natural slate is a high quality material and it would not be reasonable to insist upon a concrete tile or artificial slate. Overall, the design and massing of the proposed dwellings is considered to be acceptable.

Officers note the proximity of the development to the neighbouring bungalow to the west but, as the buildings will be set down the hill, and a good distance away from this neighbouring dwelling, officers do not believe that the scheme will lead to any dominance towards this property. Likewise, the proposal will sit comfortably in comparison to Fernside and other surrounding residential development.

Neighbour impact

The orientation of the proposed properties, the location of proposed openings, the distance between sites and the augmentation of boundary planting will ensure that the proposal will adequately protect

the amenity of neighbouring residential properties. There will be no materially harmful overlooking, loss of light or dominance towards these properties and an acceptable standard of amenity will be retained.

Drainage and Ecology

The site is within a Critical Drainage Area. However, the applicant has enough land within his control to allow officers to conclude that it will be physically possible to site appropriately specified soakaways, and this detail can be provided through planning condition. Officers can conclude, in principle, that soakaways can be sited which will adequately attenuate surface water runoff and prevent flooding of third party land.

Officers note the representations received regarding ecology. However, the application is submitted with an ecological appraisal which provides a professional and qualified overview of the ecological characteristics of the site and the impact of the development.

The conclusions and recommendations made within the report are verified by the Council's own ecological expert. The WDBC ecologist has requested conditions, which are reflected within the officer recommendation, with work to the eastern boundary captured within the landscaping condition. The WDBC ecologist has had regard to the latest set of plans and all remodelling and removal of hedgerows and banks when reaching this conclusion.

Other matters

The scheme makes a financial contribution to education but falls below the threshold for the requirement for affordable housing provision, in line with government planning guidance. Nonetheless, four houses will provide a degree of social and economic benefit to Tavistock. It will do so without challenging Tavistock's tourism offer.

Officers acknowledge comments made regarding future applications but this is not a material planning consideration, and any subsequent applications for further residential development will be subject of planning applications which will be judged on their own individual merits.

Officers note comments made regarding right to access and legal agreements for the transfer of sewage. However, these issues fall under civil law and the granting of planning permission would not prevent the landowner from needing various other permissions from third parties where necessary.

Conclusion

Building housing on greenfield land will invariably lead to a degree of loss of rural character. In this instance, the development as proposed does not represent the harmful incursion of development into the countryside but the consolidation of residential development on this side of Crease Lane, the suburban character of which will be broadly conserved.

Overall, the limited environmental harm associated with the development of the land is outweighed by the social and economic benefit of the housing provision. In line with the Framework, officers conclude that the limited environmental harm will not *demonstrably outweigh* the social and economic benefits of the housing provision.

Other matters relating to highways safety, drainage and ecology are deemed to be acceptable or can be resolved to be acceptable through use of appropriately worded planning conditions. The proposal is considered to represent sustainable development and is recommended for approval on that basis.

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
SP5 – Spatial Strategy
SP9 – Meeting Housing Needs
SP17 – Landscape Character
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton
SP23 – Tavistock

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

NE10 – Protection of the Countryside and Other Open Spaces
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
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).

2. The development hereby approved shall in all respects accord strictly with the drawing number(s) received by the Local Planning Authority relating to this planning 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.

3. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have first 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.

4. 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 and green infrastructure for biodiversity and landscape purposes. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary hedgerows and the surrounding area);
- (iii) A timetable for the implementation of all hard and soft landscape treatment
- (iv) Details of inbuilt provision for birds and bats;

- (v) Arrangements for stripping, storage and re-use of topsoil;
- (vi) Materials, heights and details of fencing and other boundary treatments;
- (vii) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (viii) The method of planting, establishment and protection of tree, hedge and shrub planting;

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

5. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate. SuDS to be designed for a 1:100 year event plus 30% for climate change.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details 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.

6. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking spaces and garaging hardstanding, access drive and access drainage have been provided and maintained in accordance the application drawings and retained for that purpose at all times

Reason: To ensure that adequate facilities are available for the traffic attracted to the site

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development 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)
- (b) Part 1, Class B (roof addition)
- (d) Part 1, Class E (buildings incidental to the enjoyment of the dwellinghouse)
- (e) Part 1, Class F (hardsurfaces)
- (f) Part 2, Class A (means of enclosure) and;
- (g) Part 14, Renewable Energy

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.

8. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecological Appraisal dated May 2016 from Sunflower International.

Reason: In the interests of ecology

9. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

- A preliminary risk assessment/desk study identifying:
- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The site is immediately adjacent to a number of potential sources of contamination that need further investigation and risk assessment. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

10. 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. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

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

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

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

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Okehampton **Ward:** Okehampton West

Application No: 00938/2015

Agent/Applicant:

Mr R J Murrin
1 Sunnyridge
Castle Road
Okehampton
EX20 1HU

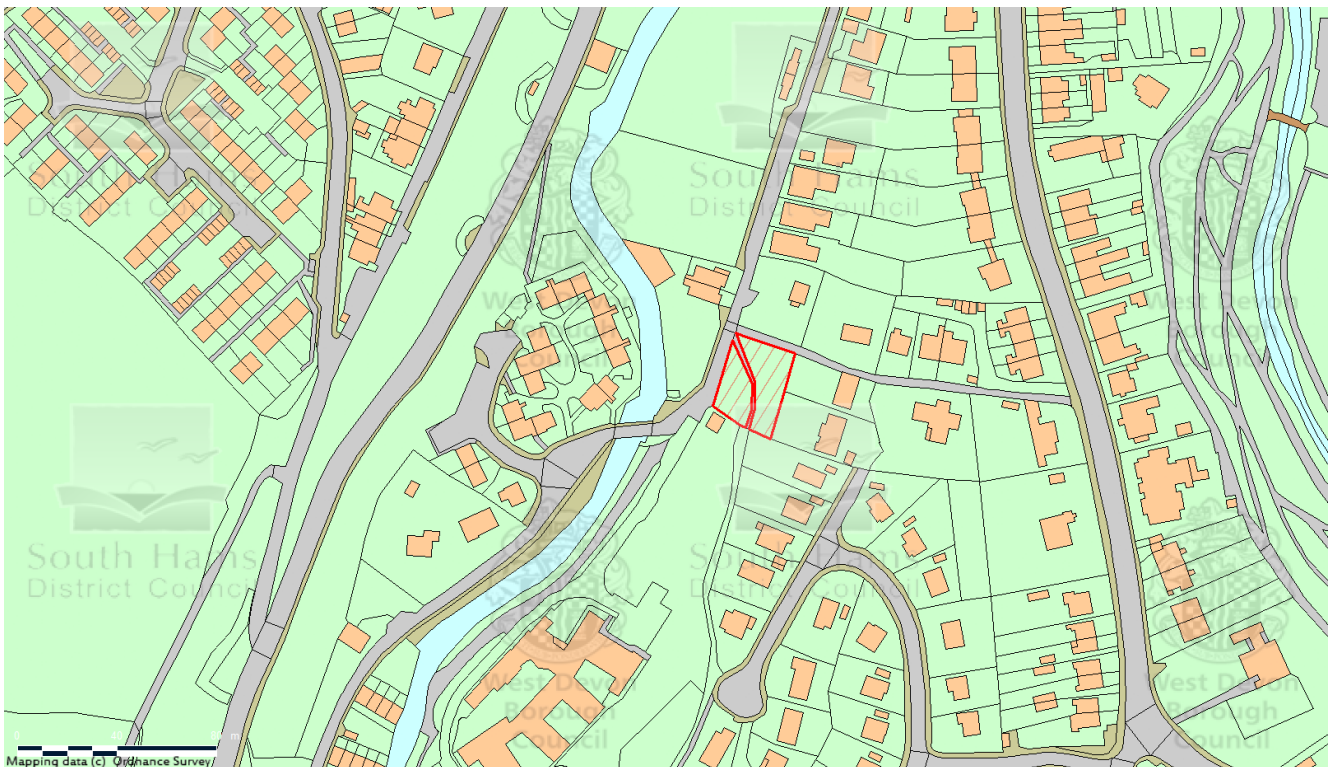
Applicant:

