

West Devon Planning and Licensing Committee



West Devon
Borough
Council

Title:	Agenda
Date:	Tuesday, 7th March, 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> Cllr Baldwin Cllr Moyse Cllr Cann OBE Cllr Pearce Cllr Hockridge Cllr Roberts Cllr Mott Cllr Yelland</p>
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

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Meeting held on 7 February 2017

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) 0788/16/OPA

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Land Adj. To Station Road, Bere Ferrers
Outline application for erection of 7 dwellings

(b) 3644/16/OPA

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Land West Of Willow Tree Close, Okehampton
Outline application with all matters reserved for the construction of three houses

(c) 3244/16/OPA

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Land adjacent to Ashton Court, Lamerton, Devon, PL19 8QD
Outline planning permission with some matters reserved for proposed erection of 5 dwellings and improvement to access

(d) 1535/16/FUL

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The Poplars, Westbridge Industrial Estate, Tavistock, PL19 8DE
Proposed development of 7 apartments

	<i>Page No</i>
(e) 2997/16/ADV 142-152, Plymouth Road, Tavistock, PL19 9DS Advertisement consent for proposed totem (pylon)	53 - 58
6. Planning Appeals Update	59 - 60
7. Planning Performance Indicators	61 - 66

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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 **7th** day of **FEBRUARY 2017** 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)
Senior Specialist Development Management (WO)
Specialist Development Management (MJ)
Specialist Democratic Services (KT)

DCC Highways (PT)
DCC Drainage Officer (RR)

In attendance: Cllrs C Edmonds, N Jory, and R F D Sampson

***P&L 53 DECLARATION OF INTEREST**

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

Cllr C Edmonds declared a personal interest in application **2323/16/OPA**: Outline application (with some matters reserved) for residential development (Class C3) of up to 20 dwellings with vehicular and pedestrian access to North Road, car parking, associated landscaping and infrastructure, public open space and Accessible Natural Greenspace – External access not reserved – Land south of North Road, Lifton by virtue of living in North Road. He spoke as Ward Member to represent the residents and then left the meeting prior to the discussion and vote.

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

***P&L 54 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 10th January 2017 were confirmed and signed by the Chairman as a correct record.

***P&L 55 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: 2686/16/FUL Ward: Tavistock North

**Site Address: 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.

Speakers included: Objector – Mrs Peta Rowley: Supporter – Ms Lucy Caldwell: Ward Member – Cllr Jory

RECOMMENDATION: Conditional Approval delegated to the COP Lead Development Management in consultation with the Chairman of P&L Committee subject to completion of s106 Agreement

The Ward Member thanked Members for the site visit and highlighted the concerns of residents which included access to and from the site. It was also noted that the proposal was outside the development boundary. In discussing the application, a number of Members accepted that the application was finely balanced, but they were concerned about the highways issues. Whilst the Highways Officer had stated that there was a safe route through Uplands, Members felt that the natural access route was along Crease Lane, a narrow single lane road without pavements, and the junction of Crease Lane and the A386 was not suitable.

Members accepted the social gain of the application, and noted the economic benefit, albeit slight. However, there were also concerns in respect of the impact of the proposal on the environment. Another Member appreciated the work undertaken by the applicant in respect of design, but felt the location and lack of pedestrian access weighed heavily in an otherwise balanced decision.

The proposal to conditionally approve the application was **PROPOSED, SECONDED** and on being put to the vote, unanimously declared **LOST**.

It was then **PROPOSED, SECONDED** and on being put to the vote unanimously declared **CARRIED**, that the application be refused for the following reasons:

The site location and poor quality of pedestrian access will lead to reliance on use of the private car. The proposal is therefore not sustainable and contrary to SP1 of the Core Strategy and para 7 – 9 of the NPPF. The proposal will result in a detrimental visual impact on the character and appearance of the area.

COMMITTEE DECISION: Refusal

(b) Application No: 2323/16/OPA Ward: Tamarside

Site Address: Land south of North Road, Lifton

Outline application (with some matters reserved) for residential development (Class C3) of up to 20 dwellings with vehicular and pedestrian access to North Road, car parking, associated landscaping and infrastructure, public open space and Accessible Natural Greenspace – External access not reserved.

Speakers included: Supporter – Mr Aaron Smith: Parish Council – Cllr Brian Moore: Ward Member – Cllr C Edmonds

RECOMMENDATION: That delegated authority be given to the COP Lead DM in consultation with the Committee Chairman to grant conditional planning permission subject to the signing of a Section 106 Agreement.

Members asked a number of detailed questions on this application, particularly around pedestrian access and to help them understand the flooding issues and the measures being proposed that would ensure the current drainage matters were not worsened.

The Ward Member advised the Committee that residents had a number of concerns and he outlined them in detail. They included the risk of visual coalescence between the two areas of Lifton and Tinhay; the safety of the pedestrian access, in particular to the school; traffic flows along North Road; development outside the boundary, and he quoted from an appeal decision for an application site within the Borough and drew comparisons between that proposal and the application being considered at this meeting; and finally drainage.

During discussion, Members wanted to ensure that liability for maintenance of the Accessible Natural Greenspace would not fall to the Parish Council or to residents at a later date. The affordable housing provision was welcomed by Members, however they acknowledged the parish council view that other sites within the village would be more appropriate. There were a number of concerns raised in respect of the safety of the pedestrian access into the village.

The proposal to approve the application was **PROPOSED, SECONDED** and on being put to the vote declared **LOST**.

It was then **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**, that the application be refused for the following reasons:

1. The proposed development will extend the built up area of Lifton into an important green space that currently acts as a visual break, separating the villages of Lifton and Tinhay. The development will lead to visual coalescence of the villages of Lifton and Tinhay which will adversely impact on their rural

character and individual identity, contrary to policies SP17, SP18, SP20 and SP24 of the West Devon Borough Council Local Development Framework and The National Planning Policy Framework, 2012, in particular paragraphs 58, 126 and 131.

2. The lack of a continuous pavement from the application site to the centre of the village at New Road will result in unsafe pedestrian access to local services for users of the development which will encourage use of the private car; as such the development is unsustainable. The development is contrary to policies T2 and SP14 of the West Devon Borough Council Local Development Framework and The National Planning Policy Framework, 2012, in particular paragraphs, 14, 17, 32, 35 and 69.

COMMITTEE DECISION: Refusal

***P&L 56**

PLANNING APPEALS UPDATE

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

***P&L 57**

PLANNING PERFORMANCE INDICATORS

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

(The Meeting terminated at 12.55 pm)

Dated this

Chairman

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Bere Ferrers **Ward:** Bere Ferrers

Application No: 0788/16/OPA

Agent/Applicant:

Edward Persse
49 Bannawell Street
Tavistock
Devon
PL19 0DP

Applicant:

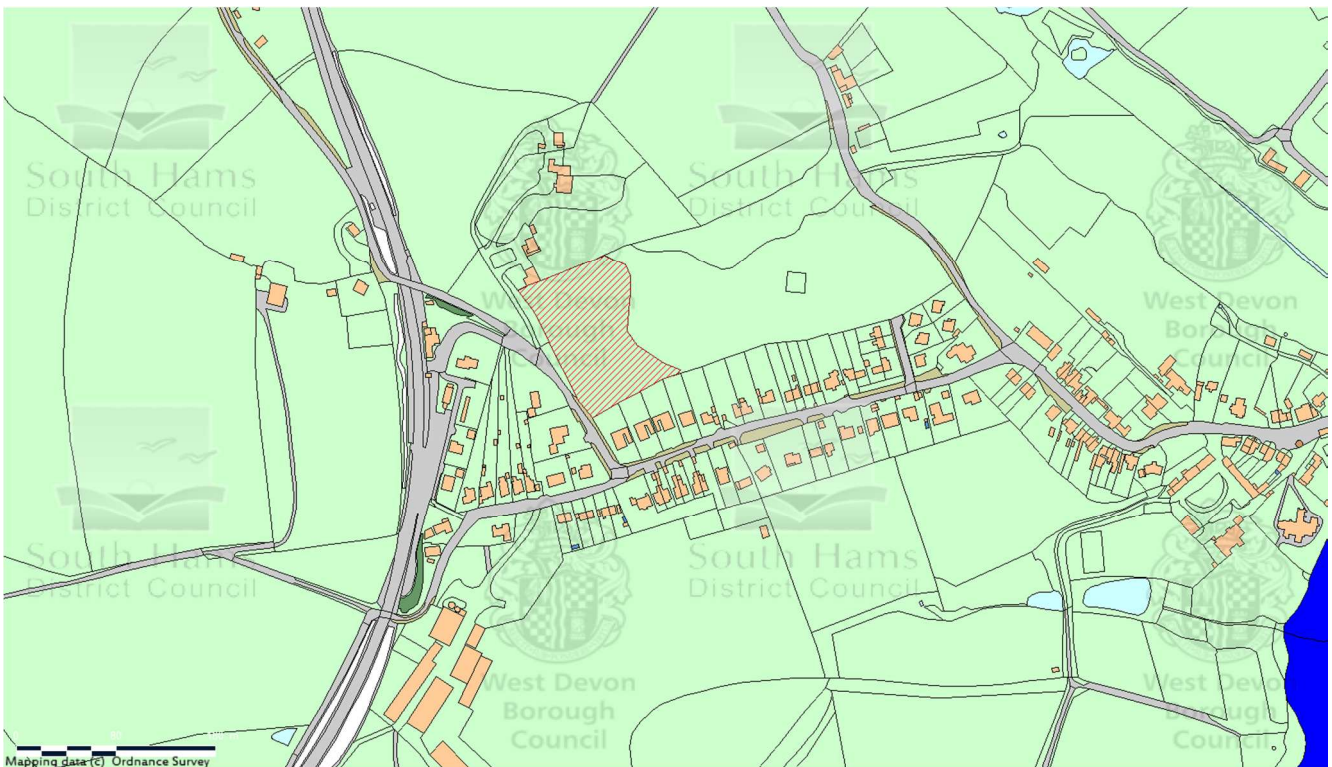
Mr & Mrs T Dawe
Highlands,
Lewdown,
EX20 4BS

Site Address: Land Adj. To Station Road, Bere Ferrers

Development: Outline application for erection of 7 dwellings

Reason item is being put before Committee:

The ward members have requested that the application be taken before Planning and Licensing Committee due to concerns regarding, drainage, the highways infrastructure in the area, conformance of the development to the character of the village and the visual impact of the development within the AONB designation.



Recommendation: That delegated authority be given to the Community of Practice Lead Officer, in consultation with the Committee Chairman to grant conditional planning permission subject to the signing of a Section 106 Agreement to secure the following:

Planning Obligations

- £14,470 towards primary school transport and £2,489 towards secondary school transport
- Off-site affordable housing contribution determined by adopted formula

Conditions

1. Time (reserved matters)
2. Submission of reserved matters
3. Accords with plans
4. Details of highway, footpaths, verges, junctions etc. to be agreed and implemented
5. No other development to commence until access road has been laid out and constructed to base course level, iron work set out, footway constructed to base course level and site compound and car park constructed to satisfaction of LPA.
6. No dwelling to be occupied until highway, footway and associated infrastructure has been provided to the satisfaction of the LPA.
7. Highway, footway and associated infrastructure to be maintained in accordance with condition above.
8. Pre commencement – detailed design of surface water management system to be agreed with LPA
9. Pre commencement – Details of adoption and management of drainage scheme to be agreed with LPA
10. Pre commencement – construction phase surface water management scheme to be agreed with LPA
11. Removal of PD rights: Extensions, outbuildings, hard surfaces, means of enclosure
12. Unsuspected contamination
13. Landscape and Ecology Management Plan to be agreed
14. Details of boundary treatments
15. Arboricultural Impact Assessment (based on the final layout) with a Tree Protection Plan and Arboricultural Method Statement
16. Tree protection and retention of trees and hedgerows
17. Construction Management Plan to be agreed and implemented

Key issues for consideration:

The main issues are the conformity with the development plan, weight to be given to the Development Plan policies, sustainability including landscape impact within the AONB, landscape and settlement character, highway safety, accessibility, ecology, drainage and flooding and conformity to the emerging Neighbourhood Plan

Site Description:

The application site is a parcel of greenfield land located within Bere Ferrers Parish. It is the western end of a large field which extends from Station Road sloping downwards to the main road into Bere Ferrers.

The site is immediately adjacent to the settlement of Bere Ferrers itself, and is adjacent on two sides to the Development Boundary which is to the south and west of the site. Residential development is to the south with agricultural land to the east and north. Access is from an existing field gate from the highway which is to the west.

There is a tree benefitting from a TPO immediately to the east and TPO woodlands to the north and north east. The site is not within flood zones 2 or 3 nor a Critical Drainage Area, although, there is a watercourse at the north eastern corner of the field, outside of the application site.

The site is within a large field which was considered for strategic allocation in 2014. It was given a 'green' designation, meaning 'Site is considered to be developable' and the brief assessment stated that: 'Development of the site would form a logical extension to the settlement. Power lines, trees, water tank and access are likely to limit yield. At least 24 dwellings would have to be provided for the site to be viable*'. Ultimately the site was not put forward within Our Plan and is not currently allocated in the emerging Joint Local Plan.

The site is within the Tamar Valley Area of Outstanding Natural Beauty.

The Proposal:

Outline planning permission is sought for the erection of 7 houses. All matters are reserved except access. The scheme shows an improved and widened vehicular access in place of the existing field access at the west of the site. Revised plans relating to the proposed access have been received during the life of the planning application, due to the original comments made by the highways officer.

Although matters regarding layout, scale and appearance are reserved, indicative plans and a layout have been submitted.

