

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 19th June, 2018								
Time:	11.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Roberts</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Yelland</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Yelland
Cllr Baldwin	Cllr Moyse								
Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes

1 - 4

Meeting held on 15 May 2018

5. Planning Applications

5 - 102

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) 1549/18/FUL

Full planning application for 65 residential dwellings with associated roads, footpaths, parking, landscaping and drainage (resubmission of 3836/16/FUL) Land west of High street, known as Batheway Fields, North Tawton

(b) 2472/17/OPA

Outline application with some matters reserved for residential development of up to 24 dwellings and associated works
Development Site at SX511893, Town Meadow, Bridestowe

(Upon the conclusion of the above agenda items, the Meeting will be adjourned and reconvened at 2.00pm)

(c) 0878/18/FUL

Erection of 2 storey, 3 bedroom house, detached single storey store/workshop/office building and provision of two car parking spaces Hayfield House, Hayfield Road, Exbourne EX20 3SR

(d) 2424/17/OPA

Outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and access road Development site at SX 447 766, East of Summer Green, Lamerton

(e) 4426/17/FUL

Application for demolition of western boundary wall(s) and erection of 4no. dwellings (two pairs of semi-detached dwellings) Land adjacent to 24 Glanville Road, Tavistock PL19 0EB

6. Planning Appeals Update

103 - 106

Use of televised and sound recordings at Council and committee meetings

- (1) Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings.

This document can be made available in large print, Braille, tape format, other languages or alternative format upon request. Please contact the Committee section on 01822 813662 or email member.services@westdevon.gov.uk

This page is intentionally left blank

Agenda Item 4

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **15th** day of **MAY 2018** at **10.00am**

Present: Cllr P R Sanders – Chairman
Cllr A Roberts – Vice-Chairman

Cllr R E Baldwin	Cllr L J G Hockridge
Cllr A F Leech	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr J Yelland

Senior Specialist Development Management (AHS)
Planning Specialist (CS)
Solicitor (SN)
Senior Specialist Democratic Services (DW)

***DM&L 63 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr W G Cann OBE for whom Cllr A F Leech substituted.

***DM&L 64 DECLARATION OF INTEREST**

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

Whilst not a Member of the Committee, Cllr J B Moody declared a Disclosable Pecuniary Interest in application 4426/17/FUL: Land adjacent to 24 Glanville Road, Tavistock – Application for demolition of western boundary wall(s) and erection of 4 no. dwellings (two pairs of semi-detached dwellings) by virtue of living in close proximity to the application site. Upon the advice of the Council Solicitor, he proceeded to leave the meeting room during consideration of this application;

Cllr J Yelland declared a Personal Interest in application 4426/17/FUL: Land adjacent to 24 Glanville Road, Tavistock – Application for demolition of western boundary wall(s) and erection of 4 no. dwellings (two pairs of semi-detached dwellings) by virtue of having received representations from Cllr Moody on this application. She remained in the meeting and took part in the debate and vote on this application;

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.

***DM&L 65 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 17 April 2018 were confirmed and signed by the Chairman as a correct record, subject to inclusion of the following amendment on page 1 of the agenda:

Minute Reference *DM&L 58 (Declaration of Interest):

That '*Cllr A Roberts declared a Disclosable Pecuniary Interest in application.....*' be replaced with the words: '*Cllr A Roberts declared a prejudicial interest in application.....*'

The Minutes of the Licensing Sub-Committee Meeting held on 30 January 2018 were confirmed and signed by the Chairman as a correct record, subject to inclusion of the following amendment on page 7 of the agenda:

Minute Reference *LSC 10 (To Determine An Application for a New Premises Licence at Meavy Parish Hall, The Green, Meavy, Yelverton PL20 6PJ): 5. Address by Cllr Moyse objecting to the application:

To include the following addition: '....but I know the village as I was the *Parish Clerk* for three years..'

***DM&L 66 PLANNING PERFORMANCE INDICATORS**

The Chairman advised the Committee that, in light of the recent decision to present these on a quarterly basis, the Performance Indicators would not be considered at this meeting.

***DM&L 67 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: 4426/17/FUL Ward: Tavistock North

Site Address: Land adjacent to 24 Glanville Road, Tavistock PL19 OEB

Application for demolition of western boundary wall(s) and erection of 4 no. dwellings (two pairs of semi-detached dwellings)

Case Officer Update: At the offset of the officer presentation, concerns were raised from the public gallery that the site plans that were being displayed were inaccurate. In light of these concerns, a number of Members did not feel that the Committee was in a position to determine the application at this time. It was therefore **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED** that the application be deferred for consideration at a future meeting.

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Deferral

(b) Application No: 4043/17/OPA Ward: Bere Ferrers

Site Address: 8 Drakes Park, Bere Alston PL20 7DY

Outline planning application for the erection of one dwelling

Case officer Update: N/A

Speakers included: Parish Council Representative: Cllr Hilary Boot-Handford and local Ward Member: Cllr Brian Lamb (only to clarify a point on the status of the local Neighbourhood Plan)

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Conditional Approval

***DM&L 68 PLANNING APPEALS UPDATE**

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

In the ensuing discussion, particular reference was made to the decision to dismiss (refuse) the appeal listed at Land adjacent to Station Road, Bere Ferrers. Whilst Members welcomed this decision, some concern was raised that, in citing another recent appeal matter, the Area of Outstanding Natural Beauty (AONB) team was acting inconsistently in its approach to responding to planning applications. As a result, some Members were of the view that there was a need for a protocol to be developed between the Development Management service and the AONB team in order to establish a consistent approach for the team to respond to relevant planning applications.

(The Meeting terminated at 10.45 am)

Chairman

This page is intentionally left blank

Agenda Item 5

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: North Tawton **Ward:** Exbourne