Mr John Feaver
Orchard Close
Okehampton
EX20 1DD

Site Address: Land Adjacent To Castleford, Castle Road, Okehampton, Devon,
EX20 1DD

Development: 00938/2015 - Erection of two residential dwellings

Reason item is being put before Committee: Referred by Cllr Yelland, concerns over public footpath and highway safety issues



Recommendation: Conditional approval

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

1. Standard time limits
2. Accord with plans
3. Materials to be submitted/approved
4. Boundary treatments to be submitted/approved and to include handrail details
5. Ecological mitigation to be carried out
6. Landscaping scheme
7. Tree protection/arboricultural report to be complied with
8. Surface water drainage
9. Removal of PD rights
10. Garage/parking for cars in connection with development only
11. Plan for access improvements submitted/approved
12. Unsuspected contamination
13. Provision of temporary footpath during footpath closure for construction works
14. Re-surfacing works to be agreed in writing and agreed details to be carried out in accordance with the approved details prior to footpath reopening

Key issues for consideration:

Principle of development in this location, impact on character of the area, impact on public footpath, impact on trees and ecology, flood risk, highways and parking.

Site Description:

The site comprises two parcels of land on the eastern side of Castle Road. The site is bisected by a public footpath, which runs between Castle Road with Leeze Park Estate, another public footpath adjoins the northern boundary of the plot, which runs between Castle Road and Station Road to the east. The plot slopes steeply from castle Road to the east. At the rear of the plot are 2No detached dwellings which are accessed via Leeze Park Estate, the rear gardens of these dwellings adjoin the eastern boundary of the site. Opposite the site to the west a residential development is being constructed and is nearing completion. An electricity substation borders the site at its southern end, beyond which is the vehicular entrance and access drive for castle Ham Lodge.

The site is currently undeveloped and contains a number of trees and shrubs.

The Proposal:

The proposal is to erect 2No detached dwellings, the first dwelling would be sited to the west of the public footpath and front onto Castle Road, this dwelling would have garages at ground floor level with the living accommodation contained above, there would be a further parking area to the north which would serve the second dwelling. The second dwelling is proposed to be sited to the east side of the footpath with pedestrian access from the public footpath.

Consultations:

- County Highways Authority: No objection subject to conditions
- Environmental Health Section: No objection subject to unsuspected contamination condition

- Okehampton Town Council: Object, concerns over parking and access for dwelling fronting Castle Road, public footpath access during development, over development of the site and access onto the highway
- Environment Agency: No objection
- Natural environment: No objection in respect of ecology or trees, conditions recommended

Representations:

Comments have been received and cover the following planning points:

- Impact on the public footpath running between the two proposed dwellings
- Highway safety issues
- Ecology issues
- Disruption to local residents during construction period
- Site is too small to accommodate proposed dwellings
- Sewer runs across the site

Representations from Statutory Consultees

PROW DCC – No objection subject to conditions relating to resurfacing, provision of handrail and temporary footpath agreed for duration of footpath closure

Relevant Planning History

No recent applications

ANALYSIS

Principal of the development

Policy H28 of the west Devon Local Plan Review advises that;

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.

It is considered that the tenets of policy H28 are adhered to and are addressed in the analysis below.

Pattern of development

Approaching the application site from the north, there are number of similar dwellings on the eastern side of Castle Road, which having a town house style layout of garaging at ground floor level with living accommodation spread over upper floors. The dwelling proposed to the east of the footpath will be set back from the road frontage and will be less prominent in the street scene. Therefore it is considered that the form of development would not be out of keeping with the area and it considered that the proposal would not introduce or reinforce an undesirable pattern of development.

Design

It is proposed the dwellings will be constructed with painted rendered exterior walls and natural stone where indicated on the proposed plans. The roofing material is proposed to be grey slate with white uPVC windows and doors. The ground floor garage doors are proposed to be vertically ribbed with a brown finish. The proposed materials are considered acceptable and are seen frequently within the locality. A condition requiring boundary treatments to be agreed prior to construction is recommended, this also ties in with the potential impact on the public footpath, which addressed in a later section of the report

Amenity

The nearest dwelling to the north 'Tree Tops' is set some distance away from the application site to the north of the footpath which runs between Castle Road and Station Road, it is considered that there will be no detrimental impact to this dwelling. To the east are 2no detached dwellings contained within Orchard Close. They are set at a much higher level than the proposed dwelling sited closest to the boundary with these dwellings, a section plan showing the height of the proposed dwelling in relation to the dwellings in Orchard Close has been submitted and shows the proposed dwellings will not result in a loss of light or privacy to the dwellings in Orchard Close to the east. To the west are modern dwelling under construction on the site of a former laundry, the new dwelling sited opposite the dwelling adjacent to Castle Road are set back from Castle Road, it is considered the relationship between these dwellings and the proposed dwelling is acceptable. As the dwellings are family sized and have modest amenity areas, it is proposed to restrict permitted development rights for extension and external alterations, this will ensure no additional windows are inserted into the new dwellings without prior consent.

Impact on the public footpath

Public footpath number 41 bisects the application sites, following the submission of amended plans, the red line for the application site includes the public footpath.

The application in the Design and Access statement has indicated that the footpath would need to be closed for a period of time during construction of the dwellings, a period of time has not been stated. The planning application does not give consent for any stopping, temporary or otherwise of the footpath, this will be a matter for Devon County Rights of Way under a separate application. The submitted plans show a temporary footpath to the eastern side of the plot, which can be put in place during the period that footpath 41 is closed for construction works, whilst the footpath running between Caste Road and Station Road involves some steps, this offers an alternative route for users of the footpath during construction works and is welcomed. A condition is proposed to ensure that the temporary footpath is provided during construction works.

Following consultations with Devon County Council, conditions relating to the provision of a handrail affixed to the fencing is proposed to ensure the existing handrail provision in the form of the fence is re-provisioned. It is anticipated that there will be resurfacing of the footpath required following the construction of the dwellings and therefore a condition is recommended to ensure these details are agreed and completed prior to the footpath re-opening.

The applicant is advised that Public Footpath number 41 crosses the site and should not be illegally diverted or obstructed in any way during the course of construction or following the development. If the right of way is to be affected in any way by the development, the applicant must seek the appropriate consent of the highway authority, Devon County Council before any diversion or obstruction takes place.

Highways and parking

It is proposed that each of the dwellings would have 2No parking spaces, this is considered acceptable. A condition is recommended that the parking spaces be provided prior to occupation and maintained permanently as such, as the provision of on-street parking within the locality is limited, it is considered reasonable and necessary to restrict the use of the garage for the parking of motor vehicles in connection with the dwelling only.