Consultations:

- County Highways Authority

Holding objection resolved to no objection subject to conditions

Original Observations dated 3 June 2016:

Although the application form seeks outline planning application with the means of access to be considered in detail, there are no fully detailed plans for consideration and there are some issues with the internal layout of the estate road that would certainly require amendment and additional information before the plans were totally acceptable to the highway authority and these are as follows:-

- 1. There are no visibility splays shown at the junction with Station Road 2.4 metres by 43 metres are required in both directions. There may also be some forward visibility issues with the proposed alignment.*
- 2. There are no turning facilities shown on site for refuse vehicles or fire engines.*
- 3. There are no details of the gradient of the internal estate road.*

If the applicant were to remove the requirement for 'access' as a detailed consideration with this application then the highway authority would be prepared to recommend the imposition of appropriate conditions on any planning permission that you may wish to grant.

Alternatively, the applicant should be provide sufficient additional information as required above in order for the highway authority to assess the access 'in detail' at the outline stage.

Further observations following receipt of additional plans, particularly Highways Drawing 01-Rev B

The plans are now acceptable, following the revisions recommended in the earlier observations. Suitable conditions are now recommended.

Additional comment 16/02/2017

'As you will be aware, and so will members of the Planning and Licensing Committee, I am guided in my responses to planning applications by the content of the National Planning Policy Framework, particularly paragraph 34 in this instance.

There is no question that the access to the site is 'safe and suitable' as it complies completely with current design criteria with respect to geometry and visibility. The anticipated number of traffic movements from the number of units proposed (6 - 8 movements per day, 0.6 -0.8 movements per unit in the a.m. peak worst case scenario) would result in no more than an additional vehicle movement on the highway infrastructure every 10 minutes in the morning peak. This would not constitute a 'severe impact' on the highway infrastructure and therefore no objection to the development could be sustained on highway grounds.'

- Environmental Health Section

No objection, suggest unsuspected contamination condition

- Tamar Valley AONB

Objection – It is noted that this is an outline application for seven dwellings, five of which would be open market units, with matters relating to appearance, layout, landscaping and scale reserved for future consideration.

It is also noted that this development is located outside of the defined settlement limit being within the open countryside and that this site forms part of a larger site that has been assessed by the LPA as part of its Land Availability Appraisal (LAA) published in December 2014. The larger site (ref. WD_48_09_08/13) was assessed as possibly suitable for development for approximately 15 dwellings although the general comments for development within Bere Ferrers were as follows;

"In Bere Ferrers there is no proposed planned requirement for development due to a lack of services and facilities in the settlement. However, where there is an evidenced and overriding need for a particular type of development to take place, e.g. affordable or specialist housing to meet an identified local housing need, this may be permitted. In such circumstances, the information collected through this Land Availability Assessment and shown in the Site Table should be considered."

It should be noted that the LAA concluded that the settlement lacks services and facilities and that development should only be allowed where there is an evidenced and overriding need for affordable or specialist housing to meet an identified local need.

Given the above it is unclear as to how this application is supported by current planning policy both under the Development Plan and under the terms set out within the National Planning Policy Framework.

The Planning Statement submitted with this application states that Local Plan policy H31 is out of date by reason of the appeal decisions cited in other locations within the Borough.

If the LPA accepts that the policy is not in compliance with the NPPF then it still must assess the application in line with all relevant Development Plan Policies inclusive of those within the Core Strategy as well as the guidance within the NPPF.

As set out within both the Core Strategy and the NPPF only sustainable developments should benefit from the presumption in favour development. The NPPF at paragraph 8 confirms that the three elements of sustainable development (environmental, social and economic) are mutually dependent and therefore;

“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

Paragraph 9 of the NPPF confirms that;

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;*
- moving from a net loss of bio-diversity to achieving net gains for nature;*
- replacing poor design with better design;*
- improving the conditions in which people live, work, travel and take leisure; and*
- widening the choice of high quality homes.”*

The current proposal is for open market housing with a proportion being affordable. It is unclear as to how this development will contribute to the sustainability of the settlement given that it only produces one output that can be considered to be in line with the above (non-exhaustive) list.

The presumption in favour of sustainable development should only apply as set out under the terms of paragraph 14 of the NPPF. The TVAONB is of the view that whilst the visual impacts of the scheme may be somewhat limited the alteration to the character of the settlement’s edge where the transition to rural landscape is very abrupt and clearly defined, would be harmed by the urbanising nature of the proposed development.

The indicative layout plan shows large units in a radial form with generous plots served by a large spine road. The form of the development is much more linear with dwellings being generally arranged along both Fore Street and Station Road making the new development out of keeping with the general grain of development in this location. It is accepted that Birlanda Vineyard that lies adjacent to the site is also more radial in form, however this development is also somewhat anomalous and should not be regarded as a marker for further development layout.

The proposed development will harm the character of this section of the AONB through further encroachment of the urban form into the open countryside, without any justification having been provided that confirms that there is an overriding need, benefit or mitigation that would override such harm.

The TVAONB would therefore point out that the provisions of footnote 9 to paragraph 14 are engaged in that the development does not meet the terms of sustainable development nor enhance or conserve the AONB. In such instances development should be restricted.

The above comments in reference to the nature of what constitutes sustainable development and the engagement of footnote 9 were confirmed in the recent appeal decision (APP/X1118/W/15/3012049) as set out in the comments of the Inspector at paragraphs 43-45 of the appeal decision notice. In addition to the above The Planning Practice Guidance confirms at paragraph 004 that “Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.”

It should therefore be noted that the adopted TVAONB Management Plan (2014-2019) defines at Section 9.8 what would constitute sustainable development within the context of the AONB. This definition confirms that; “In order to be considered sustainable, a development proposal should meet one or more of the following criteria:

- 1. 1. Demonstrate that it conserves or provides enhancements to natural beauty with specific reference to the special qualities of the AONB (as set out in Section 1.5 and Annex 1) and;*

2. 2. Meet the economic and social needs of local communities whilst conserving the AONB landscape;
or
3. 3. Meet the demand for recreational opportunities within the AONB whilst accounting for the natural beauty of the AONB and the needs of agriculture, forestry and other uses.”

The TVAONB is of the opinion that the proposed development does not meet the terms of a sustainable development as set out in either the NPPF or the adopted TVAONB Management Plan and that the development would not enhance or conserve the AONB.

- WDBC Affordable Housing

No objection – Request off site contribution as per formula

- *‘We do not have a policy to deal with starter homes and we are currently unclear what starter homes would actually look like in the housing and planning bill.*
- *WDBC has taken the approach that we will have regard to the PPG in terms of the thresholds, however we cannot change policy as this has been through the core strategy but thus will be looked at as part of the JLP. However, we have currently implemented the lower threshold in the rural areas and areas within the AONB. Therefore in our rural areas this means that we can only seek off-site contributions for developments at the 6th unit. Once a development reaches 11 units our 40% target would be sought.*

“in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty”

- *In terms of this proposal, as it is in outline, the commuted sum due would be included in the s106 as a formula.*
- *There is an aside issue to this, and I did speak to DCH, as to whether an RP would take on just 2 units. The answer was that they could not. So we could be left in a situation where we have worked outside of our current AH stance, only to find out that we could not get an RP on board for these units.*
- *Of course, affordable housing is a much needed resource and the contributions which could be received from this development (subject to a planning approval), would be utilised throughout the borough of West Devon to provide affordable housing.*
- DCC Children’s Services

No objection – request £14,470 towards primary school transport and £2,489 towards secondary school transport

- WDBC Landscape

No objection subject to conditions

Landscape Character and Visual Impact

Landscape Character

Planning application 0788/16/OPA seeks outline planning consent for 7 dwellings – matters to appearance, layout, landscape works and scale reserved. As part of the submissions is a Landscape and Visual Impact Assessment (Eden Design; dated May 2015). The assessment appears sound and its overall baseline and findings well considered and balanced.

The officer appraisal has been undertaken in the context of the NPPF, Strategic Policy 17 and with due consideration given to the Tamar AONB Management Plan. The SHLAA (June 2009) noted that development of the site would ‘...form logical extension to the settlement. Power lines, trees, the water tank and access are likely to limit yield.’ The trees are now subject to a Tree Preservation Order and the proposal does not adversely impact on these.

This has been assessed in conjunction with a site visit. It is noted that the assessment was considered in the context of approximately 20 dwellings. The submitted scheme is substantially smaller at this stage and is a schematic outline layout.

The site is within the Devon Character Area – Middle Tamar Valley, and West Devon LCT 4D: Lowland Plains. These are characterised by the estuaries of the Tavy and Tamar. The site is immediately adjacent to Bere Ferrers, forming a rural edge. Under pasture and still grazed, there is a small woodland to the north which filters into the field edge, with a small copse of willow around an historic sub-terrain reservoir/water tank (this is less characteristic of this LCT and LDU) and a few individual mature oaks. The site reflects a number of the key characteristics in terms of scale – large to medium field pattern and use (pastoral). It is strongly influenced by the adjacent village edge which extends along its boundaries to varying degrees on three sides, the most prominent being the southern boundary. It is shaped by the local road network and railway, which has also established the current pattern of development.

Proposed developments should seek to reinforce the traditional character and avoid uncharacteristic visual impacts over a wider area. This is a highly valued landscape in terms of its designated status, which is given great weight.

Key Characteristics include:

- Level to gently rolling plains...
- Local dominance of stone as building material
- Pastoral farmland with other land uses, including orchards

In considering the overall impacts on landscape character, officers are satisfied that whilst there is some impact locally, it is limited in nature and the key characteristics are maintained. There is an opportunity to secure enhancements to the landscape character e.g. through orchard planting and boundary treatments. The current scheme is conceptual, with final layouts, scale and massing considered at reserved matters stage.

Visual Impacts

The overall visual impacts are limited as a result of topography and intervening vegetation. This is illustrated through the LVIA – Zone of Visual Influence study and associated field study. Wider views see the proposed development within the context of the existing village. Careful use of materials and appropriate vernacular design should further mitigate the limited impacts anticipated.

Protected Landscape

The comments of the Tamar Valley AONB are noted and focus on issues relating to the sustainability of the site. Discussion about potential effects on the landscape is limited and whilst these have been

considered, officers are of the opinion that the impacts of the proposal will be partial, both visually (which is acknowledged in the TVAONB comments) and more widely in landscape character.

The proposed development impacts directly on a small portion of the field, with the remaining field left under pasture. Whilst there is some local harm, in particular on views from the adjacent highway, the overriding character of a rural edge to the village and the special qualities of the AONB are conserved; the key landscape elements within the site are retained and there are opportunities for enhancement e.g. orchard planting, hedgerow establishment.

RECOMMENDATION:

No objection subject to conditions

CONDITIONS:

- *Tree and hedge Protection*
 - *Landscape Scheme in full consideration of the LVIA*
 - *Landscape management*
-
- *Bere Ferrers Parish Council*

Objection –

1. Bere Ferrers is an ancient small West Devon Village, being on the banks of the river Tamar and within the Tamar AONB Which is a nationally designated landscape. A large part of the village is a conservation area with a listed 12th Century Church and adjoining the Barton.

2. The development is not in accordance with the Core Strategy of the Borough Council for developments within smaller villages and the countryside.

3. It is outside the settlement boundary of Bere Ferrers village and your policies do not allow such development in the open countryside, unless the applicant can demonstrate real benefits to the community. We have seen no evidence to support this view from the applicant.

4. The field at present is used for agricultural purposes and adjoins on its northern side recorded wildlife site OSWI. It's within the Tamar Valley AONB where their policies do not allow development because of the detrimental effects and impact on the landscape character unless evidence is put forward on how such effects can be moderated. We have not seen any such evidence from the applicant. The NPFF, section 11 stresses the conserving and enhancing the natural environment and is most relevant to this site. This protected woodland contains bats, badgers and a variety of birdlife.

5. The planning application is somewhat lacking in detail regarding the houses but in particular does not show that the owner or the site also owns the remainder of the five acre field in which the site is located.

6. The proposed estate is not in accordance with the vernacular style of present village development with a size and quality above the standard of Parish needs.

7. The WDBC Housing Land Availability Assessment states that rural communities should not be developed unless there is exceptional and proven need. The local infrastructure is poor as there is a lack of services and facilities within the community. In particular there are no shops except for a community shop for two hours on a Saturday morning, (only food sold is confined to vegetables, cheese and craft foods).

8. Residents travel to Bere Alston village for primary school, doctor's surgery, newspapers and bread etc. Broadband speed is abysmal. (on 6 June within 100 yards of this Site a download of 2 MBPS and upload o 1MBPS was measured),

9. There are no social or educational facilities for young people with access to Tavistock by two daily buses at 9am and 1pm, they travel to Bere Alston by train but there are no evening bus services from this village. The train service to Plymouth is two hourly but the last train out of Plymouth departs at 9pm.

The emerging Bere Peninsula Neighbourhood Plan states that it has considered the need and potential for development at Bere Ferrers and has concluded that, because this village lacks the required facilities and services, as well as being constrained by the AONB designation, this is a far less sustainable option than focusing in Bere Alston. 'It has therefore concluded that any development at Bere Ferrers should only be in response to specifically identified local needs for a particular type of development, and that this is best met through the 'windfalls' process.'

10. The emerging BPNP will also support proposals for windfall development, defined as five or fewer dwellings on infill or redevelopment sites within the parish, subject to, 'this being response to defined local needs. Any such proposals will need to be supported by an objective statement of need evidence concerning the consideration of alternatives, as well as supporting evidence as to how any detrimental impacts on the AONB environment, landscape and recreational opportunities could be moderated'. NPPF section 216 support this policy. Note NPPF has stated that Authorities should give weight to emerging plans.