Application No: 1549/18/FUL

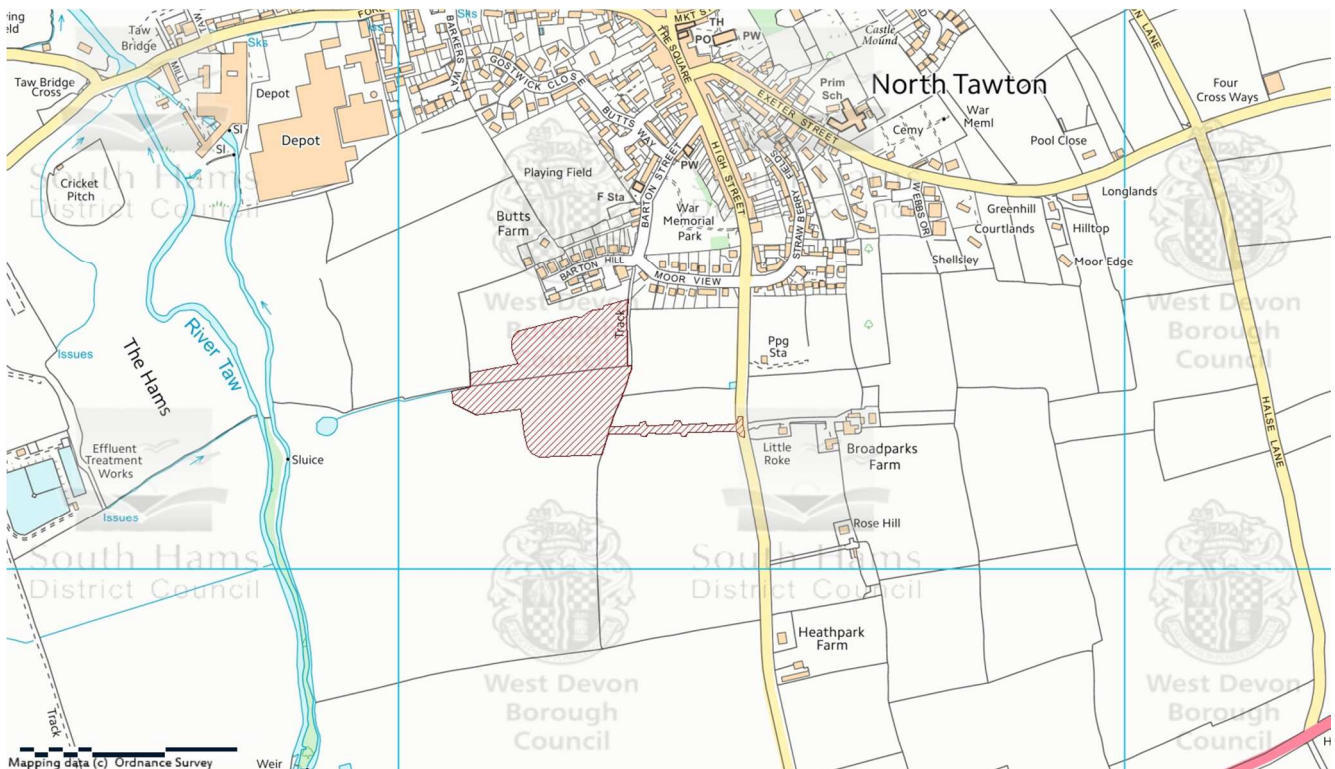
Agent/Applicant:

Mr Jamie Grant
Wainhomes (SW) Holdings Limited
Owlsfoot Business Centre
Sticklepath,
Okehampton
EX20 2PA

Site Address: Land West of High Street, Known as Batheway Fields, North Tawton, EX20 2FN

Development: Full planning application for 65 residential dwellings with associated roads, footways, parking, landscaping and drainage (resubmission of 3836/16/FUL)

Reason item is being put before Committee: Cllr Watts has requested that this is taken to Development Management Committee due to the site history and the nature of objections received by third parties and the Town Council.



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

Conditions

1. Time
2. Accord with Plans
3. Materials samples prior to installation
4. Roof specification prior to installation
5. Eaves and verge details prior to installation
6. Window and reveal details prior to installation
7. Construction Environment Management Plan prior to commencement
8. Lighting Plan prior to commencement
9. Landscape Ecological Management Plan prior to commencement
10. Details of inbuilt bird nesting and bat roosting provisions prior to commencement
11. Arboricultural report and Tree Protection Plan prior to commencement
12. PROW detailed plan prior to commencement
13. PROW kept clear of debris at all times
14. Permanent surface water drainage management system prior to commencement
15. Permanent surface water drainage management system for construction prior to commencement
16. Archaeological written scheme of investigation prior to commencement
17. All dwellings to achieve part compliance as a minimum requirement (Silver) of Secured by Design.
18. Garages retained for parking of motor vehicles
19. Highways work prior to commencement
20. Highways access and compound prior to commencement
21. Highways layout prior to commencement
22. Highways construction infrastructure prior to commencement
23. Removal of Permitted Development Rights
24. Unsuspected contamination

Planning Obligations

OSSR

- £21,790.50 towards improvements to, and maintenance of, play facilities at Memorial Park, North Tawton (this is a reduction from £51,790.50 to allow £30,000 for on-site play provision)
- £89,352 towards improvements to, and maintenance of, sports facilities at The Wordens and Memorial Park, North Tawton
- £29,250 towards improvements to the North Tawton Youth and Community Centre

Education

- A contribution towards primary school facilities at North Tawton Primary School. of £221,845.00
- A contribution towards Early Years provision of £16,250.00
- A contribution towards secondary school transport costs of £30,210.00
- A contribution towards secondary school facilities of £213,729.00

Biodiversity

- Ongoing management and maintenance of public open space and habitat features in perpetuity in accordance with the LEMP
- Access to any public open space in perpetuity

Affordable Housing'

- 40% Affordable Housing - 70% rented accommodation and 30% intermediate accommodation

NHS

- A contribution of £26,000 toward NHS infrastructure

PROW

- Upgrade to PROW (public highway) on land outside of applicant's control

Key issues for consideration:

The main issues are the degree of conformity with the Development Plan, weight to be given to the Development Plan policies, sustainability including access to services and landscape impact, archaeology and heritage including the impact upon designated and non-designated heritage assets, crime and safety, highway safety, ecology, loss of high grade agricultural land, drainage and flooding

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

It is estimated that this development has the potential to attract New Homes Bonus of £86,840 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The proposed site consists of existing arable agricultural fields located to the west of the A3124 main road which serves the town, and directly to the west of the ongoing mixed use development at Batheway Fields.

The site comprises part of a larger field situated east of the River Taw. The site slopes moderately downward from the north and reaches its lowest point at a drainage ditch, and then begins to rise again towards the southern boundary. There is an existing PROW running within the site from north to south at the eastern boundary which connects the site to the town centre approximately 500m to the north. The PROW falls on land owned by the applicant and further to the north land which is unregistered, with the owner unknown to the Council.

The site is 3.42 hectare, the vast majority of which is a combination of grade 2 and grade 3a land, collectively considered to be high grade agricultural land. The site is within Flood Zone 1 and is not within a Critical Drainage Area.

The Batheway Fields development is being implemented directly to the east, with the residential element very close to completion and the majority of units occupied, and comprises 61 dwellings with outline consent for employment and a medical centre approved under reference number 01037/2013. The Batheway Fields mixed use development is allocated as such within the emerging Joint Local Plan.

The application site is bounded to the north by agricultural land which provides a short buffer to the dwellings located on elevated land off Barton View. The surrounding land uses to the south and west are open agricultural fields. The site is located outside the settlement boundary of North Tawton, as identified in the Local Plan, which is very near to the site to the north at Barton Close.