Devon County Highways have no objections to the in principle to the proposed development, in the event that planning permission is granted, a condition relating the improvements of visibility at the access is recommended. This is in order to usefully improve the exiting visibility in the leading traffic direction, to the north. This will be achieved by restricting the height of the retaining wall around the spaces for unit 2 and the fence adjoining the footpath crossing the site to no greater than 800 mm within 2 metres of the carriageway edge. A condition requiring the approval a plan showing this detail prior to commencement is recommended.

Due to the site having access from the highway, it is considered that a construction management plan is not required, temporary blockages to a highway whilst materials are being unloaded is common during construction works. The potential for noise and disturbance during buildings works is covered by Environmental Health legislation.

Ecology and trees

The Ecological Appraisal describes habitats on site as widespread and common, of site value only – with the proposed development having a low ecological impact. The ecologist has offered no objections to the proposal and has recommended conditions related to the following;

- Works shall proceed in accordance with mitigation measures outlined in section 4 of the Preliminary Ecological Appraisal (Richard Green, December 2014) – this shall include installation of one 1FQ or 1FR bat box within the external walls of each residence in accordance with the positioning specification in Annex B of the Appraisal.
- Prior to commencement details of proposed planting should be provided to the LPA for approval.

The Landscape Officer has offered no objections to the proposal. An arboricultural report has been submitted, which identifies the trees to be removed and retained. The best trees on the site are shown to be retained, a condition that the protection measures outlined in the submitted arboricultural report shall be fully adhered to.

Drainage

A drainage condition for surface water drainage is recommended for such details to be approved prior to work commencing and shall include details of the drainage for both the proposed dwellings and the public footpath. A comment has been made in respect of a public sewer that runs across the site, the applicants will need to contact South West Water to ensure that no proposed works will negatively impact on the sewer.

Other Matters

The site is adjacent to the Okehampton Conservation Area, there are no nearby listed buildings. Due to the proposed dwellings matching existing dwellings to the north and are within the conservation area, it is considered that the proposed dwellings will not have a detrimental impact on the character or appearance of the conservation area.

An electricity substation is sited to the south of the application site, the dwelling proposed to front Castle Road is set in from the boundary with the substation. National Grid have been consulted on the application. The applicant is advised to contact the National Grid to ensure there are no underground cables associated with the substation which may be affected by the development.

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).

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. 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.

4. Details of the proposed boundary treatment including the handrail to be affixed to the fencing on the western side of footpath No 41 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 and maintained permanently thereafter.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality and ensure the safe use of the public footpath.

5. The development hereby approved shall be constructed in full accordance with mitigation measures outlined in section 4 of the Preliminary Ecological Appraisal (Richard Green, December 2014) – this shall include installation of one 1FQ or 1FR bat box within the external walls of each residence in accordance with the positioning specification in Annex B of the Appraisal. The bat boxes shall be permanently maintained thereafter.

Reason: In the interests of bio-diversity.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

7. The development hereby approved shall be carried out in full accordance with the Tree Protection Plan submitted within the Arboricultural Report by Dart Tree Consultancy.

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

8. Prior to the commencement of the development, 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

9. 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 development of the types described in Schedule 2, Part 1, Classes A-E of the Order, including the erection of extensions and external alterations (including the insertion of windows and roof lights), porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

10. The dwellings 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.

11. Prior to the commencement of the development, a plan showing the height of the retaining wall around the spaces for unit 2 and the fence adjoining the footpath crossing the site to no greater than 800 mm within 2 metres of the carriageway edge shall be submitted to and approved by the Local Planning Authority.

The development shall be constructed in full accordance with the details approved by condition 11 and the approved wall height maintained permanently thereafter and no plants or shrubs to be planted above this height adjacent to the wall.

Reason: In the interests of highway safety.

12. 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.

13. The temporary footpath shown on plan 1410-4B shall be provided for the duration of the closure of footpath No 41 for construction works.

Reason: To ensure the temporary footpath is provided during the closure of footpath No 41 for construction.

14. Footpath No 41 shall not be closed until the re-surfacing works required following construction of the dwellings hereby approved has been submitted to and approved in writing by the LPA and the approved details shall be carried out in full accordance with the approved details prior to the re-opening of footpath No 41.

Reason: To ensure the footpath is returned to its current condition after construction works.

Advice notes:

1. The applicant is advised that Public Footpath number 41 crosses the site and should not be illegally diverted or obstructed in any way during the course of construction or following the development. If the right of way is to be affected in any way by the development, the applicant must seek the appropriate consent of the highway authority, Devon County Council before any diversion or obstruction takes place.

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

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
SP5 – Spatial Strategy
SP9 – Meeting Housing Needs
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton

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

H28 – Settlements with Defined Limits
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T4 - Footpath Links to Okehampton Town Centre

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.

West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 10-Jan-16
Appeals Update from 25-Nov-16 to 16-Dec-16

Ward Bere Ferrers

APPLICATION NUMBER : **2736/15/OPA** APP/Q1153/W/16/3157958
APPELLANT NAME: Mrs J Hyde
PROPOSAL : Outline application with all matters reserved for proposed residential development (resubmission of 00114/2015)
LOCATION : Land Adjacent To 113 Broad Park Road, Bere Alston
APPEAL STATUS : Appeal decided
APPEAL START DATE: 12-October-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 13-December-2016

Ward Milton Ford

APPLICATION NUMBER : **1082/16/OPA** APP/Q1153/W/16/3160586
APPELLANT NAME: Mr & Mrs Manning
PROPOSAL : Outline application with some matters reserved for the erection of a dwelling
LOCATION : Land at SX 450 771, Adj. Court Barton Mews, Lamerton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 14-December-2016
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2168/16/HHO** APP/Q1153/D/16/3162022
APPELLANT NAME: Mr & Mrs J Hooker
PROPOSAL : Householder application for a front and side extension
LOCATION : Middle Edgcumbe Barn, Edgcumbe Road, Milton Abbot, PL19 0QH
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 06-December-2016
APPEAL DECISION:
APPEAL DECISION DATE:

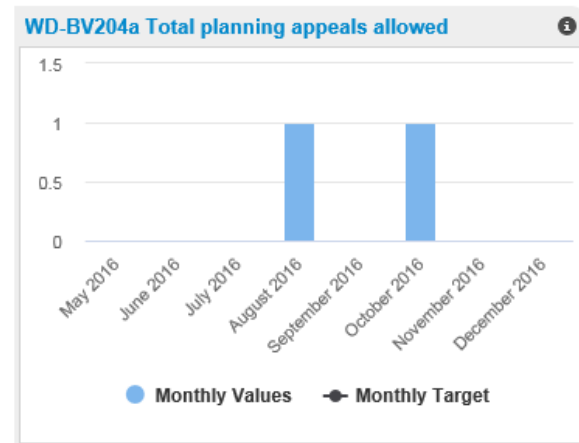
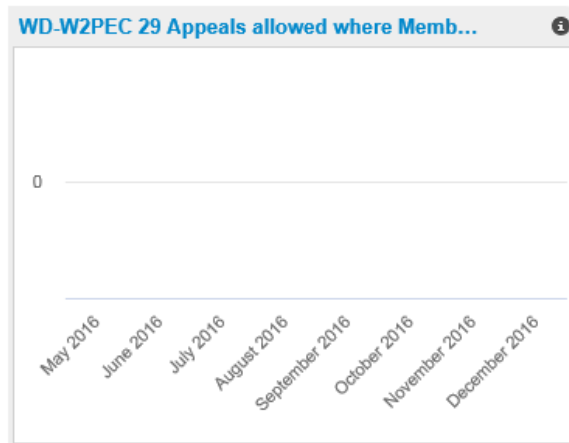
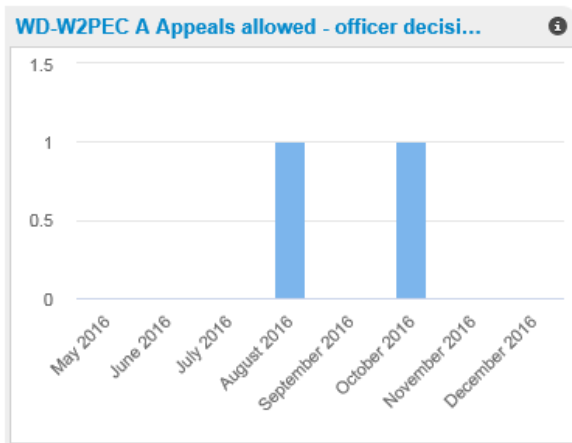
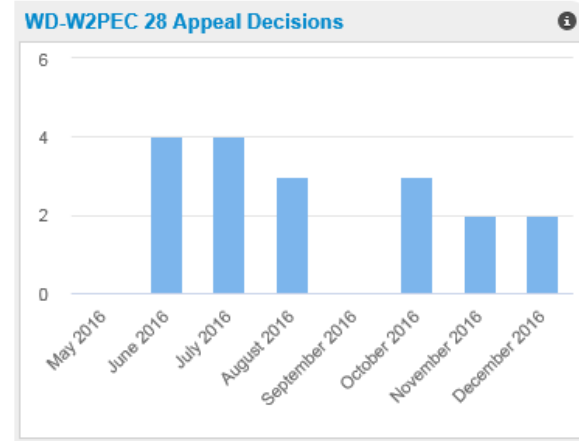
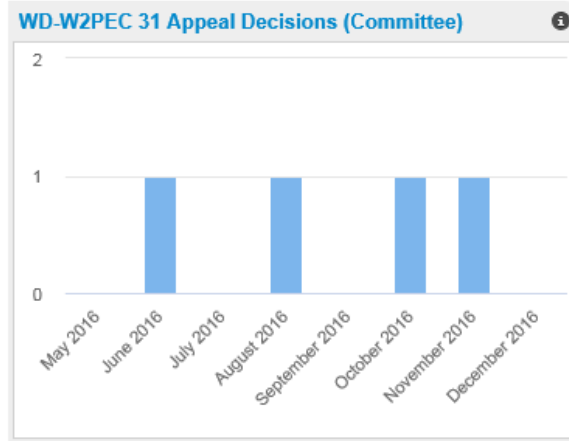
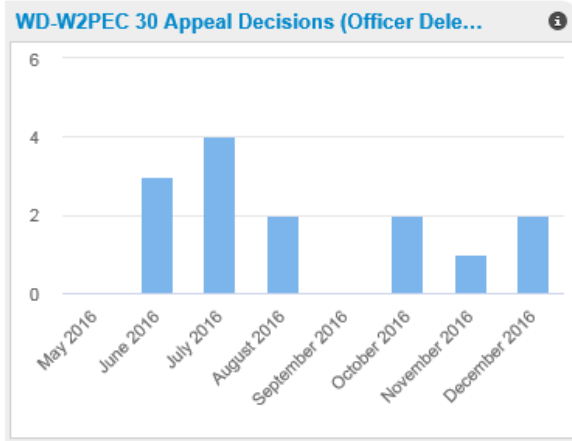
Ward Tavistock North

APPLICATION NUMBER : **00979/2015** APP/Q1153/W/16/3155377
APPELLANT NAME: Mr & Mrs Stephens
PROPOSAL : Application for an outline planning permission for 3 dwellings.
LOCATION : Land At Ngr Sx485750, Old Exeter Road, Tavistock
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 05-September-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 28-November-2016

APPLICATION NUMBER : **0415/16/FUL** APP/Q1153/W/16/3161719
APPELLANT NAME: Miss I Chambers
PROPOSAL : Change of use of existing annexe with planning permission for holiday accommodation into dwelling
LOCATION : Annexe, Round House, Old Launceston Road, Tavistock, PL19 8NA
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 14-December-2016
APPEAL DECISION:
APPEAL DECISION DATE:

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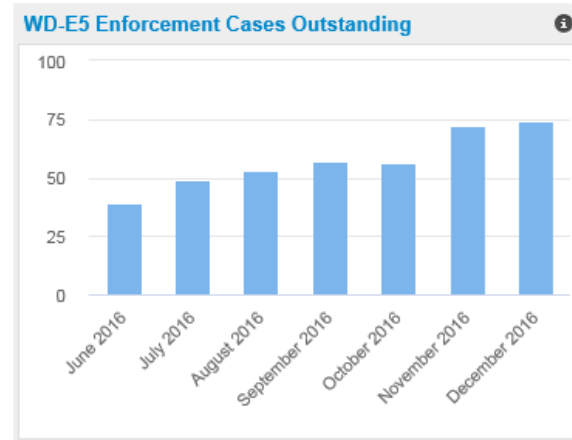
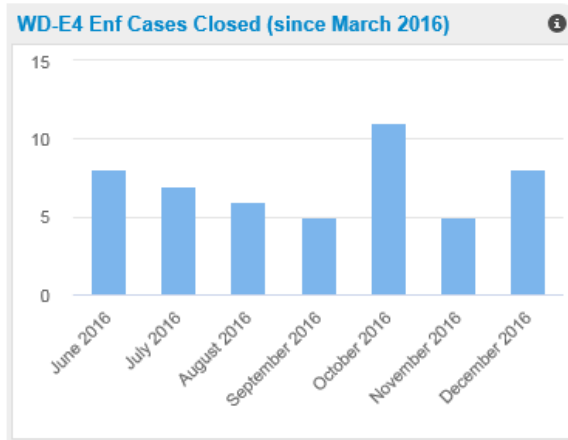
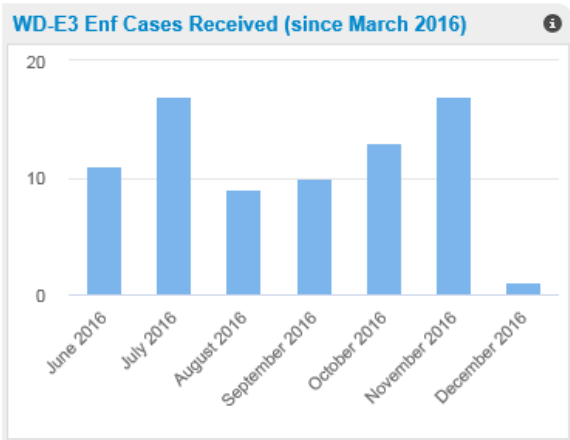
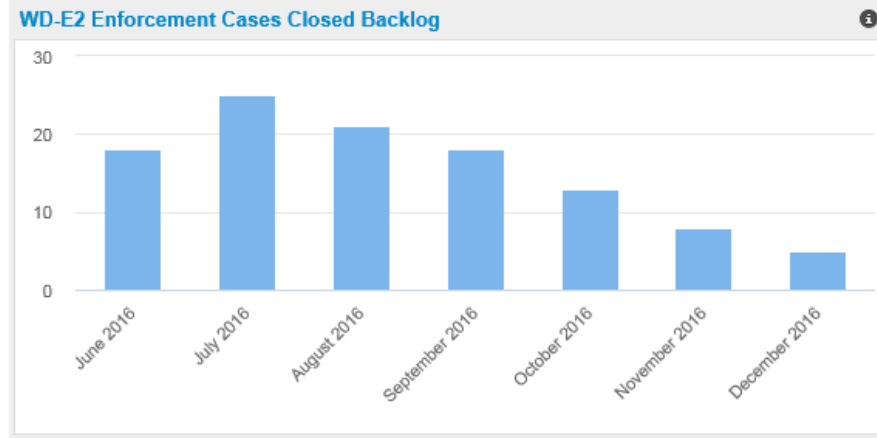
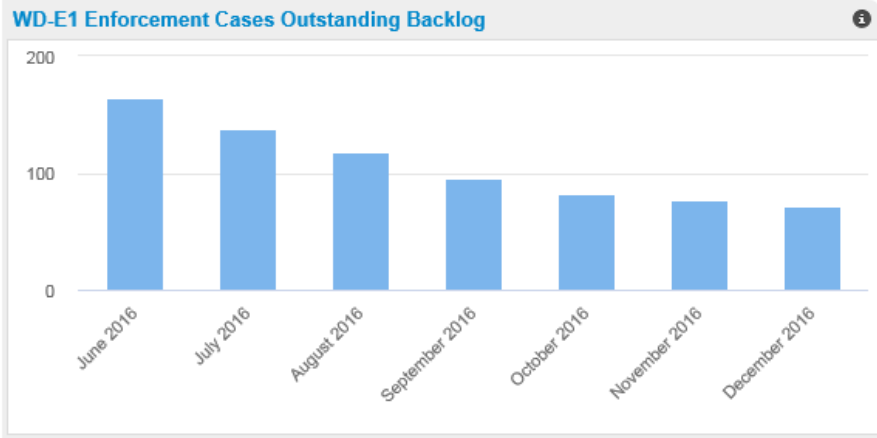
WD Planning appeal performance NEW-