11. The Site is in a flood stream from adjacent higher land with a thick clay base and functions as a SUD (Sustainable urban drainage). Septic tanks and soakaways from adjacent houses naturally drain onto the field which has a large water tank lower down with a pond that emerges in the bottom corner during periods of heavy rainfall. Twice this year surface flood water was too great a volume for the drainage pipes under the Bere Ferrers — Tavistock Road at the "Corkscrew section" and has flooded on to the road

However, if the Planning authority is minded to grant permission then the Parish Council would ask that, in accordance with the BPNP Road Strategy Policy, that consideration should be given to improvement works on the Bere Ferrers — Tavistock Road, just outside the village where the road narrows, dips down into and out of old water crossing and follows an S shape at the same time, known locally as the "corkscrew" at GR SWX455638. It has been the scene of a number of accidents and we attach a recent photograph to illustrate the problem. It should be noted that the applicant owns the land on the western side of this road at this point.

The Planning Authority members may also consider that it may be appropriate to make a site visit.

Representations:

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

- There is no need for housing in the area
- The design of the development is not appropriate for the village
- Will lead to an unsafe road environment
- The village is not within a sustainable location
- There is a lack of services within the village
- The road network within the peninsula is substandard
- There should be planning obligations to improve the highway network
- Will harm the character and appearance of the AONB
- Will lead to light pollution
- Will cause flooding and drainage issues
- Will harm the amenity of adjacent dwellings
- The housing mix is inappropriate
- There is a capacity issue at relevant schools
- The sewer infrastructure cannot accommodate the development
- The scheme isn't viable

- Could lead to future applications
- There are utilities within the field
- There should be a CEMP
- The site is outside of the Development Boundary

Relevant Planning History

Outline application for residential development – Refused September 1976

The wider, strategic allocation of the field was also considered within the 2014 SHLAA and was given a green designation, although, it was not allocated.

Analysis

Principle of Development/Sustainability

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

Paragraph 14 of the National Planning Policy Framework states that '*at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*'

For decision-taking this means:

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

Paragraph 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The Borough's current Local Development Framework identifies defined settlement boundaries and states at Policy H31 that residential development outside the defined limits of a settlement and where Policy H29 does not apply will not be permitted unless required for the essential needs of Agriculture or forestry.

Policy H31 was last reviewed in 2011 and pre-dates the NPPF. The enforcement of strict development boundaries is not considered to comply with the guidance within the NPPF as this does not follow the approach of the presumption in favour of sustainable development. As such it is considered that Policy H31 cannot be considered to be up to date and as such carries little weight.

The current position therefore is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless '*any adverse impacts of doing so would*

significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.'

However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply. Footnote 9 states that the presumption in favour of sustainable development should not apply if '*specific policies... ..indicate development should be restricted.*'. This includes paragraph 115 which states that '*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*'

The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits with strict regard to the AONB which is afforded the highest status of protection.

Sustainable Development

Bere Ferrers is identified in the LDF as a settlement with a defined limit, being a settlement which can accommodate growth subject to certain parameters. Its facilities include a pub, a social club, a church, a church hall, a hairdressers and the village is also served by a temporary shop run, officers understand, by the community. A bus service links Bere Ferrers to larger settlements. Most notably, the village benefits from being on a railway line with direct train journeys to Plymouth and Bere Alston. Bere Ferrers is therefore considered by officers to be a sustainable location for a limited and proportionate degree of housing development.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of approximately 8000 m² of what is currently a meadow, with limited agricultural activity apparent.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from the spending of future residents. Although Bere Ferrers is relatively limited with regard to services, it does have some local facilities and the railways station remains open. Small scale levels of additional housing will provide an economic stimulus to these services through increased footfall.

In respect of this element of sustainable development the balance is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing

The proposal will add to Bere Ferrers' housing stock. Although large executive style houses are shown within the indicative plans, all matters relating to the scale and layout of the housing are actually

reserved. Third parties and the Parish Council have raise concern regarding the exclusive nature of the development and the lack of smaller units but this matter is still for debate and would be considered at the Reserved Matters stage. Indeed, West Devon does have a policy driver to potentially require a more inclusive housing mix, through Strategic Policy 8 – Inclusive Communities.

Although the application originally sought 2 on site affordable units, the NPPG makes it clear that Local Planning Authorities should, for development of less than ten units, require instead an offsite commuted sum towards affordable housing. This has been agreed as per the consultation response from the Affordable Housing unit.

Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance.

In respect of the social aspect of sustainability a number of objections have been raised including added congestion on highways that are already dangerous.

Impact on existing Infrastructure

Consideration has been given to these concerns. Devon County Council have confirmed that both the local primary school and the nearest secondary school have capacity for pupils that may arise from the development; financial contributions have been requested towards transport for these pupils to the nearest secondary school. DCC do not object to the proposal.

The issue of traffic congestion and danger to road users is considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels in the area. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The site is within 400m of bus services to Tavistock, in addition to the railway line connecting the village to Plymouth and Bere Alston.

Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However, it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings.

An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted, should this application be approved.

Social Dimension Balance

Significant weight must be given to the provision of additional market housing and the commuted contribution to affordable housing. The site is well connected to the settlement of Bere Ferrers with access into the village centre and its facilities to ensure social integration within what is clearly a thriving community. The social benefits of the proposed development outweigh any social dis-benefits and weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape character, ecology

and bio-diversity; and surface and foul water drainage. The site is within the AONB and that is a land designation afforded the highest status of protection.

However, although the western section of the field is verdant and pleasant, it is also discretely located within the landscape. The land specifically forming the application site appears to sit below the adjacent highway and appears nestled into the landscape. As such, visibility into the site is restricted to oblique views when immediately passing when travelling along Station Road. This significantly limits the impact of the development on the AONB designation:

Although the comments made by some parties regarding the 'linear' character and previous development of the village are noted, officers do not believe that it is essential to insist that all future development follows a similarly linear pattern. In fact, such a prescriptive approach could prevent any growth as linear development along the existing highway could well lead to significantly harmful encroachment into exposed areas of the AONB.

Therefore, although there is a divergence from the generally linear grain of residential development within Bere Ferrers, officers do not believe it is reasonable or necessary to insist that future development carries on in the same form.

Landscape Impact

The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

'The officer appraisal has been undertaken in the context of the NPPF, Strategic Policy 17 and with due consideration given to the Tamar AONB Management Plan. The SHLAA (June 2009) noted that development of the site would '...form logical extension to the settlement. Power lines, trees, the water tank and access are likely to limit yield.' The trees are now subject to a Tree Preservation Order and the proposal does not adversely impact on these.

This has been assessed in conjunction with a site visit. It is noted that the assessment was considered in the context of approximately 20 dwellings. The submitted scheme is substantially smaller at this stage and is a schematic outline layout.

The site is within the Devon Character Area – Middle Tamar Valley, and West Devon LCT 4D: Lowland Plains. These are characterised by the estuaries of the Tavy and Tamar. The site is immediately adjacent to Bere Ferrers, forming a rural edge. Under pasture and still grazed, there is a small woodland to the north which filters into the field edge, with a small copse of willow around an historic sub-terrain reservoir/water tank (this is less characteristic of this LCT and LDU) and a few individual mature oaks. The site reflects a number of the key characteristics in terms of scale – large to medium field pattern and use (pastoral). It is strongly influenced by the adjacent village edge which extends along its boundaries to varying degrees on three sides, the most prominent being the southern boundary. It is shaped by the local road network and railway, which has also established the current pattern of development.

Proposed developments should seek to reinforce the traditional character and avoid uncharacteristic visual impacts over a wider area. This is a highly valued landscape in terms of its designated status, which is given great weight

Key Characteristics include:

- Level to gently rolling plains...
- Local dominance of stone as building material
- Pastoral farmland with other land uses, including orchards

In considering the overall impacts on landscape character, officers are satisfied that whilst there is some impact locally, it is limited in nature and the key characteristics are maintained. There is an opportunity to secure enhancements to the landscape character e.g. through orchard planting and boundary treatments. The current scheme is conceptual, with final layouts, scale and massing considered at reserved matters stage.

Visual Impacts

The overall visual impacts are limited as a result of topography and intervening vegetation. This is illustrated through the LVIA – Zone of Visual Influence study and associated field study. Wider views see the proposed development within the context of the existing village. Careful use of materials and appropriate vernacular design should further mitigate the limited impacts anticipated.

Protected Landscape

The comments of the Tamar Valley AONB are noted and focus on issues relating to the sustainability of the site. Discussion about potential effects on the landscape is limited and whilst these have been considered, officers are of the opinion that the impacts of the proposal will be partial, both visually (which is acknowledged in the TVAONB comments) and more widely in landscape character.

The proposed development impacts directly on a small portion of the field, with the remaining field left under pasture. Whilst there is some local harm, in particular on views from the adjacent highway, the overriding character of a rural edge to the village and the special qualities of the AONB are conserved; the key landscape elements within the site are retained and there are opportunities for enhancement e.g. orchard planting, hedgerow establishment.

Biodiversity

The scheme proposes new planting within the layout and at the eastern boundary. With sensitive lighting, it is reasonable to expect that the wildlife value of the site could be maintained taking into account enhancement of the remaining habitat. As such it is proposed that a Landscape and Ecology Management Plan be agreed through a planning condition.

Heritage

There are no listed buildings in close proximity to the site and the site sits outside of the Bere Ferrers Conservation Area and there is no tangible intervisibility between the site and any designated heritage asset. The proposed development will have no significant adverse impact on either the Conservation Area or the setting of any Listed Building.

Drainage/Flood Risk

Officers note the comments made by the Parish Council and third parties regarding potential drainage issues associated with the development. The site is not within flood zones 2 or 3 nor a Critical Drainage Area, although the site's proximity to Bere Ferrers suggests that it would provide a natural soakaway feature serving the village.

However, this development provides for 7 new dwellings and the indicative layout shows the properties in a low density layout with generous curtilage. As such, officers are satisfied that a SuDS can be achieved within the site, and the specification of the drainage strategy can be secured through an appropriate planning condition.

It has been demonstrated in principle that the site can be adequately and appropriately drained. The applicant has indicated that foul water will be disposed of within the public sewer and no objection has been received by South West Water.

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development.

Moreover, those benefits have to be set against the loss of an area of open countryside within the AONB designation, leading to a change in the local environment and landscape. That impact has been carefully considered.

Whilst the application site and the wider field is a pleasant piece of countryside, the site is also very discreetly located and nestled within the landscape with appreciation of its quality subsequently extremely limited. As such, and when affording the AONB designation the highest status of protection, officers consider that the field's loss to development would not represent significant material harm to the identified areas of potential concern.

Sustainable Development Conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are clear benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. Furthermore, given the NPPF's priority, the additional dwellings to be provided must carry significant weight in determination of the application.

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms, the location of the application site is sustainable and the adverse impacts identified including the change to landscape character are not so significant as to undermine the proposed development's sustainable credentials.

Overall, on balance, it is considered that the proposed development is sufficiently sustainable to pass the first part of the test as set out in the NPPF.

Traffic Conditions/Highway Issues

The Highways Authority have provided a comprehensive response to the application with regard to the access but were originally silent on the wider implications to the highways network.

However, the highways authority do consider these issues with all applications and officers would acknowledge the substandard quality of highways infrastructure within the Parish, but would suggest that this scale of development is unlikely to cause additional issues which could amount to a severe impact on highways safety. The highways officer has provided an additional response stating that '*As you will be aware, and so will members of the Planning and Licensing Committee, I am guided in my responses to planning applications by the content of the National Planning Policy Framework, particularly paragraph 34 in this instance.*

There is no question that the access to the site is 'safe and suitable' as it complies completely with current design criteria with respect to geometry and visibility. The anticipated number of traffic movements from the number of units proposed (6 - 8 movements per day, 0.6 -0.8 movements per unit in the a.m. peak worst case scenario) would result in no more than an additional vehicle movement on the highway infrastructure every 10 minutes in the morning peak. This would not constitute a 'severe impact' on the highway infrastructure and therefore no objection to the development could be sustained on highway grounds.'

The highways authority has also not deemed it essential to request S106 contributions to enhance the local road network to mitigate the effects of this development.

Officers acknowledge that the road adjacent to the site is important in linking the village to the railway station and it is reasonable to impose a CEMP condition to ensure, so far as reasonable, that disruption is minimised during the construction phase.

The site is not allocated in the draft Local Plan nor the draft Neighbourhood Plan

The Planning Practice Guidance Note relating to the NPPF states that:

In the context of the NPPF and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

Having regard to this guidance there is no justification to refuse this application on grounds of prematurity or non-conformity with these emerging plans.

The Planning Balance and Conclusion

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for up to 7 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how housing, landscaping, and open space could be accommodated upon the land, the details of the layout, housing mix, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policy and would result in residential development outside the Development Boundary. It is considered that policies within the Development Plan which strictly control the location of housing without regard to the presumption in favour of sustainable development have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme.

For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme.

With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above or can be resolved through the submission of the Reserved Matter application and through planning conditions.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a section 106 agreement.

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

Planning Policy

West Devon Borough Council Core Strategy 2011

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

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

NE10 – Protection of the Countryside and Other Open Spaces
BE1 – Conservation Areas
BE3 – Listed Buildings
BE7 – Archaeology and Sites of Local Importance
BE13 – Landscaping and Boundary Treatment
H26 – Open Space Provision in New Residential Developments
H31 – Residential Development outside Defined Settlements
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T7 – Railways
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning Conditions

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

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

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

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

4. The proposed estate road, footways (including alterations to existing footways), footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance vehicle overhand margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose plans and sections indicating as appropriate, the design, layout, levels, gradients, materials and method construction shall be submitted to the LPA.

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

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

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

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

6. No dwelling to be occupied until highway, footway and associated infrastructure has been provided to the satisfaction of the LPA.