The surrounding area is sensitive with regard to archaeology and monuments. To the south of the site, a small Roman fort, marching camps and prehistoric remains lie close to a Roman road between Exeter and Okehampton. A large area identified through cropmarks and past fieldwork is scheduled. Recent

geophysical survey of an area west of the site has identified a number of likely enclosures. The scheduled area south of the site includes the remains of prehistoric burial mounds and Neolithic to Iron Age activity too. The applicant's archaeological survey also identifies a possible archaeological feature within the site: a sub-surface enclosure observed as a cropmark on aerial photographs in the north.

The Proposal:

Planning permission is sought for the erection of 65 residential dwellings with associated roads, footways, parking, landscaping and drainage.

Vehicular and pedestrian access is through the Bathway Fields development but pedestrian access is suggested to the north east via the existing PROW. The plans indicate a degree of upgrade to the PROW. Surface water from the development is attenuated in large pond feature to the west end of the site and discharged to a drainage ditch and eventually the River Taw.

The houses are laid out in a typical suburban pattern and are a mix of two storey and bungalow properties with a traditional form and palette of materials. A designated LEAP area is at the south of the proposed layout. Finish materials for the dwellings and outbuildings are typically render or natural stone, under slate roofs. The proposed housing mix is as follows:

Open Market:

3 bed: 16 units

4 bed: 23 units

Affordable:

1 bed flat: 3

1 bed house: 3

2 bed flat: 1

2 bed house: 12

3 bed house: 5

4 bed house: 2

The parking matrix and site layout identify parking within designated bays and garages serving the dwellings.

Consultations:

- DCC County Highways Authority

No objection subject to conditions:

'Following the previously submitted application for this site the scoping for the accompanying Transport Assessment (TA) has been agreed in principle with the highway authority. The applicant's consultant had used the scoping from the previous application as a basis for this TA and it would appear to be broadly acceptable in principle although the trip rates used were initially considered a little lower than expected, although not critically so. Examination of other sites recently in the West Devon area have confirmed that the trip rates are indeed appropriate.

The content and conclusions of the TA are broadly acceptable to the highway authority, but there are some issues that the highway authority would wish to comment upon for the applicant to bear in mind in the event that planning permission is granted

1. There is a real need for a pedestrian link to the north-east corner of the site through the area of land that was previously identified as a Doctor's Surgery. Can this please be provided as part of this application (I realise that it is outside the identified application site), even in a temporary form if

necessary? The applicant has shown this on the current plans and it is strongly recommended that this link is provided as soon possible regardless of the outcome of the current application.

2. The use of block paving in adopted highways is no longer acceptable to the highway authority and discussions will need to be entered into with the highway authority's Rights of Way team about the detailed treatment of the Public Footpath that crosses the site. The following conditions and informative notes are recommended to be imposed on any planning permission granted, including the resurfacing of the footpath referred to in condition 4 and the informative note, which is an existing public footpath'

In addition, following consideration of third party comments, the highways officer has also added that 'a full assessment and survey has been done of the existing junction of Batheway Fields with the main road to De Bathe Cross. The visibility available at the junction would have complied even if the 30mph speed limit had not been relocated as a result of the previous development. Nevertheless, the current 0mph speed limit means that the required 2.4m x 43m site lines are easily achievable. It has been identified that the 30mph speed limit sign could usefully be raised on the street lighting column upon which it is located, to enable the speed limit to be visible from a greater distance, and that County Council has that matter in hand with its contractors.'

- DCC Drainage Lead Local Flood Authority

No objection subject to conditions

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. North Tawton Phase 2; Rev. B; dated 25th April 2018).

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

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

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

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

Observations:

As part of the detailed design, the applicant should confirm the exceedance routes for the site. It is currently proposed that some exceedance flows will be routed through rear gardens, but it is unclear

how these flow-paths will be kept clear. The applicant should also clarify the maintenance responsibilities of the surface water drainage system at the detailed design stage.

- Landscape and Trees

No objection subject to conditions

This application represents a reduced form of application 3836/16/FUL, on which landscape and arboricultural comments were made on the 5th April 2017. No objection was raised, subject to conditions.

The comments made on the previous application are still relevant to this application, and have been reproduced below for clarity, and amended where appropriate to reflect changes to the scheme.

	Comments	No objection	Objection	Conditions
Landscape Character		X		
Visual Impact		X		
Protected Landscape		X		
Landscape Design		X		X
Arboricultural Impact		X		X

Landscape Character and Visual Impact

The submitted LVIA is a fair assessment of the likely landscape and visual impacts resulting from the proposals here. Impacts on landscape character would be predominantly limited to the immediate site area, principally as a result of the context of North Tawton and the adjacent new development site, and a significant tree presence within North Tawton and the adjacent LCT 3C (Sparsely Settled Farmed Valley Floors) which runs along the River Taw. This pattern allows for a modest extension of built form interspersed with tree planting to read well alongside the existing settlement pattern.

Visual impacts again are relatively limited; with significant residual impacts apparent from nearby dwellings and the PRoW that passes through the site itself anticipated in the LVIA. I would not disagree with this conclusion (Section 5.6). As above, wider views are limited and/or mitigated by the existing and proposed vegetation, and the presence of the settlement at North Tawton. Notably on the western edge, the settlement has a varied built presence in the view, with no strong boundaries or patterns of development that the introduction of development at this site would conflict with. Consequently, subject to appropriate scale, design and landscape planting, a further development extension in this direction would not be significantly prominent or visibly contrast with the existing settlement pattern.

Overall, I would not raise any fundamental issues with the conclusions of the LVIA (Section 9). Whilst there would be some localised impacts to the site area and its immediate surrounds, the mitigation proposed is appropriate and would be effective in integrating the site into its context in the longer term. Strategic Policy 17 (Landscape Character) seeks to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment. The impacts identified above are not considered to be so substantial as to fail this policy test, and I would therefore raise no objection on landscape grounds.

Protected Landscape

At a distance of approx. 6km, viewed in a wider panorama and in the context of much existing development, the proposals are not considered to impact upon the character, natural beauty special qualities or other purposes of the protected landscape designation at Dartmoor National Park. I would therefore not raise an objection on protected landscape grounds.

Detailed Design / Landscape Design

There is limited information with this application in relation to the landscape design of the site, but the outline proposals and areas shown to be planted are logical in respect of the layout. Generally the layout is good, with some important areas of landscaping kept within the public domain and therefore likely to be successfully retained in perpetuity, with positive overlooking and fronting onto the proposed open spaces. If the application were to be approved I would recommend that we secure landscape management details by condition secure the long-term management of these public spaces.

The boundary treatments are also generally fine, and I note the increase in quality of boundary treatments around the affordable housing units, which is welcomed.