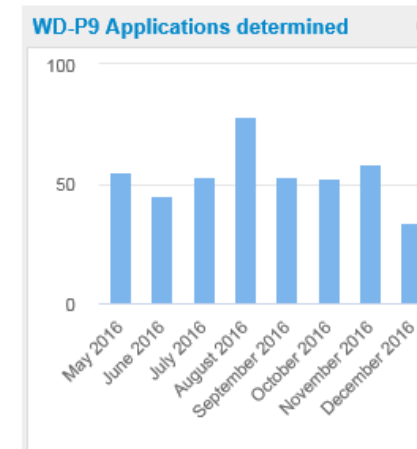
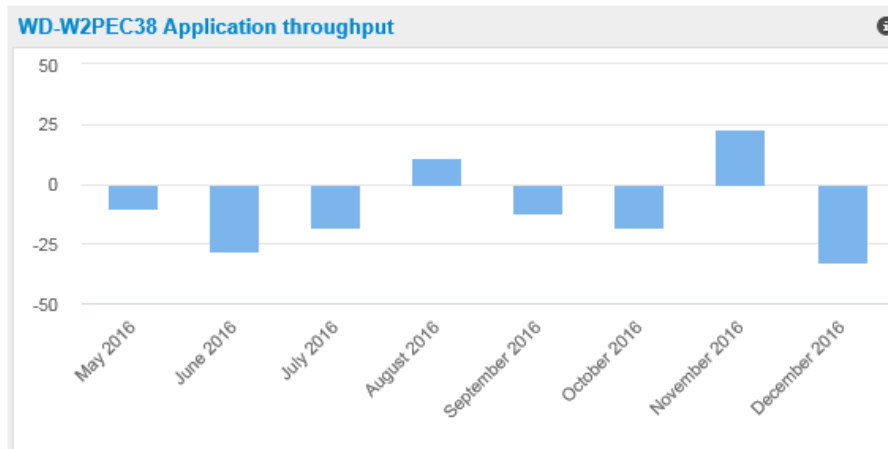
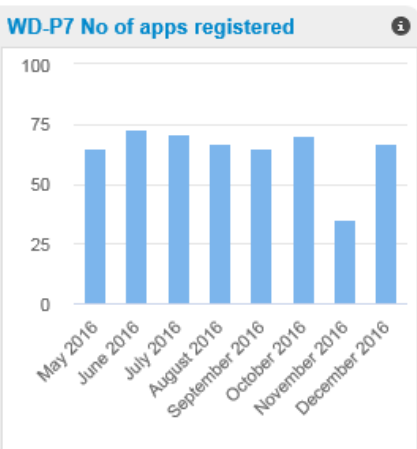
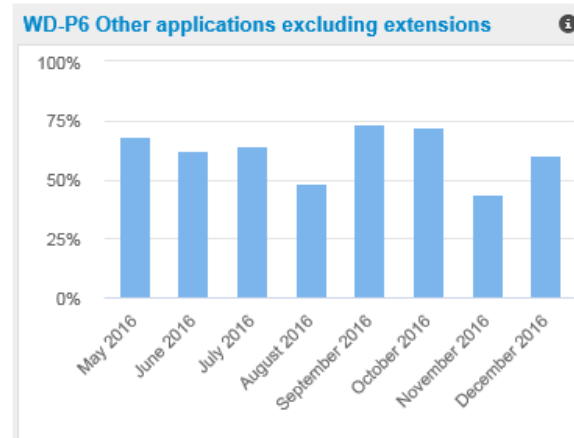
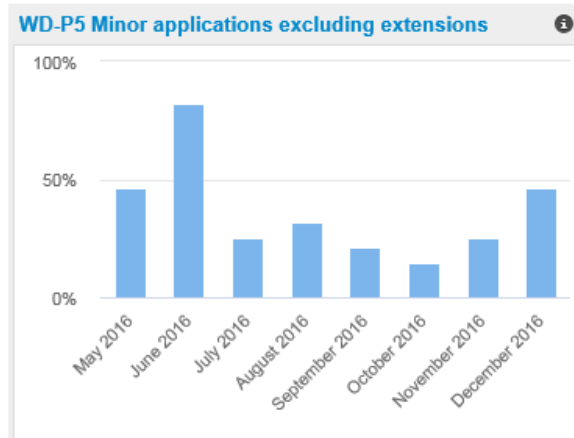
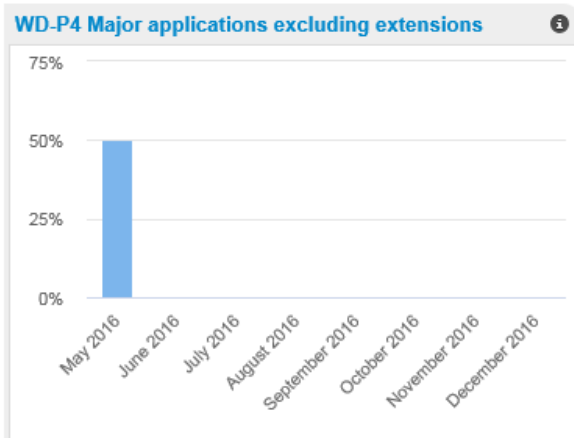
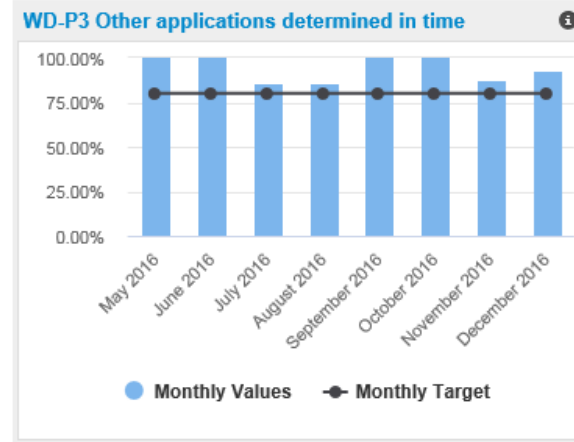
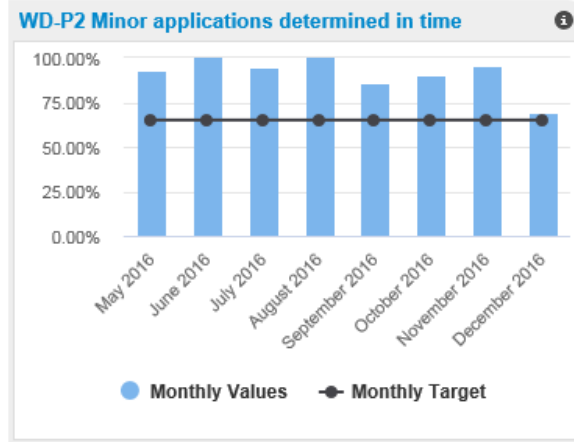
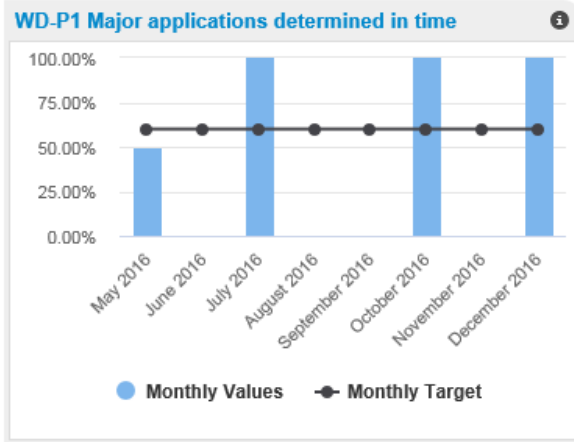
For charts above: WD-W2PEC A are officer delegated decisions, WD-W2PEC 29 are appeals where member decision went against officer recommendation, WD-BV204a are all appeals allowed.