Highway, footway and associated infrastructure to be maintained in accordance with condition above

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system, including details of the exceedance pathways and overland flow routes across the site for the proposed surface water drainage management system, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

8. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

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-H and Part 2 of the Order, including the erection of means of enclosure, extensions, 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. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

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

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iii) Details of inbuilt provision for birds and bats;
- (iv) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (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;
- (ix) A timetable for the implementation of all hard and soft landscape treatment.

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

Reason: In the interests of ecological and visual amenity

12. Prior to their installation details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of the character and amenity of the area.

13. Any reserved matters application seeking the approval of the detailed site layout shall include an Arboricultural Impact Assessment based on that scheme which shall include a detailed tree and hedgerow protection plan and Arboricultural Method Statement. Development shall take place in accordance with the approved details.

Reason: In order to identify and protect trees and hedgerows of public amenity value and in the interests of wildlife conservation.

14. No development shall take place until the applicant has secured the implementation of a programmed of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the LPA.

The development shall be carried out at all times in strict accordance with the approved scheme or such other details as may be subsequently agree in writing by the LPA

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

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

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) full details of any temporary site access for construction purposes;

- (g) hours of construction and of deliveries to and from the site;
- (h) location of any construction compound/site offices;
- (i) details and the location of any generators to be used on site;

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

Reason: In the interest of highway safety and the amenity

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PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Okehampton **Ward:** Okehampton North

Application No: 3644/16/OPA

Agent/Applicant:

Stephen Blakeman
Rose Cottages
Exbourne
Okehampton
EX20 3SH

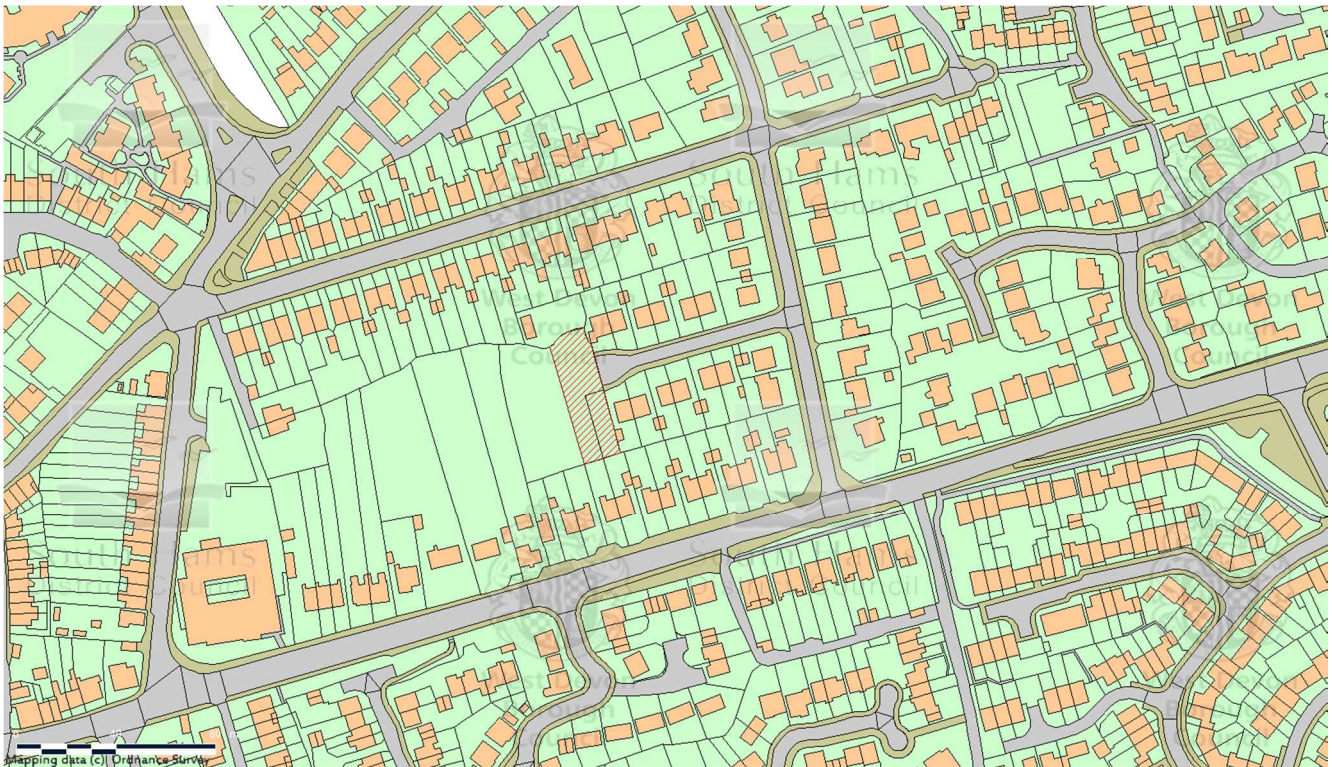
Applicant:

Mr Martin Butler and Mrs J Parsons
27 & 29 Exeter Road
EX20 1NN

Site Address: Land West Of Willow Tree Close, Okehampton

Development: Outline application with all matters reserved for the construction of three houses

Reason taken before Committee: The ward members have requested that this application be taken before planning committee due to concerns regarding drainage, the impact upon neighbouring residents and the impact of the proposal on highways infrastructure



Recommendation: Conditional Approval

Conditions

Time (reserved matters)

Submission of reserved matters

Accords with plans

Pre Commencement – details of foul water discharge

Pre Commencement – detailed design of surface water management system to be agreed with LPA

Removal of PD rights: Extensions, outbuildings, hard surfaces, means of enclosure

Unsuspected contamination

Landscape Plan to be agreed

Arboricultural Impact Assessment (based on the final layout) with a Tree Protection Plan and Arboricultural Method Statement

Construction Management Plan to be agreed and implemented

Key issues for consideration:

The main issues are access and highways safety, the impact of the development on trees, ecology, drainage and any impact upon the amenity of neighbouring properties

Site Description:

The application site is residential curtilage associated with 26 and 27 Exeter Road, located within the settlement of Okehampton, within the Town's Development Boundary.

The site is immediately at the termination of Willow Tree Close, a small close of detached two storey dwellings with dormers within the roofs. The application site currently has no bespoke vehicular access, but is separated from the turning head at Willow Tree Close by a hedgebank at its east boundary. The site is accessed on foot via private land through either 27 or 29 Exeter Road.

The site contains a tree protected by a Tree Preservation Order and there is a bank to the north boundary which is also protected by TPO. The site is also within the Okehampton Critical Drainage Area.

The Proposal:

Outline planning consent is sought, with all matters reserved, for the construction of three houses. Although all matters are reserved, indicative plans and elevations and access details have been submitted with the application.

Consultations:

- County Highways Authority

No objection – standing advice

Comments made 13 January:

'There are a couple of things I could usefully give as advice here, I think.

'Ownership' and 'highway status' are entirely separate issues in law. Although the highway authority can sometimes own the freehold of the subsoil beneath a publicly maintained highway it more common for them not to, as in this case.

From the plans, it appears to be quite clear that the site abuts the publicly maintained highway. Although the hedge bank does appear to have spilled out onto highway land with the passage of time, as banks tend to do, the highway authority have probably not bothered to take any action to remove it as it does not hinder the use of the highway nor does it affect safety. Even if the bank is on land forming part of the highway, the public have a right to pass and re-pass over that land, so there is no need for express consent for the removal of the hedge from the highway authority to access the site.

On the basis of the available evidence I am satisfied that there is no third party land between the application site and the highway.'

- Environmental Health Section

Original holding objection resolved to no objection subject to condition, following receipt of additional information

- WDBC Drainage

No objection subject to condition

- Okehampton Town Council

Support – *'Request that particular attention is paid to ground water drainage, mains drainage (pumping) plan and access to Limehayes (additional traffic movements during and post construction)*

Representations:

15 letters of representation have been received at the time of writing this report, 1 undecided and 14 objecting. Comments made within the letters are summarised as follows:

- The copper beech is protected within the development
- The copper beech provides screening and protects residential amenity
- The vehicular access is appropriate to serve the development
- Will lead to an unsafe highways environment during and after construction
- The hedgebank is within third party ownership
- The Scheme does not provide adequate parking provision
- The scheme will lead to drainage issues
- The scheme will be damaging to local ecology
- There are trees under TPOs within the site
- Will be harmful to neighbour amenity
- The access is insufficient
- Will have inappropriate visual impact within the streetscene

Relevant Planning History

None identified

Analysis

The site is located well within Okehampton, one of the Borough's major centres and where the principle of residential development is accepted under policy SP5. The site is sustainable with regard to accessibility, social inclusion and access to services.

West Devon planning policy seeks schemes to achieve the highest and most appropriate density of development and officers consider the siting of three detached units, in the fashion indicated, to be the

optimal for this site. The proposed density also relates well to the density of development within the adjacent Willow Tree Close.

In order to safeguard the copper beech and the bank of trees to the north two of the units are set forward but, as the site is at the end of the close, it is not considered necessary to slavishly adhere to the principal building lines within Willow Tree Close. That being said, general conformance to the building line is achieved by the two units at the south side of the development. Theoretically the north unit could face eastwards towards the Close and add a sense of enclosure and completeness to the existing development.

The indicative block plan also highlights that three units can be provided with adequate levels of outdoor amenity space.

Impact on neighbour amenity

The general conformance of the south units with the building line will ensure that there is no significant harm through loss of light overlooking or dominance. The location and orientation of the north unit, and the distance from neighbouring areas, will also ensure that the impact on neighbouring properties is acceptable.

TPOs

The indicative block plan indicates that three dwellings can be sited on the land without impinging on trees of public amenity value. The full arboricultural specification of work, including tree protection measures, can be considered in detail through planning condition and at the reserved matters stage.

Ecology and Drainage

The application site is already residential curtilage and has therefore already experienced a degree of domestication. Officers are satisfied from the basic information submitted, and from a visual inspection of the site, that the development will not interfere with any protected species. Trees of public amenity value will be retained and ecological enhancements can be provided through additional planting within a landscape scheme.

The site is within the Critical Drainage Area but has been considered by the WDBC drainage experts who have concluded that the site can accommodate individual soakaways for the three units. The engineers conclude that the specification of the soakaways can satisfactorily and reasonably be evaluated at the Reserved Matters stage and through condition.

Access and parking

The access provides adequate visibility on to what is currently a generous turning head within the Close, where speeds are very low and vehicles are manoeuvring. The Council does not have minimum parking standards. The indicative block plan suggests two spaces per dwelling and officers are therefore satisfied that adequate parking can be provided within the site.

Officers do agree that, due to the layout of the streetscene, there is potential nuisance during any construction phase. This can be mitigated, so far as reasonable, by the submission and agreement of a CEMP prior to the commencement of development.

Other Issues

Some third party correspondence has suggested that the hedgebank on the eastern boundary of the site is not within the applicant's ownership. Although land ownership is not a planning matter, officers should be satisfied that the site can be accessed safely.

The applicant has submitted valid documentation from the Land Registry which clearly and conclusively evidences that the hedgebank is not within any alternative ownership. In addition, the highways officer has also indicated that any physical encroachment of the existing bank onto the highway is not an impendent to the development and *'there is no need for express consent for the removal of the hedge from the highway authority to access the site.'*

Conclusions

The comments made by the supportive Town Council and by interested third parties are considered within the above analysis. None of the concerns raised are considered by officers to lead to any tangible objection to the proposal which could be sustained at appeal. Other issues raised can be addressed at Reserved Matters stage and through appropriate use of planning conditions.

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan polices. This application is therefore recommended for approval subject to appropriate conditions.

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
SP6 –Density of Housing Development
SP7 – Strategic Distribution of Housing
SP8 – Inclusive Communities
SP14 – Accessibility Planning
SP15 – Traffic Management
SP16 – Safer Communities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton

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

BE13 – Landscaping and Boundary Treatment
H28 – Settlements with Defined Limits

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.

Planning Conditions

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

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

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

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

4. Notwithstanding the submitted details, no development shall be commenced until:

1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a completed FDA1 form and justification for private foul system.
2. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.
3. Written permission from South West Water will be required if connecting to mains sewer.

Reason: In the interests of the prevention of pollution and to accord with Development Plan Policy C24 (Protecting Water Resources).

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

1. 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.
2. SuDS to be designed for a 1:100 year event plus 40% for climate change.

3. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
4. Permeable paving to be designed in accordance with CIRIA C753.
5. SuDS to be in private ownership and positioned in accordance with building regulations.
6. 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.
7. 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. 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-H and Part 2 of the Order, including the erection of means of enclosure, extensions, 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.

7. 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.

8. 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 and green infrastructure for biodiversity and, landscape. 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 and internal hedgerows, to be informed by bat survey results);
- (iii) Details of inbuilt provision for birds and bats;
- (iv) Arrangements for stripping, storage and re-use of topsoil;
- (v) Materials, heights and details of fencing and other boundary treatments;
- (vi) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;

- (vii) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (viii) A timetable for the implementation of all hard and soft landscape treatment.

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

Reason: In the interests of ecological and visual amenity

9. Any reserved matters application seeking the approval of the detailed site layout shall include an Arboricultural Impact Assessment based on that scheme which shall include a detailed tree and hedgerow protection plan and Arboricultural Method Statement. Development shall take place in accordance with the approved details.

Reason: In order to identify and protect trees and hedgerows of public amenity value and in the interests of wildlife conservation.