The inclusion of a large number of trees within the open spaces, on site boundaries and within gardens is noted and welcomed, and will help to break up the built form in time, provided that at least a proportion of these are large and robust species.

Subject to conditions securing planting details and landscape management proposals, I would not raise an objection on detailed landscape design grounds.

Arboricultural Impact

The proposed development does not appear to impact on any significant trees or hedgerows. The boundary hedgerows to the north and north east are shown to be retained, and should be protected throughout the course of the development and gapped up where necessary as part of detailed landscape proposals if the application were to be approved.

The removal of much of H76 is regrettable, though its retention would have resulted in a contrived internal site layout. Its loss could also be readily mitigated with new tree planting throughout the site.

Subject to conditions, I would not raise an objection on arboricultural grounds.

Suggested Conditions

If you were minded to recommend approval of the application, I would request the following details are secured by conditions:

- *Full hard and soft landscape details (notwithstanding submitted details), to include species, sizes, densities, and numbers of plants.*
- *Landscape Management Plan, to include establishment maintenance, and longer term management of the landscaping.*
- *Arboricultural Method Statement including tree protection measures to demonstrate the retention of the boundary hedgerows throughout construction.*
- *Biodiversity*

No objection subject to conditions:

'A comprehensive suite of site and phase 2 protected species surveys were undertaken in 2013, and since updated with site visits by site surveys by ecologists in 2016 and 2018.

Whilst the phase 2 protected species surveys were undertaken a significant time ago, given that conditions on site remain essentially the same, and given the low ecological value of the application site (as opposed to the wider site surveyed in the initial surveys), I am content that the assessment in the letter dated 2nd May 2018 from ACD Environmental is reasonable.

It is noted that the proposal will result in loss of a subsidiary badger sett however when set against the local habitat and setts, and taking into account the proposed habitat provision, the loss is not likely to have a significant effect on the local badger population. Sett closure would need to be undertaken under a licence from Natural England.

Recommendation:

- *No objection subject to conditions and s106 clauses*

Conditions:

- *Pre-commencement CEMP, including provisions for avoiding and/or reducing impacts on wildlife (including consideration of bird nesting season, hedgerow removal methodology and timing to minimise potential impact on dormice, and measures to avoid impacting badgers during construction, namely that any holes or trenches shall either be securely covered overnight, or shall include sloping escape ramps for badgers, achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.*
- *Pre-commencement submission of a Landscape and Ecological Management Plan*
- *Pre-commencement submission of a lighting strategy (reflecting sensitive lighting to avoid/minimise light spillage onto boundary habitat features)*
- *Pre-commencement details of inbuilt (i.e. within fabric of building) bird nesting and bat roosting provisions*

S106 clauses securing:

- *Ongoing management and maintenance of public open space and habitat features in perpetuity in accordance with the LEMP*
- *Access to any public open space in perpetuity'*

- South West Water

No objection

- DCC Education Authority

No objection subject to planning obligations:

'A contribution is sought towards primary school facilities at North Tawton Primary School. In line with our section 106 policy, a development of 65 homes is expected to generate 16.25 primary pupils, which means a contribution is being sought of £221,845.00 (being 16.25 x £13,652.00 extension rate per pupil).

The designated secondary school, Okehampton College has no forecasted capacity. A contribution is therefore sought towards secondary school facilities. A development of 65 homes is expected to generate 9.75 secondary pupils. A contribution is therefore sought of £213,729.00 (being 9.75 x £21,921.00). In line with Devon's Section 106 policy, a contribution towards Early Years provision is also sought of £16,250.00 (being £250.00 per dwelling) based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve.

A contribution towards secondary school transport costs is also requested to the sum of £30,210.00 (being £3.18 x 190 days in the academic year x 5 years at secondary school = £3,021 per pupil).'

Email dated 06/06/2018: 'We have fairly recently undertaken a project at North Tawton Primary which has increased the school's capacity from 180 places to 210 places.'

In light of this enlargement to the school, we do have some forecasted surplus places at North Tawton. However, we are continuing to seek section 106 contributions to reimburse the County Council for the capital investment made to mitigate the impact of this development.'

- Dartmoor National Park

No comments to make

- DCC PROW Team

No objection subject to conditions

The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 – Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 75).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

The proposal as submitted would have a direct effect on public rights of way, as identified in the application documents, and has the potential to contribute to access improvements in the locality. Footpath No. 10, North Tawton crosses the site and runs adjacent to it, as shown on the attached extract from the working copy of the Definitive Map of public rights of way.

Landscape and Visual Impact Assessment

*The LVIA acknowledges the existing public rights of way network and confirms that **Footpath No. 10, North Tawton will be incorporated within the proposed development** (1.1). It adds that **Footpath No. 10 will be enhanced to enable to increased pedestrian use anticipated for this key route** (7.1)*

Public Right of Way Plan

The plan identifies Footpath No. 10 and appears to make provision for the footpath through the site on its existing, legally recorded alignment, with improvements proposed to the surface of the footpath where it runs adjacent to the north-eastern boundary of the site.

Adoption Plan

The plan indicates the public right of way on its current alignment partly incorporated into the road layout. Specific details of how the footpath will be accommodated, including surfacing, width and road crossings will be required and agreed with the PROW Team. In response, the proposal would lead to increased use of the public right of way on and off-site. Increased use will have maintenance implications for the County Council, which, as the highway authority, is responsible for maintaining the public right of way network.

We would therefore recommend that any improvements to the existing public footpath be secured through planning obligations and/or conditions, subject to the submission of details for approval by the PROW Team. The applicant should note that approval of the PROW Team will be required concerning any changes to the path surface, design and layout and road crossing points, prior to any works be carried out. We would also request that an existing pedestrian gate on the footpath where it enters the

application site from the north, be removed to improve accessibility as it will no longer be needed for stock control purposes. Please note, any proposed new gates across the public footpath elsewhere would need to be authorised by the PROW team and meet the required British Standards. Authorisation would only be possible if a gate was required for the purposes of stock proofing. The Public Rights of Way Team therefore has no objection to the proposal subject to conditions covering submission of details as above, covering:

Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for: i. details of proposed improvements to existing public right of way; and ii. details of design of public right of way route, including width, surfacing, gradient, landscaping and road crossing points;

Reason: In the interests of the amenity and safety of the public.

Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

- RSPB

No objections subject to conditions, general advice and guidance offered

- Natural England

No comments to make, but general advice offered, encourage the incorporation of GI into this development.

- DCC Archaeology

No objection subject to condition:

'I refer to the above application. I do not object to the application outright, but suggest that your authority will need to consider the public benefit offered by the development against the loss of a non-designated heritage asset of high local significance (NPPF 135 and Local Plan Policy).