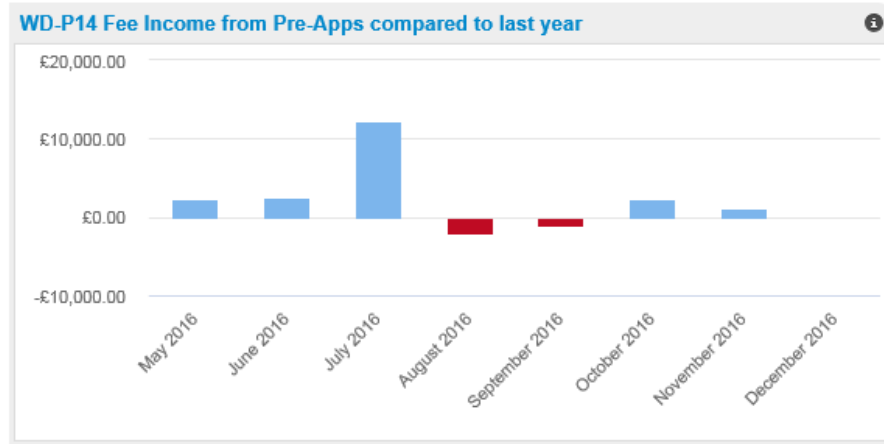
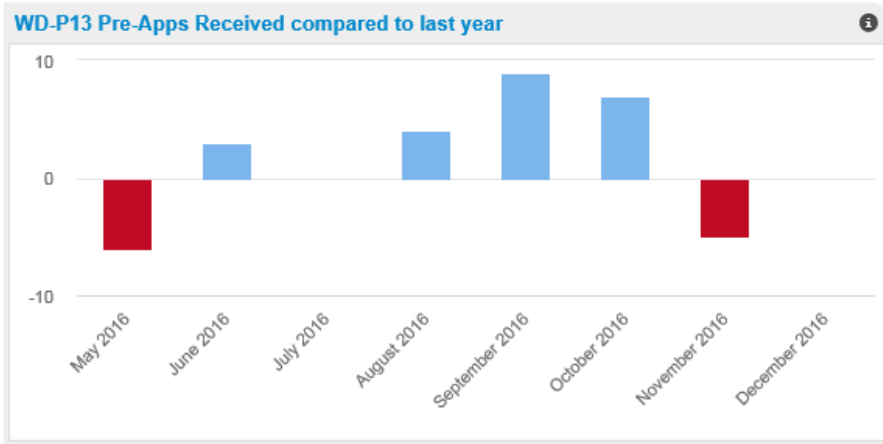
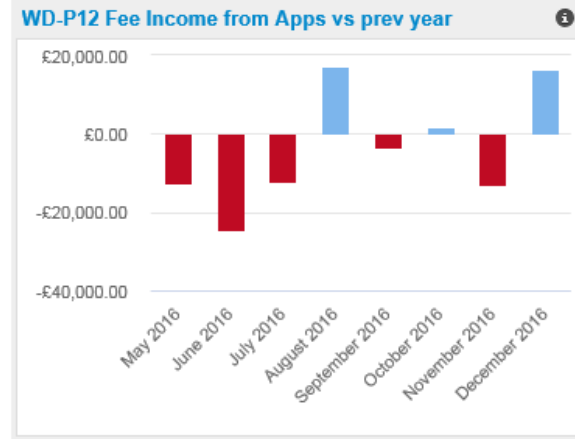
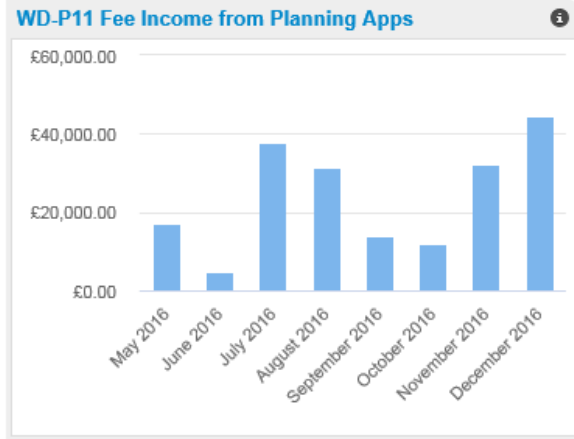
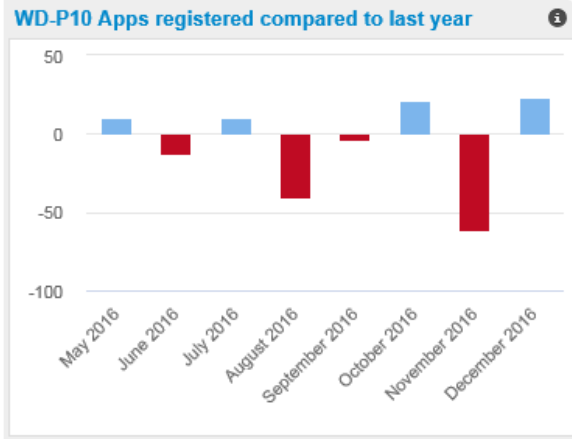
Any difference in these figures would be where decisions went to Committee and Members agreed with Officer recommendation.