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

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) full details of any temporary site access for construction purposes;
- (g) hours of construction and of deliveries to and from the site;
- (h) location of any construction compound/site offices;
- (i) details and the location of any generators to be used on site;

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

Reason: In the interest of highway safety and the amenity of neighboring dwellings

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Lamerton **Ward:** Milton Ford

Application No: 3244/16/OPA

Agent/Applicant:

Rowan & Edwards Ltd
21a Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:

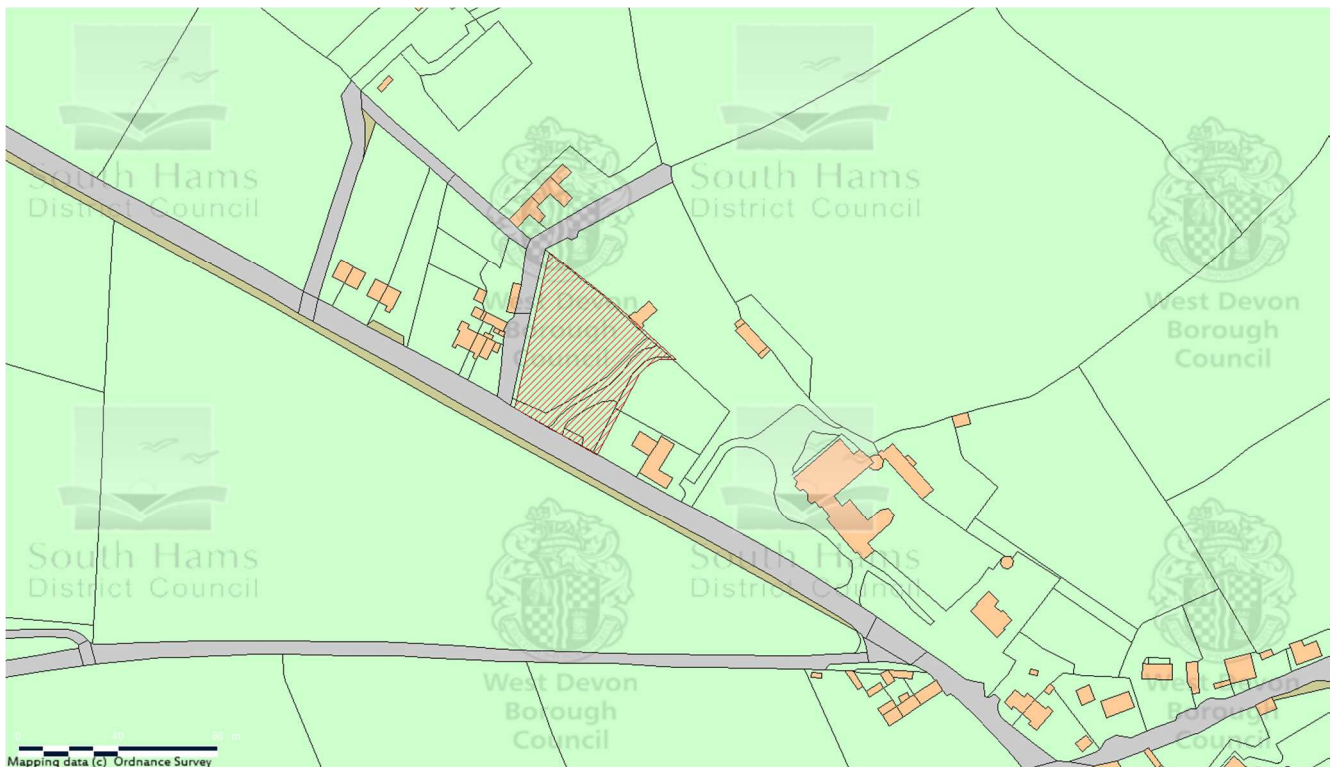
Mr & Mrs M Glover
Ashton Court
Lamerton
PL19 8QD

Site Address: Land adjacent to Ashton Court, Lamerton, Devon, PL19 8QD

Development: Outline planning permission with some matters reserved for proposed erection of 5 dwellings and improvement to access

Reason item is being put before Committee: Cllr Baldwin has requested that the application be determined by Planning and Licensing Committee in order to:

- 1. Establish exactly what we are being asked to approve.*
- 2. To consider this application for 5 dwellings on a 0.27Ha. site against policy SP 8 [Inclusive Communities] Not SP 9 Meeting Housing Needs.'*



Recommendation: That delegated authority be given to the Community of Practice Lead Officer, in consultation with the Committee Chairman to grant conditional planning permission subject to the signing of a Section 106 Agreement to secure the following:

Planning Obligations

£17,065 towards Primary School provision and £2,489 towards Secondary School transport

Conditions

Time – reserved matters
Detail for reserved matters
Accord with Plans
Surface water management details prior to commencement
Arboricultural protection measures
LEMP prior to commencement
Completion of road infrastructure prior to commencement
Removal of Permitted Development Rights
Unsuspected contamination

Key issues for consideration:

The main issues are the principle of development, access and parking, layout, drainage, ecology and any impact upon the amenity of neighbouring properties.

Site Description:

The application site is an area of greenfield land located within the settlement of Lamerton. The site currently provides vehicular access to the barn conversion at Ashton Court and also to the detached dwelling Camperhaye Lodge.

The residential curtilage of neighbouring dwellings is to the north, east and west, with access from the main road which is to the south of the site. The site is outside of any Development Boundary but is otherwise free of specific planning constraints.

The Proposal:

Outline planning permission is sought for the proposed erection of 5 dwellings and improvement to the existing access. Access and scale were originally the two matters for consideration at this outline stage, but scale has been formally removed and will now be considered during any subsequent and necessary reserved matters application. Indicative elevations and floorplans are provided.

The scheme modifies the existing access and provides an indicative block plan showing the dwellings in a typical suburban layout, with the five dwellings sat within their own curtilage accessed from a central road.

Consultations:

- County Highways Authority

No objection subject to condition

- Devon County Council Education

Request £17,065 towards Primary School provision and £2,489 towards Secondary School transport

- Lamerton Parish Council

Support – *‘There should be a mix of 2 or 3 bedroom houses only, together with car parking spaces equivalent to at least the same to at least the same number of bedrooms outside of the property. Council query the arrangements for access to the site particularly for pedestrians e.g. children going to school’*

Representations:

None received

Relevant Planning History

A pre-application enquiry was undertaken with the Council in 2016 which resulted in officer support being forthcoming on a without prejudice basis

Analysis

Principle of Development

The site is outside of the Lamerton Development Boundary but spatially reads as a simple infill to the built environment. Spatially the site is considered to relate well to Lamerton Village. The principle of development is therefore accepted subject to all material planning considerations.

Social and economic benefits

The approval of five dwellings within the site will provide a limited economic benefit during the construction phase and a long term social and economic benefit through housing provision serving the community and increasing footfall to local services.

Visual impact

The residential development of the site, to the scale suggested, will read as an infill plot and the character of the streetscene and surrounding countryside will be conserved. High quality dwellings within this location can provide a positive contribution to the area and to Lamerton.

Neighbour impact

The layout indicates that a scheme for five dwellings can be accommodated within the site without leading to materially harmful overlooking, dominance or loss of light to Lamerton Villas and Camperhaye Lodge.

The access arrangement will inevitably lead to some headlights shining towards Camperhaye Lodge, but this will be fleeting as one enters and exits the site within hours of darkness. It will also be at a reasonable distance, and partially screened by existing boundary vegetation.

Overall, officers are satisfied that five dwellings can be achieved within the site whilst providing an acceptable standard of amenity for surrounding residential properties.

Drainage, Trees and Ecology

The site is not within flood zones 2 or 3 nor a Critical Drainage Area and, following consideration of the proposed layout and the drainage details within the supporting documentation, officers are satisfied that surface water drainage can be satisfactory attenuated in principle, and officers are therefore able to require the final drainage specification details by way of planning condition.

There are trees within the site which can be protected and this can be achieved through the indicative layout and through condition. The site is considered by officers to have negligible ecological potential and ecological enhancements can be secured through the provision of a LEMP condition.

Access and Parking

The existing access serves the barn conversion at Ashton Court and an additional third party dwelling. Its substandard specification was highlighted at the pre-application stage and the applicants have suggested improvements which are supported by the highways officer.

The site requires a short journey on foot on the main road, which is without a pavement, but this is a situation experienced by other properties along the road and in fact by the majority of properties within the village.

Following completion of this small route along then main road, the walk is on slower roads more centrally within the envelope of the village and officers would envisage walking to be an achievable alternative to the motorcar in order to access the services within Lamerton and the bus stops within the village.

The highways officer has no objection to the access specification nor the limited additional numbers of pedestrians travelling along the main road, and the scheme is considered to be acceptable with regard to highways safety. Parking provision is a reserved matter.

Other matters

Officers acknowledge the comments made by the Parish Council regarding the housing mix and parking provision. However, the application is in outline and has now reserved matters relating to the scale of the proposed dwellings. Officers can only now therefore consider the principle of five units within the land, not their size, layout, parking provision or number of bedrooms. The Parish Council will have the opportunity to register its concerns again at the relevant, reserved matters stage.

The scheme will make a contribution to education, as requested by DCC Education Authority and outlined within the consultation section above. Affordable housing provision is not sought by officers as the LPA has agreed to adopt the Government's preferred approach for a higher threshold of more than five residential units.

Conclusion

The approval of five dwellings within the site will provide a limited economic benefit during the construction phase and a long term social and economic benefit through housing provision. The site relates well to Lamerton and is considered by officers to be sustainable with regard to access to services.

Access arrangements are improved and have the endorsement of the highways officer and the additional pedestrian footfall on roads already well frequented by pedestrians is not considered to constitute a severe impact on highways safety.

For the reasons outlined above this application is considered to be sustainable development and is therefore recommended for approval subject to appropriate conditions. 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

SP6 –Density of Housing Development
SP8 – Inclusive Communities
SP9 – Meeting Housing Needs
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces
H28 – Settlements with Defined Limits
H31 – Residential Development in the Countryside
H37 – Meeting Local Housing Needs in Rural Areas
T1 – Walking and Cycling
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

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.

Planning Conditions:

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

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

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

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

proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

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

4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system, including details of the exceedance pathways and overland flow routes across the site for the proposed surface water drainage management system, have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

5. Any reserved matters application seeking the approval of the detailed site layout shall include an Arboricultural Impact Assessment based on that scheme which shall include a detailed tree and hedgerow protection plan and Arboricultural Method Statement. Development shall take place in accordance with the approved details.

Reason: In order to identify and protect trees and hedgerows of public amenity value and in the interests of wildlife conservation.

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

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iii) Details of inbuilt provision for birds and bats;
- (iv) A concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the landscape character of the area;
- (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;
- (ix) A timetable for the implementation of all hard and soft landscape treatment.

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

Reason: In the interests of ecological and visual amenity

7. No part of the development hereby approved shall be occupied until the improved access, parking facilities, improved visibility splays, turning area, parking spaces and garages / hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

8. 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-H and Part 2 of the Order, including the erection of means of enclosure, extensions, 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.

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

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

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

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Tavistock **Ward:** Tavistock South West

Application No: 1535/16/FUL

Agent/Applicant:

Mr I Armstrong
ARCO2 House
Boundary Road
Dunmere
Bodmin
PL31 2RX

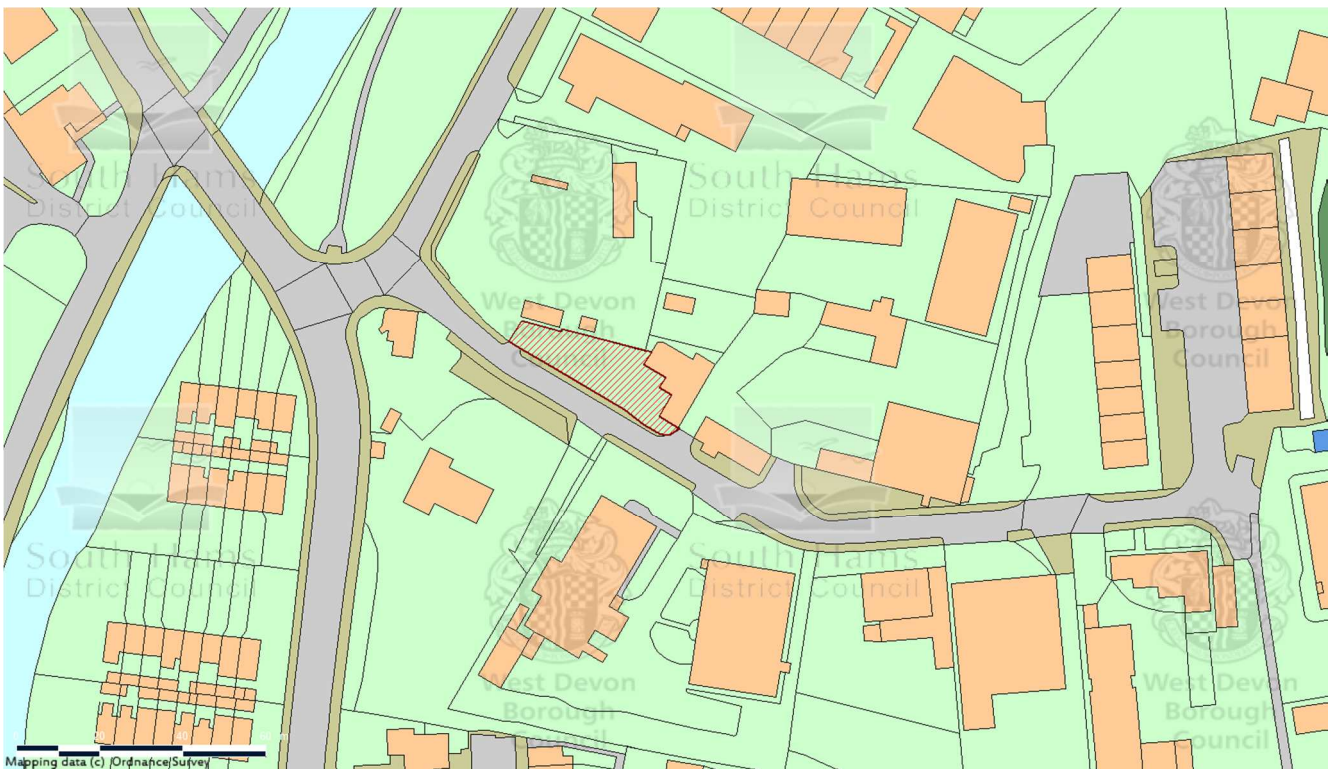
Applicant:

Mr M Williamson

Site Address: The Poplars, Westbridge Industrial Estate, Tavistock, Devon, PL19 8DE

Development: Proposed development of 7 apartments

Reason item is being put before Committee: Referred by Cllr Evans due to concerns over siting within industrial area



Recommendation: Conditional approval

Conditions:

Time limits

Accord with plans

Pre Commencement – detailed design of surface water management system to be agreed with LPA

Development to be carried out in full accordance with submitted noise report and construction as outlined in submitted planning statement unless otherwise agreed

Parking to be provided/retained

Cycle/mobility scooter storage to be provided/retained

Samples of materials to be submitted/approved

Unsuspected contamination

Landscape scheme (including green roof) to be submitted/approved

Key issues for consideration:

The principal of the development in this location in relation to adjacent uses, design, neighbour impact, highway safety and parking

Site Description:

The site lies within the settlement boundary for Tavistock along the south end of Pixon Lane within Westbridge Industrial Estate. The land north and east of Pixon Lane is predominantly employment land use with a mix of sales, storage and distribution throughout the Industrial Estate. Immediately to the east is a two storey building, known as The Poplars.