As the submitted archaeological evaluation (AC Archaeology, April 2018) indicates, the proposal area contains archaeological evidence of settlement of Middle Bronze Age and Late Iron Age date and a Romano-British enclosure. This confirms a setting/context relationship with the Scheduled prehistoric and Roman sites to the south, which include early-mid Bronze Age burial sites and a complex of Roman military forts and camps. The archaeology within the development area survives only below ground, and so is limited in its preservation, but it does include a range of evidence in terms of ditches, pits, pottery and environmental evidence. I think that this represents a heritage asset of high local significance and disagree with the low significance ascribed to it in the submitted Planning Statement (4.38).

Groundworks for the construction of the proposed development will destroy a large proportion of the asset, although some will be preserved in the open space at the north-east part of the site. The proposal could be redesigned to preserve more or all of the significant archaeology in open space. However, this does present ongoing risk to the asset as future land management and permitted development could cause damage without any archaeological mitigation. Therefore, if your authority is minded overall to grant consent, I would accept and recommend a detailed programme of archaeological recording, secured by condition, in mitigation for the loss of the asset. This would also accord with the National Planning Policy Framework (Para 141) and Local Plan policy. I would advise that any consent your

Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. There should be a programme of public engagement with the archaeological work, during the excavation and as part of the dissemination of results after fieldwork has been completed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report and also in appropriate local formats.'

- Historic England

No comments, refer to in house conservation advice

- WDBC Heritage Specialist

'I have nothing to add to the comments provided by Bill Horner as our statutory consultee on archaeological matters. I assume he considers 139 NPPF to not apply in this instance as I understand that the application will impinge upon a non-designated heritage asset in the form of a crop mark. An archaeological condition should enable this to be investigated and recorded as necessary and may in fact add to our understanding of the history of the locality. It would make sense for the condition to require investigation and recording at an early stage so that if the findings lead to a need for better protection then the scheme may be adapted accordingly.

I have no heritage objection to the application subject to an appropriate archaeological condition.'

- Devon and Cornwall Police Architectural Liaison

No objection but detailed guidance and comments offered, condition suggested

- North Tawton Town Council

Objection:

- 1 *'The application does not comply with West Devon Borough Council Core Strategy SP1 – sustainable development, with reference to the following criteria: 1a, 1b, 1d, 1e, 1f, and 1k.*
- 2 *The application does not comply with West Devon Borough Council Core Strategy SP2.*
- 3 *The application does not comply with West Devon Borough Council Core Strategy SP5. North Tawton is designated as a local centre in Policy SP5, where limited development will be considered acceptable where it can be demonstrated that the proposal will contribute to wider sustainability benefits for the area. The previously approved application reference 01037/2013 (Batheway Phase 1) for 61 houses plus employment land, allotments and a site for a medical centre was seen as being sustainable development at the time. The removal of the employment land and an application for an additional 28 houses on that land was considered in the planning report of the WDBC planning officer and the report states: "...it is considered that due to the scheme removing the land previously approved for employment*

and absence of any further land being proposed for employment within the proposed scheme the site is inherently unsustainable.” Therefore North Tawton Town Council questions how 65 extra dwellings, without any wider benefits, can be considered to be sustainable.

- 4 The application does not comply with the West Devon Borough Council core strategies SP7 (Strategic distribution of housing) and SP24 (sustainable rural communities). The allocations for the local centres in the core strategy is approximately 430 dwellings. North Tawton is a local centre but there has been significant development in the last 10 years. In the draft Joint Local Plan the only allocated site is Batheway Phase 1.
- 5 Highway safety issues – there is concern that the entrance to the site is unsafe and dangerous, being very close to the brow of a hill. The increase in traffic using the junction will exacerbate this problem. North Tawton Town Council are pursuing this with Devon County Council following a number of collisions and near misses. There is only one accessible route from Batheway to the town and this lacks street lighting which should have been provided under Phase 1, 106.
- 6 Concern has been expressed that the application does not take into consideration the emerging Neighbourhood Plan.
- 7 Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 8 Car parking is a continuous problem in North Tawton, therefore any new development should be self-sufficient for parking for both residents and visitors. It is considered that the proposed car parking provision is inadequate.
- 9 The scale, location and nature of the development will have significant impact on the wider landscape.
- 10 Although not a material planning consideration, the build quality of the dwellings completed to date is of serious ongoing concern to residents.

Our comments on the previous planning statement of application reference 3836/16/FUL are relevant to this application.

The response from the North Tawton Draft Neighbourhood Plan is also still relevant to this application.

Should West Devon Borough Council support this application we would expect the following:

- A comprehensive S106 agreement as requested by Alexis Higgins (Specialist – Place Making) including sports, play and community facilities.
- 40% affordable housing with a balance towards rented rather than intermediate dwellings.
- A review of car parking provision to ensure sufficient parking for residents and visitors.
- Upgrading of the PROW to ensure a safe and inclusive accessible route to the town, including lighting.
- Consideration of an additional footpath to the town across the ‘medical centre land’.
- Application of North Tawton Draft Neighbourhood Plan Policy EE1 in relation to the inclusion of solar panels on each dwelling.
- Application of North Tawton Draft Neighbourhood Plan Policies in relation to design and layout of the development (Town Design Statement)
- Consultation with residents of North Tawton.’

Representations:

16 Letters of representation have been received at the time of writing this report, 14 letters of objection and 2 letters in support. Concerns raised within the submitted objections are summarised as follows:

- Doesn’t accord with the Development Plan

- The development is too big for the town
- There will be too much pressure placed on local infrastructure
- The schools cannot accommodate additional children and doctors surgery has no capacity
- Smaller brownfield sites are preferable
- Will cause parking problems and congestion around the site and in the town
- The access is not safe
- Will harm the setting of the Conservation Area
- Will remove high grade agricultural land
- There are flooding issues within the site
- The PROW should be resurfaced in its entire length
- Could impact ecology
- Will harm landscape character
- A scheme was previously refused on the site
- Will not benefit businesses
- The site is not sustainable with regard to access to services
- The developer has failed to fulfil obligations on the adjacent site
- The developer has not met building regulations at the adjacent site

Comments made in support of the application are summarised as follows:

- New housing is giving a new lease of life to the town
- Will add to vitality of town and services
- There is a need for more housing, in particular affordable housing
- North Tawton is a sustainable location

Relevant Planning History

On site

3836/16/FUL - Full planning application for 100 residential dwellings with associated roads, footways, parking, landscaping and drainage – Refused and at appeal

Adjacent 'Phase one' development

01037/2013 - Hybrid planning application comprising: Full application for 61 residential dwellings with associated roads, footways, parking, landscaping, drainage and open space and allotments; together with Outline application (with all Matters Reserved) for 0.876 ha of land for employment use and medical centre – Conditional Approval

Crapstone Appeal

0147/17/OPA - Outline application with some matters reserved for development of up to 22no. dwellings (including 40% affordable housing), access, parking, landscaping / open space and associated infrastructure – Refused and appeal upheld under ref APP/Q1153/W/17/3177360:

Analysis

Sustainability:

North Tawton is identified as a local centre within the current Development Plan and its status as a sustainable location for residential development is retained within the emerging Joint Location Plan. It is well served by the various facilities one would typically expect of a local centre and a sustainable location for growth. The Joint Local Plan has reflected this by allocating land to the east of the application site, at Bathway Fields Phase 1.