WD Planning Enforcement-



WD Planning Performance





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Agenda Item 8

Report to: **Planning and Licensing Committee**
Date: **10th January 2017**
Title: **Fees and Charges for 2017/18**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: **Internal**

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

Author: **Lisa Buckle** Role: **S151 Officer**
Contact: **Tel. 01803 861413**
E-Email: lisa.buckle@swdevon.gov.uk

Recommendations:

- 1) That the Planning and Licensing Committee approves the proposed fees and charges set out in Appendix A for the period 1st April 2017 to 31st March 2018.

1. Executive summary

1.1 This report sets out proposals for fees and charges for 2017/18. It is recommended to keep the fees and charges for 2017/18 at the same level as 2016/17.

2. Background

2.1 The Council has the power to levy fees and charges for various services and functions it undertakes.

3. Proposals for Charges 2017/18

3.1 Environmental Health Charges

It is recommended that there are no increases to fees and charges for Environmental Health Services. Appendix A sets out proposals for Environmental Health Charges for 2017/18.

Environmental Health charges were reviewed for 2016/17 to ensure that the Council charges were consistent across West Devon Borough Council and South Hams District Council and complied with the legislation in terms of the maximum charge being full cost recovery. The charges were changed to reflect this requirement. It is recommended to keep the fees and charges for 2017/18 at the same level as 2016/17.

A wider review will be required this year of all licensing functions to ensure compliance with the European Services Directive and the implications of the new guidance produced by the Local Government Association covering the implications of the European Court of Justice ruling on the Hemming vs Westminster case.

3.2 Planning

A review of the pre-application service (including the fee structure) is to be undertaken in the next six months, as a result of the recommendations arising from the Planning Peer Challenge undertaken in 2016.

The review, which will also cover Planning Performance Agreements and the Duty Planning service, has been subject to a short delay whilst resources have been focussed on performance with regard to determining planning applications and delivery of the Joint Local Plan. In view of this, any changes to charges or projected income cannot be confirmed at this stage.

4. Proposed Way Forward

1) The level of fees and charges will continue to be monitored during the year.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	<p>The Council has the power to introduce, maintain and increase charges under S.19 of the Local Government (Miscellaneous Provisions) Act 1976 or as set out in specific pieces of relevant information.</p> <p>The Constitution states under the Terms of Reference for the Planning and Licensing Committee:-</p> <p>To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In all other circumstances, the Committee to recommend the levying of fees and charges to the Hub Committee.</p>
Financial	Y	There will be no financial impact as the recommendation is to keep the fees and charges for 2017/18 the same as for 2016/17.
Risk	Y	Achieving anticipated income targets in the current financial climate – regular monitoring of corporate income streams and revenue budgets ensures early identification of variances.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Compliance with Human Rights Act 1998
Safeguarding	Y	None
Community Safety, Crime and Disorder	Y	None.

Health, Safety and Wellbeing	Y	None.
Other implications	N	None directly arising from this report.

Supporting Information

Appendix A – 2017/18 Proposed Charges for Environmental Health

Background Papers:

Medium Term Financial Strategy – Hub Committee 20 September 2016

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	N/A

Appendix A

Licence Type	Current Fee (2016/17)	Proposed Fee (2017/18)	Comments
Acupuncture, Tattooing, Ear-piercing & Electrolysis			The Local Government (Miscellaneous Provisions) Act 1982 Part VIII requires businesses which carry out the following types of skin piercing to be registered with the Council.
Register of Persons	£112.00	£112.00	<ul style="list-style-type: none"> – acupuncture – tattooing
Register of Premises	£112.00	£112.00	<ul style="list-style-type: none"> – cosmetic body piercing (including ear piercing) – semi-permanent skin colouring – electrolysis
Changes to Premises registration particulars	£40	£40	<p>The Act requires registration to cover both the person carrying on the practice and the premises used for that purpose. Once an application has been made and a fee paid, an inspector will undertake an inspection of the premises. If the inspector considers the applicant's procedures and the premises to be suitable, then registration will be approved. The fees are only payable once. Once registered there is no need to reapply on an annual basis. Premises will be checked before registration is completed and on a regular basis to ensure that hygienic standards are being maintained.</p>

<p>Animal Boarding Establishment (All to 31 December each year)</p> <p>Licence (per animal)</p> <p>Minimum</p> <p>Maximum</p> <p>Home Boarding (maximum fee charged)</p>	<p>£5.00</p> <p>£129.00</p> <p>£187.00</p> <p>£120.00</p>	<p>£5.00</p> <p>£129.00</p> <p>£187.00</p> <p>£120.00</p>	<p>Animal Boarding establishments are essentially kennels and catteries.</p> <p>The fees are based on a 'per animal' basis with a minimum fee of £123.00 being proposed. Premises are regulated under the Animal Boarding Establishments Act 1963. A visit will normally be made to the establishment to check that licence conditions are being complied with. Checks will include ensuring that the accommodation is suitable in construction, size, numbers and facilities such as heating, lighting and ventilation are adequate. Checks are also made to ensure the correct welfare and management of the animals, fire precautions and emergency arrangements. Revisits to premises may be required where minimum standards are not achieved. Visits may also be required on receipt of complaints. Regular checks will also be required.</p>
<p>Dangerous Wild Animal Licence</p> <p>Plus Vets fees and expenses</p>	<p>£394.00</p> <p>Act. Cost</p>	<p>£394.00</p> <p>Act. Cost</p>	<p>Animals which are classified as "dangerous wild animals" and can be anything from an Aadvark to a Zebra, are identified in a schedule to the Dangerous Wild Animals Act. Anyone wishing to keep one of these animals requires a Licence issued by the local authority. Checks will be made on application to ensure that the person is suitable for the keeping of dangerous animals. A visit will then be made to the premises to ensure that the animals can be kept in an environment that protects their welfare and also that of public safety. Licence conditions often are specific to the type or property and animal being kept, so can require a significant amount of officer time to develop.</p>

			The service of a specialist vet is often required (for which a separate recharge is made). A number of visits may often have to be made to ensure that licence conditions can be met. Visits may also have to be made on a regular basis to ensure welfare and safety standards are maintained. Public nuisance issues may also have to be addressed.
Dog Breeding Establishment			
Licence Fee (Initial & Renewal)	£167.00	£167.00	A breeding establishment is where five or more litters are born, to one or more bitches, for the purpose of sale, in the period of one year. A licence is necessary for the interests of animal welfare and consumer protection relating to the facilities in which the animals are kept and the extent to which they are bred.
Plus Vets fees and expenses (initial applications only)	Act. Cost	Act. Cost	A visit will be made to the premises to ensure that welfare conditions are suitable. For initial applications a visit by a vet will also be required. Conditions may also be attached to the licence. Regular inspections will also be required to ensure compliance with conditions and to ensure that adequate records are kept.