The site benefits from an existing access onto Pixon Lane and is enclosed on all the north and west sides with walls.

The Proposal:

The erection of a 3-storey building to accommodate 7No flats. The proposed ground floor would have 3No 1 bedroom flats, the first floor would have 2No 1 bedroom flats and 1No 2 bedroom flat with a 3 bedroom flat occupying the second floor.

The exterior design of the building uses stone, render as well as metal and timber cladding with a green roof.

Consultations:

- County Highways Authority:

There are no objections in principle to the proposed development from a highway safety point of view. The number of spaces provided, although only three in number, would not give rise to a highway safety issue as there are adequate controls for on-street parking in the adjoining street.

The applicant has shown cycle storage and charging facilities for mobility scooters as discussed with the highway authority prior to the submission of the application, but the highway authority had anticipated these would be secure and undercover rather than just in the open parking area. It is recommended that this aspect is revised, but it is not a detail, in itself, that would lead to an objection from a highway point of view.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE

INCORPORATED IN ANY GRANT OF PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with the application drawings and retained for that purpose at all times

REASON: To ensure adequate facilities are available for the traffic attracted to the site.

- Environmental Health Section:

Further to our discussions regarding the above site and the further technical information provided by the applicants I would provide the following comments. The NPPG is clear that noise should not be considered in isolation of other sustainability considerations, and as such I wouldn't seek refusal on grounds of noise, especially as the applicants have demonstrated that technically the future residents can be afforded a reasonable level of protection from the noise generated by the adjoining industrial estate.

However the concerns that I am aware of is the impact that the proposed development may have on the viability of the adjoining industrial estate, and whether the future residents could complain about noise or other nuisances arising from the existing industrial use, unfortunately this is the case that the Council cannot protect the industrial estate from complaints made by these residents. However when making a nuisance assessment the nature of the area is a consideration as to whether a nuisance exists, but there would be an argument that this application would alter the nature of the area to make it domestic rather than industrial.

The Council should however be minded by para. 123 of the NPPF which states that we should "recognise that developments will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established." It could be argued that should the granting of this application lead to complaints of nuisance requiring the Council to serve nuisance abatement notices then the permission could be contrary to this paragraph.

I understand that the use of the land may already be residential amenity land because of previous planning applications, and whilst this may lessen the extent that this proposal is contrary to para. 123 this application could be seen as an intensification of the number of potential receptors and therefore increases the potential risk of nuisance complaints arising.

- Tavistock Town Council: Support
- Devon County Education Authority: No request for contributions as sufficient capacity in both primary and senior school capacity near to the development

Representations:

Support comments received, points covered;

- Good scheme and good addition for Tavistock
- In line with the development opposite at the Toll House site
- Good access to town centre through the park
- Development an improvement to the area

Relevant Planning History

The site has a substantial planning history with the uses of the site at times having been linked to immediately adjacent sites and buildings. There have been a number of applications and appeals on

the site relating to residential development. The most recent and therefore the most pertinent in the consideration of this application is;

00843/2014 – Erection of 4 Flats and associated car parking. Which was refused for the following reasons;

1. The proposed erection of four flats would lead to the cumulative loss of employment land as defined within the WDBC Local Plan Review 2005. Any significant reduction in the supply of employment land should be resisted. Residential use is wholly inappropriate in this location. This would limit the scope of any subsequent employment uses adjacent and nearby the site and could potentially result in the site being unviable for any future occupants. General industrial, Storage or distribution uses are considered to be incompatible with residential uses in this location by virtue of the potential for disturbance to occupants of residential units. Consequently the proposal is considered to be contrary to the NPPF specifically paragraphs 22 and 23 and policies SP1, SP10 of the Core Strategy and saved policy ED12 of the Local Plan Review 2005.

2. The proposals materially detract from the character of the nearby surrounding industrial estate and would not provide or maintain employment opportunities. The proposal is considered to be contrary to the NPPF specifically paragraphs 22 and 23 and policies SPI, SPIO of the Core Strategy and saved policy ED12 of the Local Plan Review 2005.

3. The development fails to reflect and integrate with the existing character of development in the village by virtue of the modern style of the buildings proposed and the failure to promote or reinforce local distinctiveness. The proposal by virtue of its scale, design and siting would have an adverse visual impact upon the street-scene and the wider area. The development is therefore contrary to the advice contained within Policies SP1, SP20 of the West Devon Borough Core Strategy and Policy H28 of the West Devon Borough Local Plan and the National Planning Policy Framework.

The application was dismissed on appeal (APP/Q1153/A/14/2229340), the main points for the dismissal was the proposal not constituting sustainable development due to the potential effects of noise and disturbance from the adjoining uses and the impact of the incursion of residential development into an industrial area hampering the operation of the business uses.

The Inspector concluded that the loss of the site for employment purposes would not breach policy ED12 as it will not have a significant adverse effect on employment opportunities or noticeable reduction of the supply of employment land.

In respect of the character and appearance the Inspector concluded that the area mixed in character with more traditional buildings beings less significant within the locality.

ANALYSIS

Principle of Development/Sustainability:

Paragraph 14 of the National Planning Policy Framework states that *at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The application site is within the Tavistock Development Boundary where policy H28 of the West Devon Local Plan applies, H28 states;

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.

Due to the sites location within the Tavistock development boundary and the conclusions of the Inspector on the previous appeal in respect to employment land supply and character. The main issue is therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development in respect of whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

The three threads of sustainable development are;

- The economic role
- The social role
- The environmental role

All three elements dimensions must be met in order for the scheme to considered sustainable development.

In this instance, the social role are considered to be met, the development would provide housing within a defined settlement, which is in accordance with the aims of the NPPF to boost the supply of housing.

In respect of the economic and environmental role, the economic role is partially met in that the construction pf the development would provide jobs and the spending power resulting from future residents would be beneficial to local services within Tavistock. However, in balance to that the economic wellbeing of the industrial area within which the development is sited must be considered and this also takes into account the environmental role in respect of the living conditions of future occupiers.

The proposal has been designed in such a way to address the Inspectors decision and information to support this has been provided, primarily in the form of a detailed acoustic assessment. The submitted acoustic assessment concludes that the proposed development is predicted to comply with the relevant British Standards and National Planning Policy Guidance. Environmental Health have reviewed the submitted report and have not offered further objections on this basis. The proposed design offers noise attenuation in the form of insulation, air tight building construction and the use of triple glazing.

It is considered that the building features and submitted noise report adequately demonstrate that the future occupiers would not be subject to adverse noise disturbance from the adjacent uses within the Westbridge Industrial Estate.

The new residential development to the area of the Toll House has altered the character of the area and now results in the application site being bordered by residential development to the east and the southwest. Whilst the Inspector was aware of the approval for the Toll House site, the building was not constructed at the time of the appeal. This development, taken with the previously approved domestic use of the land are of significance when assessing this proposal.

As stated by Environmental Health, there is no ability to guarantee that noise complaints concerning adjacent uses by future occupiers of the development would not arise, however when taken as a whole, it is considered that the applicant has demonstrated that the appeal dismissal reasons have been addressed as part of this application.

Therefore on balance, whilst the adjacent uses cannot be controlled and therefore could generate noise complaints from the future occupiers, the applicants have demonstrated that the current noise environment would not result in unacceptable living conditions for the future occupiers of the development.

Design/Landscape:

The proposed design and use of materials is considered acceptable, the design takes into account the recent development on the southern side of the road at the Toll House the proposed development would read well in conjunction with this development. The existing site is laid to hardstanding with no softening features therefore the introduction of boundary landscaping would have a softening impact and assist with the buildings integration, In addition the proposed green roof and landscaping would offer albeit modest benefits for the potential for wildlife and biodiversity within the locality.

The site is adjacent to the Tavistock Conservation Area, the proposed scheme does not harm the character or appearance of the conservation area.

Neighbour Amenity:

The proposal would not result in a loss of residential amenity to the adjacent building, which is in use as flats, nor the development adjacent to the Toll House to the southwest of the application site. The current building known as 'The Poplars' has cars parked directly adjacent to it. The proposed building has been designed in a way that it does not result in significant harm to the living conditions of the occupiers of the flats within 'The Poplars'.

Highways/Access:

The site has existing an existing highway access which would be utilised for the development. The Highways Officer has offered no objections to the proposed parking arrangements and the proposed scheme does not result in highway safety issues.

It is noted that the preference for the cycle and mobility scooter storage would be under secure and under cover, due to the space available on the site for parking and pedestrian access the arrangement as proposed is considered acceptable and will be conditioned to be provided.

Other Matters:

The existing site is laid to hardstanding, therefore the potential for surface water run-off would be reduced by the introduction of the green roof. The site is within the developed area of Tavistock and connection to mains sewers for the disposal of foul water would be possible.

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):
National Planning Policy Framework (NPPF)

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP10 – Supporting the Growth of the Economy
SP20 – Promoting High Quality Design

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

H28 – Settlements with Defined Limits
ED12 – Safeguarding Employment Land

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

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

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

4. The development hereby approved shall accord fully with the details of the submitted noise report and the construction methods outlined in the Planning Statement in relation to noise attenuation.

Reason: In the interest of environmental protection.

5. The flats 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.

6. The flats hereby approved shall not be occupied until the cycle and mobility scooter storage areas (and shown on the submitted drawings) have been constructed. The cycle and mobility scooter storage areas shall be kept permanently available for the storage of cycles and mobility scooters in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the storage of cycles and mobility scooters.

7. 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.

8. 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

9. The building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots/development.

The scheme submitted shall be fully implemented in the planting season following the completion of the development 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.

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PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Tavistock **Ward:** Tavistock South West

Application No: 2997/16/ADV

Agent/Applicant:

Mr Mike Kalam
Crown House
123 Hagley Road
Edgbaston
Birmingham
B16 8LD

Applicant:

Ms Nicola Rickford
Lidl UK GmgH
C/O Lapworth Architects

Site Address: 142-152, Plymouth Road, Tavistock, PL19 9DS

Development: Advertisement consent for proposed totem (pylon)

Reason item is being put before Committee: Referred by Cllr Sanders for the following reason:

'The enterprise is clearly visible from both directions and further advertising cannot be justified on the grounds of being needed to promote trade. From a road safety point of view the area is already fairly cluttered with a light controlled Toucan crossing, the entrance into the Plymouth Road Industrial estate and the entrance into and out of the Lidl car park which has neither a left nor right turn lane.

Additionally approaching from the Plymouth direction there are bus stops on both sides of the road which being some distance from the Toucan crossing lead to a lot of pedestrian traffic across the carriageway. In the last two weeks or so a car wash facility has re-opened further adding to the traffic movements in this area with vehicles entering and leaving the site from both directions.



Recommendation: Conditional approval

Conditions:

Accord with plans
Standard advertisement conditions

Key issues for consideration:

Visual impact upon the local area, highway impact and impact upon the amenity of neighbouring properties.

Site Description:

The application site is located to the south east of Tavistock with access taken directly from Plymouth Road. The site is a Lidl Supermarket with main shop and associated car parking

The Proposal:

This is an advertisement consent application to construct a totem (pylon) on the south eastern boundary of the site. It will measure 7.5m in height and 2.67m in width constructed in white/graphite grey aluminium with Lidl logo at top with associated signage for Bakery, opening hours, parking and email address below. The Lidl logo a yellow circle with lettering is proposes to be illuminated by internal LED lighting.

Consultations:

- Highways No objection The highway authority would not be able to sustain an objection to an advertisement sign on privately owned land, in a supermarket car park in an urban location such as this – as is stated below ‘fairly cluttered’ – on highway safety grounds. It would be impossible to quantify with any factual evidence the impact, if any, that an additional advertisement sign would have on highway safety.

The Local Planning Authority may of course consider that the sign would have an impact on the street scene.
- Parish Council: Support

Representations:

There has been one letter of objection received:

- There is no requirement for any more advertisement;

Relevant Planning History

02703/2012/ADV	Erection of two freestanding billboard advertisements.	Refusal
01948/2011/ADV	Erection of 2 freestanding billboard advertisements.	Refusal
13253/2009/TAV	Erection of signage including 1 x dual pole sign and 1 x wall mounted sign	Conditional Consent
12917/2009/TAV	Reserved Matters Application for erection of supermarket (dealing with design and landscaping	Conditional Consent
12364/2008/TAV	Erection of foodstore with associated access and parking	Conditional Consent

ANALYSIS

In determining advertisement applications the only material planning considerations that can be considered relate to highway safety and amenity.