Although pedestrian trips through Phase 1 of Bathway Fields would represent a more arduous trip into town and to transport links, importantly the application site is also served by a PROW at its north east corner. With lighting and surfacing improvements to the PROW, it will ensure a suitable and accessible link to the town centre to the north. The PROW team at DCC accept the principle of the work, subject to conditions.

On the basis that the PROW can provide constant and dry access to the site, officers consider the site to be sustainable with regard to access to services and transport.

However, the location of the site, outside of the North Tawton Settlement Boundary draws it into conflict with the Council's housing policies, as particularly identified by the Town Council in their consultation response. Officers must therefore examine the principle of development.

Principle of Development

The Council cannot currently demonstrate a five year housing land supply and paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged in respect of this planning application.

Paragraph 49 of the Framework indicates that in such cases relevant policies for the supply of housing should not be considered to be up to date and paragraph 14 makes clear that where the development plan is absent, silent or relevant policies are out of date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (the 'tilted' balance).

It should also be noted that the tilted planning balance is engaged irrespective of the 5 year housing land supply, by virtue of the existing development plan being out-of-date, and in particular the settlement boundaries which were drawn to meet a housing requirement that itself is out-of-date and time expired.

This is the context that this scheme must be assessed within, consistent with the findings of the Inspector at the Crapstone appeal, made this year under reference APP/Q1153/W/17/3177360.

The Refused Scheme and the Given Reasons

This is a material change in circumstances in comparison to the earlier refusal on this site for 100 houses, refused in June 2017 under reference 3836/16/FUL, which itself is now at appeal scheduled for a Public Inquiry in July 2018.

The 100 house scheme was refused for the following three reasons:

- 1. The application site lies outside the settlement boundary within designated countryside and fails to provide for exceptions site policy requirements. The proposal is therefore contrary to policies NE10, H31 and H37 of the adopted West Devon Borough Local Plan 2005 as amended in 2011, policies SP5 and SP24 of the adopted Core Strategy 2011 and paragraphs 11 and 211 of the National Planning Policy Framework.*
- 2. In the absence of a proportionate archaeological investigation, it has not been demonstrated to the satisfaction of the Local Planning Authority that the development can be carried out without harm to the identified enclosure or defended farmstead of late prehistoric or Romano-British date. This application is therefore in conflict with policy BE7 of the West Devon Local Plan and paragraphs 128 and 135 of the National Planning Policy Framework.*
- 3. The proposal would generate a requirement for a Section 106 agreement to deliver identified planning obligations. The absence of an agreement which reflects the necessary planning obligations is contrary to policies SP1 and SP9 of the adopted Core Strategy 2011 and paragraph 203 of the National Planning Policy Framework.*

The first reason relies on the current housing policies within the Development Plan. However, in the intervening period the Council has lost the appeal for residential development at Abbey Meadows. This is a significant material consideration in relation to this current application. When reaching his decision, the Inspector states that:

'Policies NE10 and H31 of the LP prohibit development outside of settlement boundaries subject to a number of caveats. The proposed development would not comply with these caveats and would therefore be in conflict with these policies. However, the LP was intended to cover the period to 2011. It is therefore already time expired and the development boundaries within it are also dated and have not been assessed against an up to date housing need. The LP was also prepared before the introduction of the Framework and the introduction of the presumption in favour of sustainable development contained within it. For these reasons the weight to be given to the conflict with these policies is significantly reduced.

The Council also consider the proposed development to conflict with policies SP5 and SP24 of the adopted Core Strategy (CS). This is dated 2006-2026 but was not actually adopted until 2011. Policy SP5 is a spatial strategy policy that aims to concentrate new housing in the towns of Tavistock and Okehampton, strictly controlling development in the countryside. However, as with policies NE10 and H31 of the LP, the CS was adopted prior to the introduction of the Framework and relies on development boundaries determined against now dated housing need. It follows that only limited weight can be attributed to the conflict with this policy.

In summary, the policies relied upon by the Council all date from before the introduction of the Framework and rely upon a now outdated housing need and outdated settlement boundaries. In respect of settlement boundaries I also note that a large majority of the proposed allocations for West Devon contained within the emerging Plymouth and South West Devon Joint Local Plan (JLP) are outside of current boundaries. Furthermore the Framework puts significant emphasis on boosting the supply in housing and upon the sustainability of proposals. I therefore give very limited weight to the conflict that I have identified with the above policies that relate to the location of the proposed development.

With regard to emerging policy, the Inspector stated that "I acknowledge that such provision will eventually be made through the emerging joint local plan but that plan is being examined and the most optimistic estimated date for adoption given by the Council is nine months from the date of the Inquiry. Given that the plan is a joint one between three authorities, that much of the land is either within the National Park or AONB and that objections to various policies exist, I consider that date to be overly optimistic. It follows that the lack of a five year supply of housing will continue for some time yet."

Pursuant to the outcome and content of the Abbey Meadows appeal, it is the opinion of officers that that Council should no longer rely upon the first reason for refusal.

The second reason was based on the holding objection issued by the Devon County Council archaeologist. Following that decision, the applicant engaged directly with DCC to undertake a proportionate archaeological investigation, which has now been provided within the planning application.

Responding to that, the archaeologist has withdrawn his objection, but has indicated that there will be harm to a non-designated heritage asset, to be weighed within the planning balance as required by paragraph 135 of the Framework.

The third reason related to the absence of a S106 agreement, the formulation of which has already been resolved in relation to the subsequent, ongoing appeal. This current application is subject to its own separate legal agreement.

Officers therefore consider that the three reasons given for refusal can no longer be relied upon in relation to this resubmitted planning application and that there has been a material change in the

planning context which requires the Council to undertake a new assessment of this resubmitted scheme.

Landscape and Trees

The scheme is located within greenfield land on the periphery of the settlement. There is a PROW within the site which provides a vista of the National Park and intervening countryside. There will inevitably be a degree of landscape harm within this context. The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

'This application represents a reduced form of application 3836/16/FUL, on which landscape and arboricultural comments were made on the 5th April 2017. No objection was raised, subject to conditions.