<p>Hypnotism</p>	<p>£56.00</p>	<p>£56.00</p>	<p>The control of hypnotism is via the Hypnotism Act (as amended). Anyone giving an exhibition, demonstration or performance of Hypnotism on any person or in connection with entertainment to which the public are admitted whether by payment or otherwise is required to obtain authorisation from the Council by way of consent. Hypnotism includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>Once a completed application form is received and the information has been checked, liaison with a number of</p>
			<p>agencies such as the Police may take place. Checks will be made to ensure that the proposed event does not offend public decency and that vulnerable people will not be put at harm. Conditions will normally be attached to the licence to protect the public physical safety and mental health. Discussions may have to be held with the event organiser.</p>

Pet Animal Auctions	£202.00	£202.00	<p>Pet Animal Auctions require to be licensed. The licence will specify conditions concerning the welfare of animals that are to be sold. Other checks will ensure that:</p> <ul style="list-style-type: none"> – animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness; – animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; – animals, being mammals, will not be sold at too early an age; – that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; – that appropriate steps will be taken in case of fire or other emergency; <p>As the auctions are transient, the potential for animal neglect is higher. More stringent controls and inspection regimes will be required.</p>
Pet Shop Licences (Non-Statutory Annual Fee) Plus Vets fees and expenses	£120.00 Act. Cost	£120.00 Act. Cost	<p>Pet shops will require licensing on an annual basis. As with Pet Animal Auctions checks and visits will be required to ensure that:</p> <ul style="list-style-type: none"> – animals will at all times be kept in accommodation

			<p>suitable as respects size, temperature, lighting, ventilation and cleanliness;</p> <ul style="list-style-type: none"> – animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; – animals, being mammals, will not be sold at too early an age; – that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; – that appropriate steps will be taken in case of fire or other emergency <p>Visits will also need to be made to follow up on complaints.</p>
Riding Establishment Licences			<p>The Riding Establishments Act 1964 requires persons to obtain a licence from the local authority if they wish to operate a riding establishment. A 'riding establishment' means the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both'.</p> <p>The Act is concerned with ensuring the suitability of the licence holder and the welfare and suitability of the horses and in particular:</p> <ul style="list-style-type: none"> – whether the person has suitable qualification or experience – the condition of the horses – the condition of feet – suitable accommodation – where appropriate, the condition of pasture
Up to 10 horses	£168.00	£168.00	
Plus for each horse	£8.00	£8.00	
Plus for Vets fees and expenses	Act. Cost	Act. Cost	
Maximum Fee	£304.00	£304.00	

			<ul style="list-style-type: none"> – suitable food, drink, bedding and exercise facilities – suitable disease control – suitable precautions in event of fire – provision of adequate accommodation for forage, bedding and equipment. <p>Adequate insurance cover will also have to be provided. The local authority will have to authorise a vet to inspect the establishment and to consider the report of their visit before issuing the licence.</p> <p>Checks will be made to ensure that the premises continue to operate in a satisfactory manner.</p>
Scrap Metal Dealers (2013 Act)			
Site Licence (New Application valid 3 yrs)	£180.00	£180.00	The 2013 Act replaces the Scrap Metal Dealers Act 1964 and combines scrap metal dealers and motor salvage operators under one licence. We will continue to act as the main regulator but the new Act gives us more powers, including the power to refuse a license and powers to revoke licences if the dealer is considered unsuitable. Both we and the Police have been given powers to enter and inspect premises.
Site Licence (Renewal)	£130.00	£130.00	
Transfer of Site Licence to Mobile Collector	£75.00	£75.00	
Mobile Collector Licence (New application valid 3 yrs)	£130.00	£130.00	
	£85.00	£85.00	
Mobile Collector (Renewal)	£80.00	£80.00	
Transfer of a Mobile Collector Licence to a Site Licence			
Change of licence holder details	£15.00	£15.00	
Change of licensed site	£80.00	£80.00	
Change of site manager	£43.00	£43.00	

Sex Establishments (Shops & Encounter Venues)			The Local Government (Miscellaneous Provisions) Act 1982 requires the licensing of sex establishments (shops or cinemas) and also the licensing of sexual entertainment venues, by virtue of s27 of the Police and Crime Act 2009.
Per application (Inclusive of first year	£4,600	£4,600	
annual licence) Annual Fee/Renewal Transfer Plus Premises Licence / Club Premises Certificate if applicable – Licensing Act 2003	£450.00 £1,300 Statutory Fee	£450.00 £1,300 Statutory Fee	A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or acts of force or restraint associated with such activity. A sex cinema has a similar meaning but for the showing of films. A sexual entertainment venue would cover establishments such as a lap-dancing clubs. The price of a sex establishment (there are none in West Devon) has been reduced so to be mindful of an EU Directive that an applicant isn't required to contribute towards appeal or enforcement costs. Also, the fee level set should not be used to act as a deterrent against applying. Annual renewal fees are set considerably lower to reflect the decreased workload associated.

Zoo Licensing Act			
Grant of Licence (Valid 4 years)	£818.00	£818.00	<p>Zoos are required to be licensed by the local authority under the Zoo Licensing Act 1981. A zoo is defined in the Act as being 'an establishment where wild animals are kept for exhibition ... to which members of the public have access, with or without charge for admission, seven or more days in any period of twelve consecutive months'. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.</p> <p>The process for licensing a zoo is complex and time consuming. The process will involve liaison with a Secretary of State appointed vet, and inspections will be made to ensure that the zoo can operate in a manner that ensures public safety while maintaining a rich and rewarding environment for the animals. Checks will also have to be made to ensure that the zoo is actively involved in conservation measures.</p> <p>The level of specialist knowledge required is very high as is the amount of work required to effectively liaise with the zoo and Government vets. Inspections to ensure compliance can take several days to complete. Regular visits to ensure continued compliance are also required.</p> <p>The costs of arranging an inspection of the zoo by a Secretary of State appointed vet are met by the licence holder.</p> <p>The consequences of having a poorly-run zoo are great. Dispensation can be made for smaller zoos that do not require such a high level of input.</p>
Renewal of Licence (Valid for 6 years)	£717.00	£717.00	
Transfer of Licence	£370.00	£370.00	
Partially exempt premises	70% of above fees	70% of above fees	
Inspection	Actual Cost	Actual Cost	

Food Export Certificates			
Export Certificate initial set up	£145	£145	This is due to the time taken to create the certificate with new addresses, products and time taken with the exporter to verify the importing country will accept the certificate.
Export Certificate	£54	£54	this is for non EU countries ie China.
Housing Act Enforcement Notice fee	£38.50 per hour	£38.50 per hour	The 2013 Act introduced the ability of the Councils to charge for the service of enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1 st April 2014. The fee for Housing Act 2004 enforcement notices is based on the hourly rate plus on-costs of the relevant enforcing office, due to the similarity of the two pieces of legislation the two fees will be comparable, as such the fee is £38.50/hour.
Depositing site rules with Local Authority	£75	£75	The Councils have set a fee for depositing caravan site rules with the local authorities, this was set in 2014 and will remain the same at £75.
House in Multiple Occupation (HMO) Licence	£350	£350	Legislation allows Councils to charge to recover the cost of administration of the "HMO" Licence