The existing character of the area is predominantly industrial/commercial with an industrial estate close by and with the main Plymouth road running east to west. There is a terrace of dwelling house opposite the site. To the west is the supermarket of Morrisons with a petrol station with illuminated totem and to the north-west is the supermarket of Tesco on a raised piece of land with a further illuminated totem.

The proposed sign is of a suitable size and scale for its location, typical for this type of commercial premises. It would not adversely affect the character and appearance of this mainly commercial area.

The objection received stating that no further advertisement is required is noted however the need for the advertisement is not a material planning consideration.

The proposed sign is not considered to adversely harm the character and appearance of the local area and is a form of advertisement that supermarket and shops are adopting that results in a minimal visual impact upon local area, combining a variety of information within one sign. It is acknowledged that the two previously mention supermarkets both have obtained advertisement consent for similar illuminated totems. It is considered that the proposal would be acceptable.

It is noted that there have been previous advertisement applications 02703/2012/ADV and 01948/2011/ADV for bill boards that measured 3.3m high by 6.3m in width and at a height of 4.3m above ground level times two thereby having a cumulative surface area of 42 sq.m. These were refused on their size and massing that would have adversely impacted upon the character and appears of the locality.

This proposed totem although illuminated and measuring 7.5m high and 2.67m wide only has a total area of some 20 sq.m and therefore in Officer's opinion would not result in a harmful impact upon the local area due to its smaller scale, massing and dimensions.

Highway Impact

The Highway Authority does not raise an objection to the proposal as they would not be able to sustain an objection to an advertisement sign on privately owned land, in a supermarket car park in an urban location such as this – as is stated below 'fairly cluttered' – on highway safety grounds. It would be impossible to quantify with any factual evidence the impact, if any, that an additional advertisement sign would have on highway safety.

Therefore it is a matter for the Local Planning Authority to determine whether the sign would have an adverse impact upon the street scene. Officers raise no objection to this signage as it would not cause adverse harm upon the local area or cause a distraction to highway safety.

Conclusion

The proposal is therefore considered to accord with local and national planning policies, does not significantly harm the local landscape character and appearance and would not cause an issue of highway safety. Officers therefore recommend that advertisement consent be granted for this proposed illuminated totem.

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

Planning Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 and Circular 03/2007: The Town and Country Planning (Control of Advertisements) Regulations 2007 provide an outline of the present system of controls. Powers to be exercised in the interests of amenity and public safety.

The Planning Practice Guidance Suite states:

Other Material Planning Considerations

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - a LPA shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development and other relevant factors. In relation to amenity, this includes the general characteristics of the locality, including the presence of any feature of historic, architectural or similar interest.

National Planning Policy Framework

Section 7. Requiring good design

Also the provisions for Conservation Areas

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.

Recommended Conditions

1. The development hereby approved shall in all respects accord strictly with drawing numbers 100, 102 and 301 received by the

Local Planning Authority on 27th September 2016.

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.

2. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

6. No advertisement is to be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: Standard condition under the provisions of the above mentioned Regulations.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

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West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 7-Mar-17
Appeals Update from 20-Jan-17 to 17-Feb-17

Ward Drewsteignton

APPLICATION NUMBER : **1645/16/FUL** APP/Q1153/W/17/3166440
APPELLANT NAME: Ms L Fletcher-Neal
PROPOSAL : Retrospective application for an agricultural building.
LOCATION : Skywood, Lane Past Weeke Farm, Spreyton, EX17 5AF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 14-February-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Exbourne

APPLICATION NUMBER : **00888/2015** APP/Q1153/W/16/3152648
APPELLANT NAME: Mr B Dufty
PROPOSAL : Full planning application for 28 residential dwellings with associated roads, footways, parking, landscaping and drainage. Part previously approved application under reference 01037/2013
LOCATION : 4 Land West Of High Street, North Tawton, EX20 2FN
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 13-July-2016
APPEAL DECISION: Withdrawn
APPEAL DECISION DATE: 09-February-2017

Ward Mary Tavy

APPLICATION NUMBER : **WDE/00001/2015** APP/Q1153/C/16/3149564
APPELLANT NAME: Mr J Henry
PROPOSAL : Operational Development for the installation of a pre-fabricated garage
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 03-June-2016
APPEAL DECISION: Appeal Dismissed and notice upheld
APPEAL DECISION DATE: 10-February-2017

APPLICATION NUMBER : **WDE/00001a/2015** APP/Q1153/C/16/3149560
APPELLANT NAME: Mr J Henry
PROPOSAL : A material change of use of the Land without planning permission from Agricultural (Sui Generis) to Residential Garden (C3) (the 'Development')
LOCATION : West Liddaton Farm, Coryton, Okehampton, Devon, EX20 4AD
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 03-June-2016
APPEAL DECISION: Appeal Dismissed and notice upheld
APPEAL DECISION DATE: 10-February-2017

Ward Milton Ford

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 Edgcombe Barn, Edgcombe Road, Milton Abbot, PL19 0QH
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 06-December-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 08-February-2017

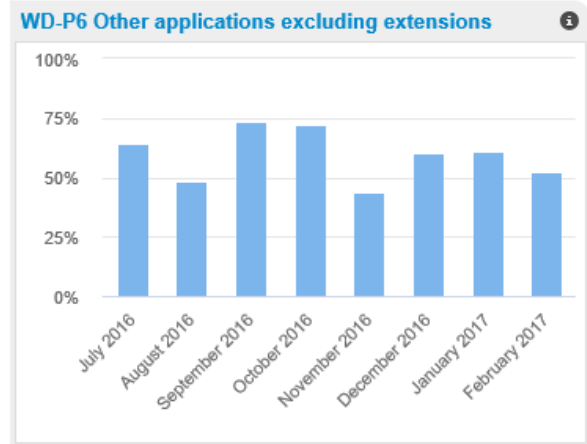
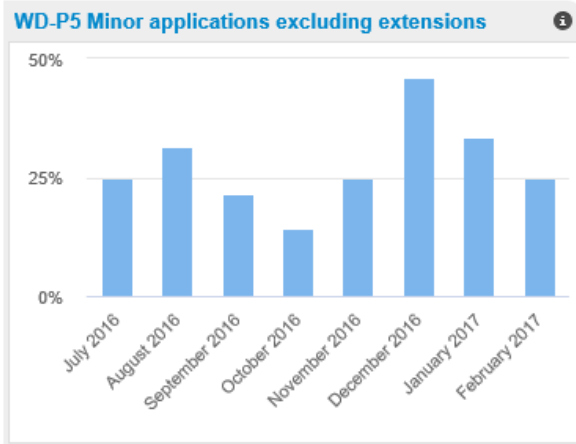
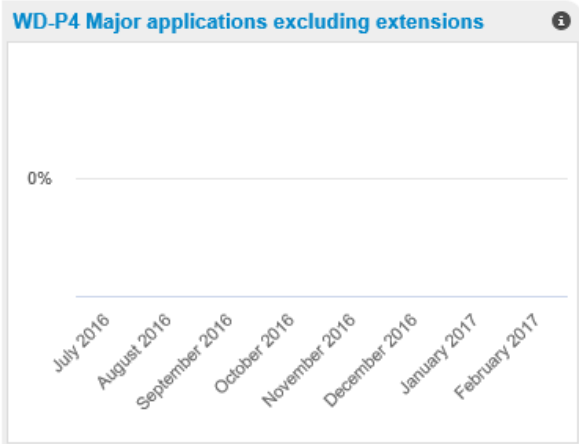
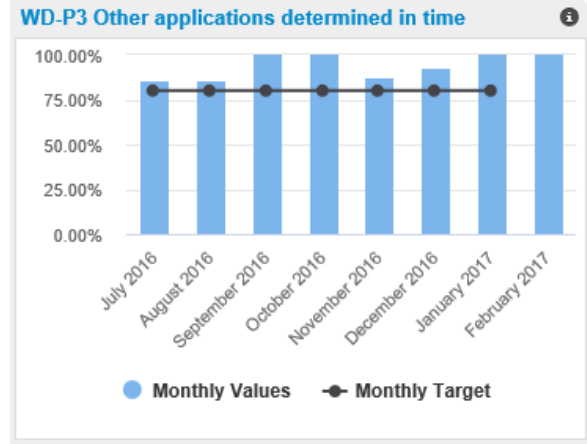
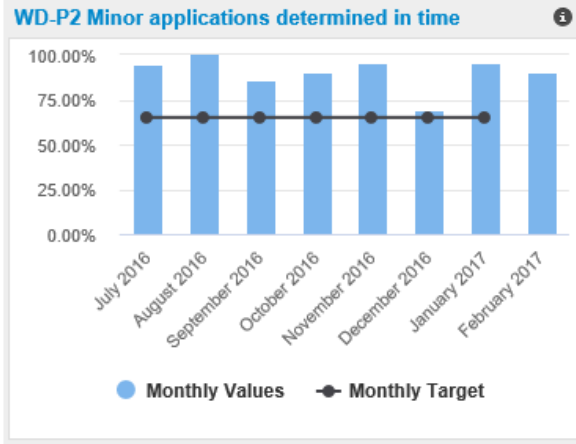
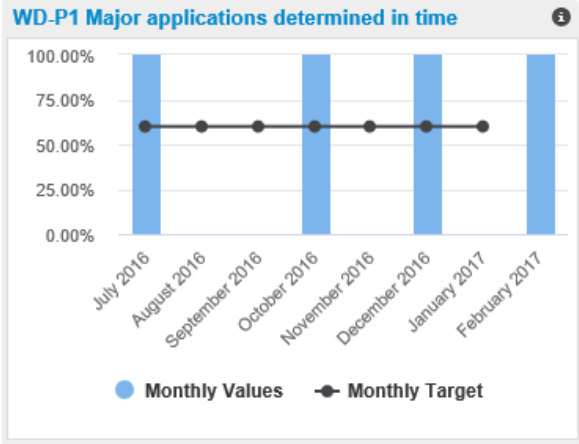
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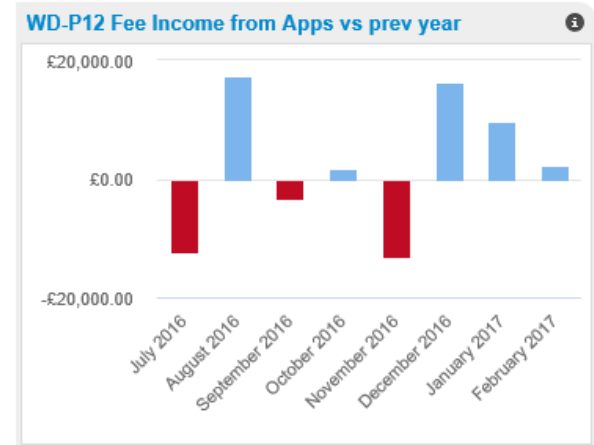
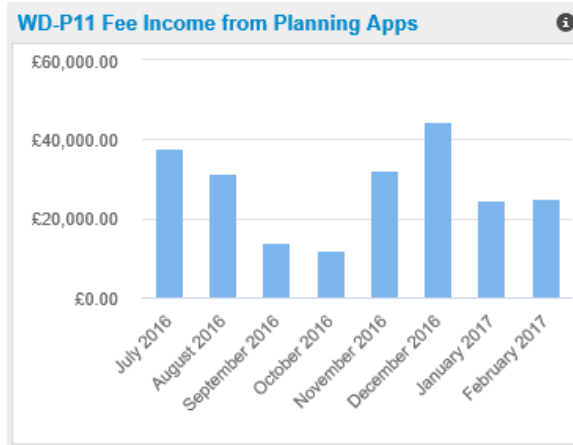
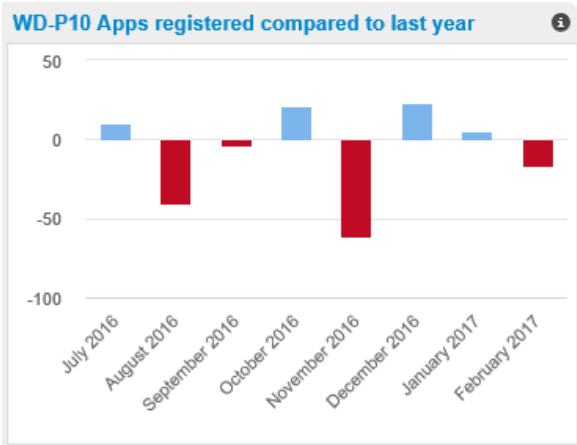
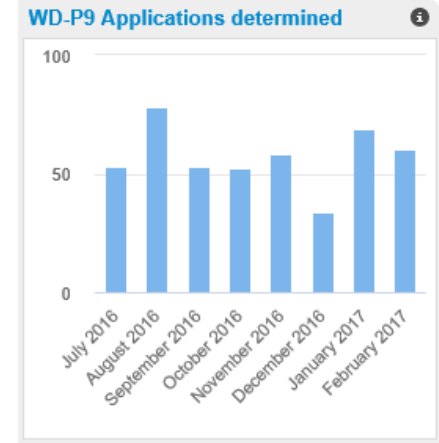
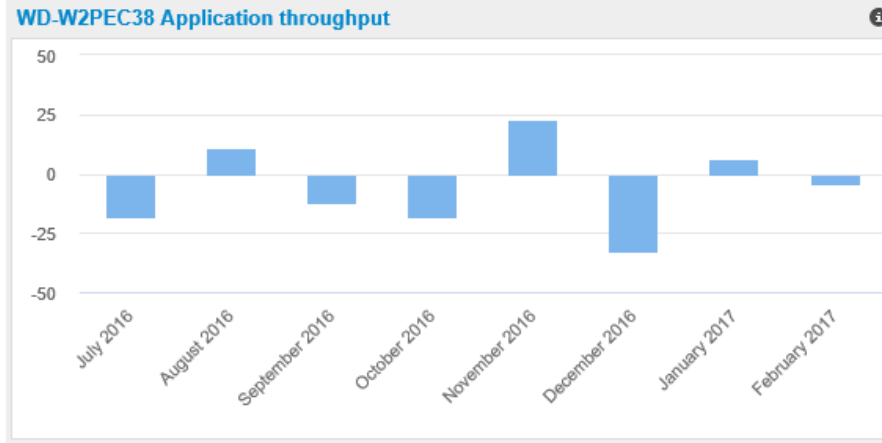
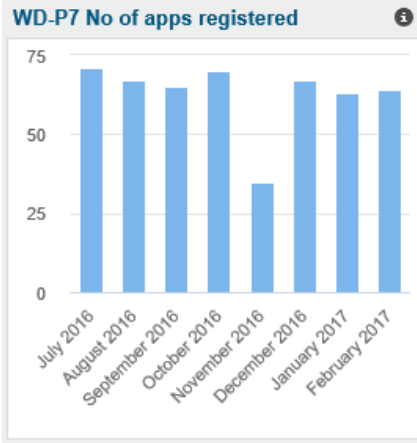
APPLICATION NUMBER : **2676/16/FUL** APP/Q1153/W/17/3168366
APPELLANT NAME: Mr S Tancock
PROPOSAL : Development of redundant outbuildings at 9 Station Road to 2 x 1 bedroom flats
LOCATION : 9 Station Road, Okehampton, EX20 1DY