The comments made on the previous application are still relevant to this application, and have been reproduced below for clarity, and amended where appropriate to reflect changes to the scheme.

	<i>Comments</i>	<i>No objection</i>	<i>Objection</i>	<i>Conditions</i>
<i>Landscape Character</i>		<input type="checkbox"/>		
<i>Visual Impact</i>		<input type="checkbox"/>		
<i>Protected Landscape</i>		<input type="checkbox"/>		
<i>Landscape Design</i>		<input type="checkbox"/>		<input type="checkbox"/>
<i>Arboricultural Impact</i>		<input type="checkbox"/>		<input type="checkbox"/>

Landscape Character and Visual Impact

The submitted LVIA is a fair assessment of the likely landscape and visual impacts resulting from the proposals here. Impacts on landscape character would be predominantly limited to the immediate site area, principally as a result of the context of North Tawton and the adjacent new development site, and a significant tree presence within North Tawton and the adjacent LCT 3C (Sparsely Settled Farmed Valley Floors) which runs along the River Taw. This pattern allows for a modest extension of built form interspersed with tree planting to read well alongside the existing settlement pattern.

Visual impacts again are relatively limited; with significant residual impacts apparent from nearby dwellings and the PROW that passes through the site itself anticipated in the LVIA. I would not disagree with this conclusion (Section 5.6). As above, wider views are limited and/or mitigated by the existing and proposed vegetation, and the presence of the settlement at North Tawton. Notably on the western edge, the settlement has a varied built presence in the view, with no strong boundaries or patterns of development that the introduction of development at this site would conflict with. Consequently, subject to appropriate scale, design and landscape planting, a further development extension in this direction would not be significantly prominent or visibly contrast with the existing settlement pattern.

Overall, I would not raise any fundamental issues with the conclusions of the LVIA (Section 9). Whilst there would be some localised impacts to the site area and its immediate surrounds, the mitigation proposed is appropriate and would be effective in integrating the site into its context in the longer term. Strategic Policy 17 (Landscape Character) seeks to conserve and enhance the quality, character, diversity and local distinctiveness of the natural environment. The impacts identified above are not considered to be so substantial as to fail this policy test, and I would therefore raise no objection on landscape grounds.

Protected Landscape

At a distance of approx. 6km, viewed in a wider panorama and in the context of much existing development, the proposals are not considered to impact upon the character, natural beauty special

qualities or other purposes of the protected landscape designation at Dartmoor National Park. I would therefore not raise an objection on protected landscape grounds.

Detailed Design / Landscape Design

There is limited information with this application in relation to the landscape design of the site, but the outline proposals and areas shown to be planted are logical in respect of the layout. Generally the layout is good, with some important areas of landscaping kept within the public domain and therefore likely to be successfully retained in perpetuity, with positive overlooking and fronting onto the proposed open spaces. If the application were to be approved I would recommend that we secure landscape management details by condition secure the long-term management of these public spaces.

The boundary treatments are also generally fine, and I note the increase in quality of boundary treatments around the affordable housing units, which is welcomed.

The inclusion of a large number of trees within the open spaces, on site boundaries and within gardens is noted and welcomed, and will help to break up the built form in time, provided that at least a proportion of these are large and robust species.

Subject to conditions securing planting details and landscape management proposals, I would not raise an objection on detailed landscape design grounds.

Arboricultural Impact

The proposed development does not appear to impact on any significant trees or hedgerows. The boundary hedgerows to the north and north east are shown to be retained, and should be protected throughout the course of the development and gapped up where necessary as part of detailed landscape proposals if the application were to be approved.

The removal of much of H76 is regrettable, though its retention would have resulted in a contrived internal site layout. Its loss could also be readily mitigated with new tree planting throughout the site.

Subject to conditions, I would not raise an objection on arboricultural grounds.

Officers are in agreement with this detailed assessment offered by colleagues who, although not objecting, have identified a degree of harm which will require long term mitigation through landscaping. These impacts are environmental harm which weights against the proposal.

Neighbour Amenity:

The proposed neighbour relationships between units achieve a satisfactory level of amenity that one would find in a typical suburban street scene. The impact upon properties within Barton Hill is limited as the dwellings are set away and below the site, and the overall impact on these properties is considered to be acceptable.

With regard to the housing within Batheway Fields Phase 1, the proposed layout generally provides a strong separation distance, or presents flank walls towards neighbouring land. Property no.248 does face towards the neighbouring development, but focuses not on private areas but the existing attenuation pond feature.

Highways/Access:

The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions.

It is also concluded that the development will not result in any significant impact upon the traffic levels in the town. The proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The highways officer is aware of ongoing concerns regarding the main junction at Batheway Fields and the main road, and has stated that *'a full assessment and survey has been done of the existing junction of Batheway Fields with the main road to De Bathe Cross. The visibility available at the junction would have complied even if the 30mph speed limit had not been relocated as a result of the previous development. Nevertheless, the current 30mph speed limit means that the required 2.4m x 43m site lines are easily achievable. It has been identified that the 30mph speed limit sign could usefully be raised on the street lighting column upon which it is located, to enable the speed limit to be visible from a greater distance, and that County Council has that matter in hand with its contractors.'*

Design

The scheme is considered by officers to maintain an acceptable layout and density, avoiding overdevelopment of the site. The buildings are of a suitable design, and clearly take reference from the existing vernacular within North Tawton.

With appropriate conditions securing the construction and finish of the buildings, officers are satisfied that an appropriate standard of urban design can be achieved.

Officers note the comments raised by the architectural liaison officer, and note that the officer raises no objection to the proposal. Obviously there is a balance between natural surveillance of the PROW and excessive permeability which could encourage crime. In this way, there is a degree of tension between seeking to create an open and surveyed space along the PROW, without providing criminals an opportunity to enter third party land. Officers believe that the rear boundary treatment along the PROW should reflect this, and a suitable compromise between the two requirements can be achieved through the landscape condition.

In any case, the proposed layout identifies the main internal route through the development running parallel to the PROW to the west, and it may well be that the majority of use for the majority of housing in the development is on the main road, only joining the PROW at the north east corner of the site. Overall, with the ability to secure a hospitable, sensitively lit space with a balance between public and private spaces achieved through condition, officers are satisfied that the PROW will be a safe and usable environment post development.

Officers note the comments made by the Town Council regarding energy and the renewable energy policies, but would highlight that Permitted Development Rights for P.V. panels are retained within this recommendation, allowing occupants to provide on site renewable energy if so minded in the future.

The housing mix, including the affordable housing, provides a breadth of housing opportunities to the various members of the community, and will promote the social wellbeing of the settlement. Officers acknowledge that the site density falls below the policy compliant 30 per hectare as per SP6, but also identify that this is due in part to the attenuation feature and the GI within the development and, in any case, the site is also constrained by a requirement to provide a proportionate extension to the town and, on that basis, the 19 dwellings per hectare density is considered to be acceptable.