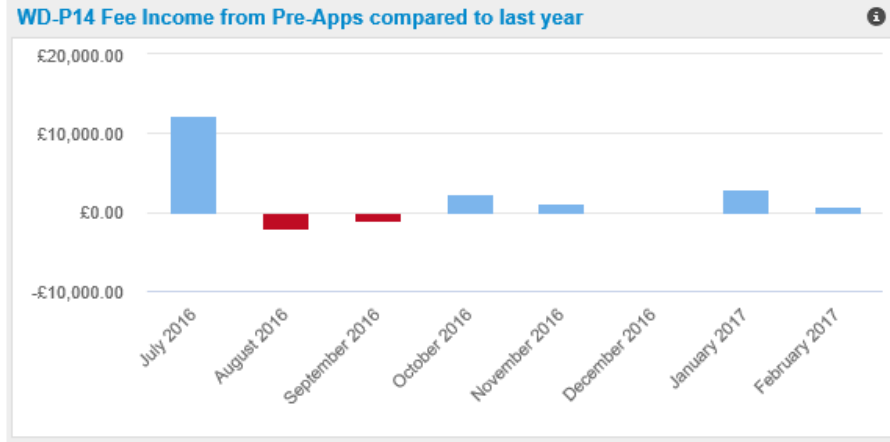
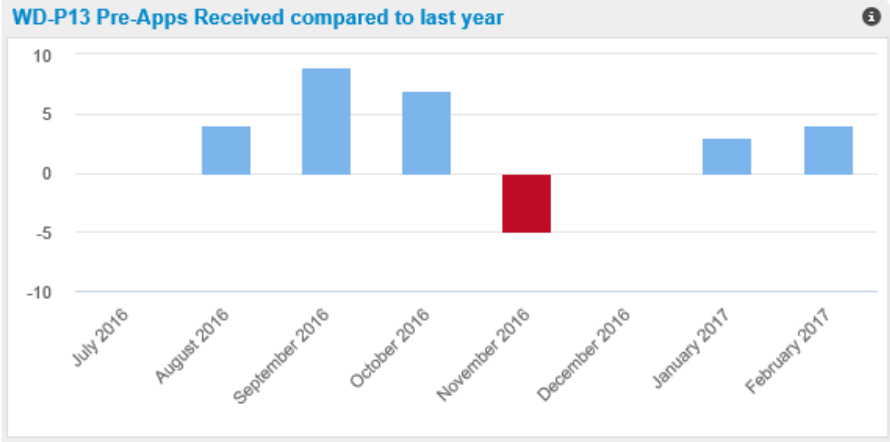
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APPEAL DECISION:
APPEAL DECISION DATE:

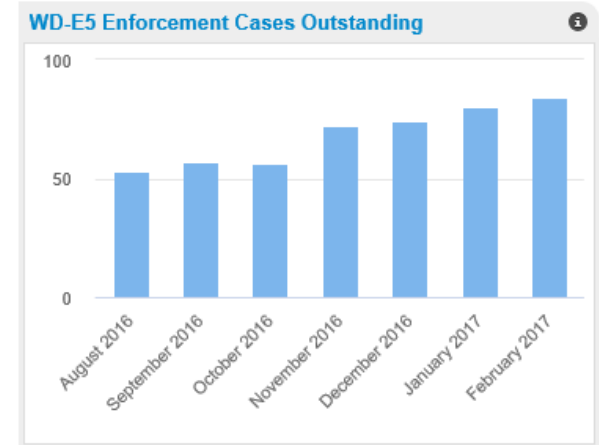
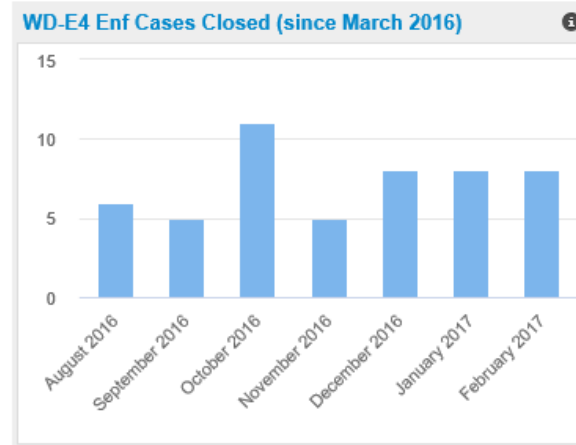
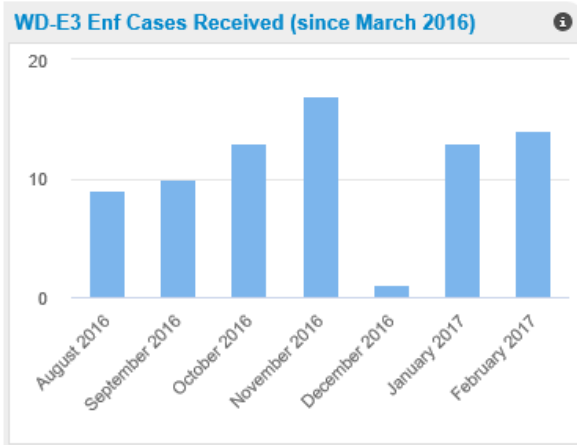
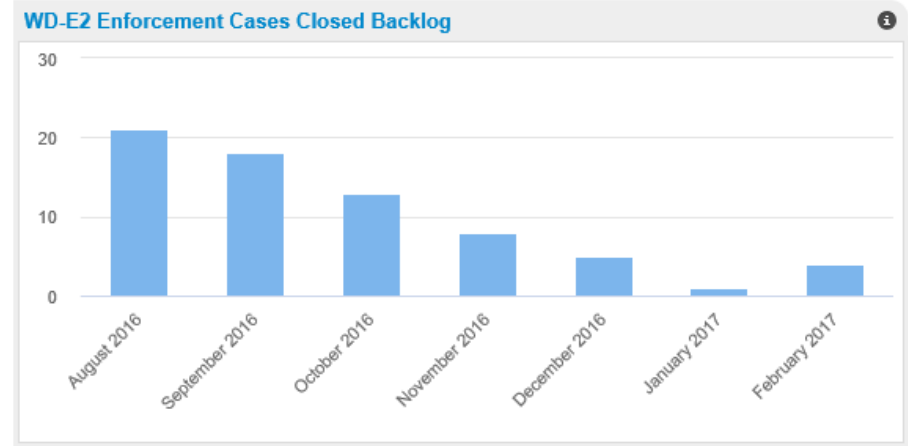
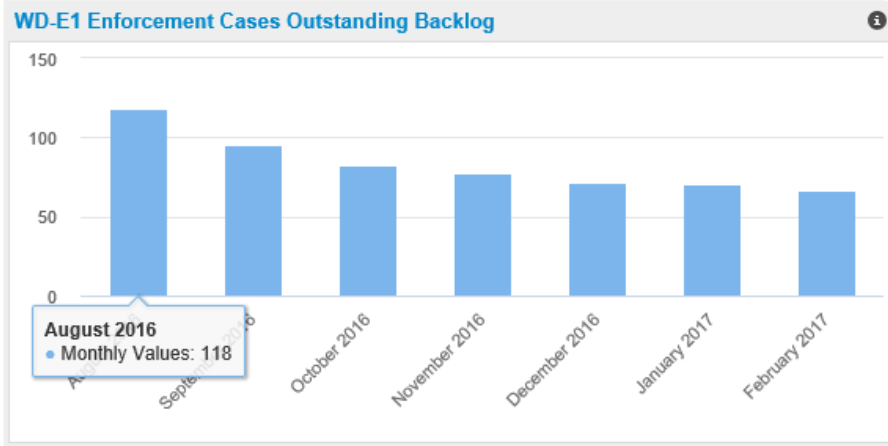
Ward Tavistock North

APPLICATION NUMBER : **WDE/00064/2015** APP/Q1153/C/16/3152288
APPELLANT NAME: Mr M Bassett
PROPOSAL : A material change of use of the Land without planning permission from Agricultural (Sui Generis) to Motor Vehicle Storage and / or Distribution Place (Sui Generis)
LOCATION : Land at Higher Wilminstone Farm, Wilminstone, Devon, PL19 0JT
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 29-July-2016
APPEAL DECISION: Appeal Dismissed and notice upheld
APPEAL DECISION DATE: 31-January-2017

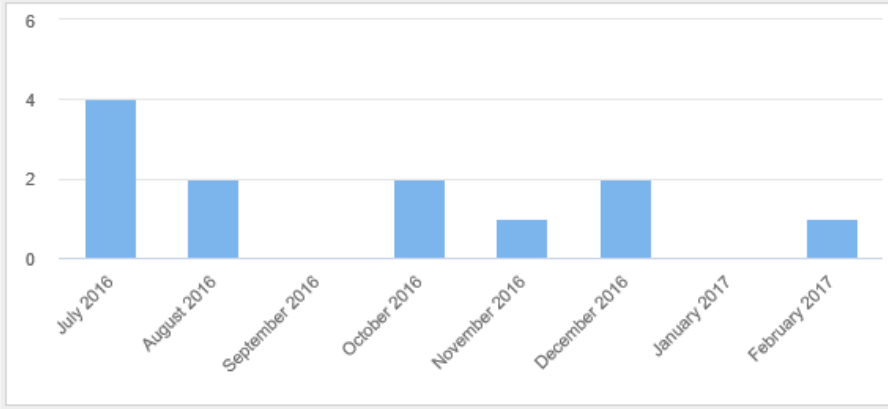




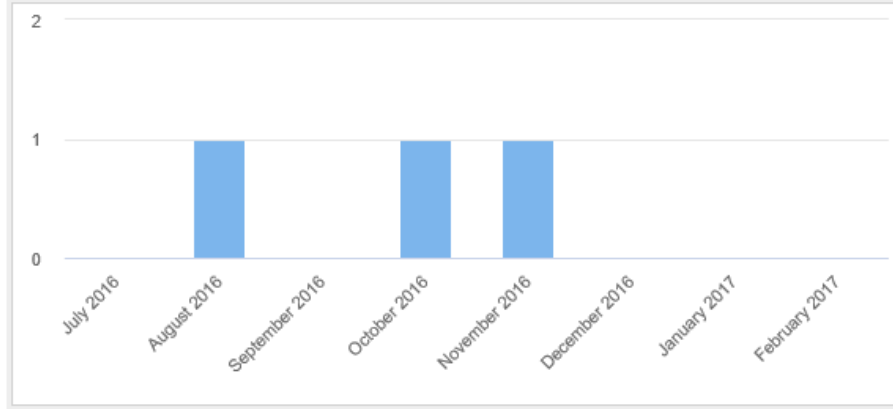




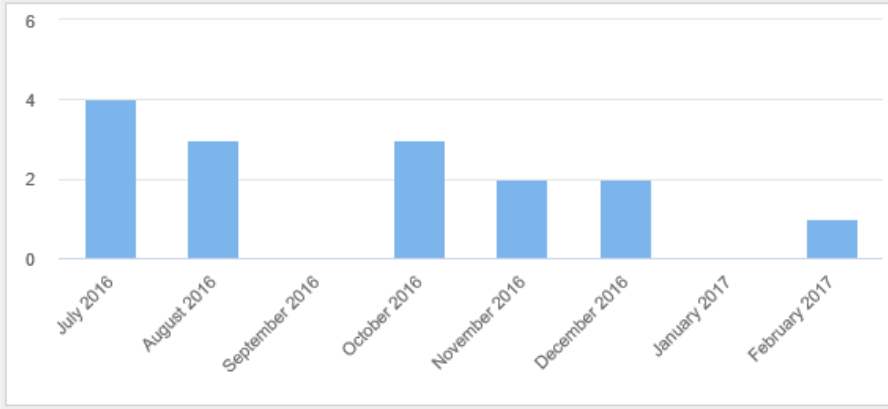
WD-W2PEC 30 Appeal Decisions (Officer Delegated)



WD-W2PEC 31 Appeal Decisions (Committee)



WD-W2PEC 28 Appeal Decisions



WD-BV204a Total planning appeals allowed