Biodiversity

The Council's ecologist has fully considered the proposals and is not objecting on the basis that conditions would be required for the submission of a Landscape and Ecological Management Plan to provide biodiversity gains.

The detailed comments offered by Natural England, the RSPB and the WDBC are given above. Officers note the impacts of the development, specifically the impact upon badgers, and are satisfied that, in

order to secure the necessary ecological net gains, all recommendations made by all ecological consultees are reasonable and achievable, and will be required through the LEMP condition.

Heritage

There are no heritage assets within or immediately adjacent to the application site. However, an extensive group of prehistoric and Roman remains are scheduled to the south of the site, with the closest of these under 200m from the site boundary. There is a Scheduled Ancient Monument of a Roman Fort located approximately 1km to the south of the application site and the Conservation Area of North Tawton is to the north east, which has a number of Listed Buildings.

Listed buildings within the historic core of North Tawton and to the south of the site are unlikely to be adversely affected by the proposals given the changes in topography and the intervening vegetation and buildings. As such, officers are satisfied that the development of the site as proposed will not harm the significance of these buildings, nor the character and appearance of North Tawton Conservation Area to the north east, where there is existing modern development between its edge and the site.

Upstanding earthworks also lie at a greater distance and have intervening vegetation and topography which will prevent the proposals harming their significance. A planted buffer on the southern edge of the proposal will also screen it from the sub-surface scheduled remains to the south. In addition, the scheduled remains to the south are already within a suburban context, and also dominated by the large industrial buildings to the south. Although setting issues are envisaged to be unlikely, if the development is at any point juxtaposed with a SAM, it will appear within the setting of the existing town and will not be harmful.

It is considered that the proposed development would have no adverse impact on the setting or significance of these designations due to their existing urban settings, distance from the application site and existing natural topography and potential and existing vegetation screening.

Archaeology

The wider area is rich in archaeological remains of Roman and prehistoric date including Roman forts and marching camps to the south and prehistoric funerary monuments to north and south. Recent geophysical survey west of the site has revealed sub-surface remains.

The heritage report has identified a single potential cropmark enclosure within the application site, which is identified to be of potential limited local value. The DCC archaeologist contests the degree or significance attributed to what officers agree, in any case, to be a non-designated heritage asset. Although sub-surface remains are likely to lie within the site, they have certainly been subject to cultivation post-war and in the nineteenth century and it is unlikely that any would rate as of greater than local significance. Consequently, it is likely that remains could be dealt with through subsequent further investigation ahead of development, as has been the case at the adjacent site

As such, the scheme may result in the loss of a non-designated heritage asset of local significance, to be weighed within the planning balance. It is noted that colleagues in the heritage team, in issuing no objection, have identified that *'An archaeological condition should enable this to be investigated and recorded as necessary and may in fact add to our understanding of the history of the locality'*

Loss of Agricultural Land

An assessment of the agricultural land quality within the site has been undertaken. The assessment found that the site comprised bands of Grade 2 and Grades 3a and 3b, although, the vast majority of this now smaller site is made of grades 2 and 3a. The areas of Grade 2 and Grade 3a are classed as 'best and most versatile' in terms of the Framework's consideration of agricultural land and the Council must consider the merits of this application against Paragraph 112 which states:

“Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”

The applicants have identified that the area of the site assessed as Grade 2 and Grade 3a is c3.7ha, which represents 3% of the wider Barton holding, which extends to approximately 122ha. In any case, the loss of the land is small and within the confines of the application site.

Officers are also mindful that this site is on the periphery of the settlement and an otherwise highly suitable candidate for residential development. Officers would argue that, long term, this site has a role to play in the growth of the settlement regardless of the outcome of this planning application; the land must be considered within its context, and officers would question the wisdom of sterilising this peripheral site long term, due to the loss of, by its very nature, an extremely small parcel of high grade agricultural land

Given the sustainable credentials of the site and its residential potential and potential to harness growth for the settlement, officers consider the loss of the high grade agricultural land to be environmental harm which is limited by the size and context of the site. Nevertheless this is an identified shortcoming within the scheme, leading to environmental harm which must be addressed within the planning balance.

Drainage and Flooding

The applicant has identified that, due to low permeability, the site is not suitable for onsite soakaway. Instead, the scheme proposes to attenuate the surface water runoff and discharge it to the nearest natural water feature, which in this case is the ditch within the site, which will route the attenuated water into the River Taw at the greenfield runoff rate.

Foul will go to the nearest sewer connection, and South West Water have issued no objection to this element of the proposal.

The drainage proposals have been thoroughly assessed by Devon Country Council who are the Lead Flood Authority have no objection subject to conditions.

Planning Obligations

The Education Authority and the NHS have concluded that there are no capacity issues associated with this scale of development, but this is on the basis of the detailed planning obligation requirements as identified within this report. The recreational and sporting needs of the development are also met via the Council's required OSSR obligations.

With specific regard to education, officers acknowledge concern locally as to the ongoing capacity of the primary school and the ability for it to cope with this development. However, DCC have added that: *‘We have fairly recently undertaken a project at North Tawton Primary which has increased the school's capacity from 180 places to 210 places. In light of this enlargement to the school, we do have some forecasted surplus places at North Tawton. However, we are continuing to seek section 106 contributions to reimburse the County Council for the capital investment made to mitigate the impact of this development.’*

The applicant has accepted the terms of the S106 agreement as above.

The emerging Joint Local Plan and the emerging North Tawton Neighbourhood Plan

The site is not allocated in the draft Joint Local Plan nor the draft Neighbourhood Plan or emerging Development 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, and the emerging status of the Joint Local Plan and the Neighbourhood Plan, there is no current justification to refuse this application on grounds of prematurity or non-conformity with these emerging plans; the Planning Inspectorate have clarified the current status and weight of the Joint Local Plan to be limited, and the Neighbourhood Plan is only at Regulation 14 stage, which is not a stage at which the Local Planning Authority can apportion it significant weight with regard to this planning application.

Other Matters

The Council has been presented with no evidence that the increased vehicular movements will stifle the identified economic and social benefits of the proposal. The current status of planning obligations at the adjacent site are not material to the outcome of this scheme, nor is any alleged shortcoming in the build quality.

Conclusion and Planning Balance

The previous refusal was predicated on the belief that the Council benefited from a five year land supply of residential sites, but recent appeal decisions have identified that that is not the case. The housing policies of the current Development Plan are out of date, and the emerging Development Plan can only be given limited weight at this stage.

As such, the Council must apply the presumption in favour of sustainable development pursuant to paragraph 14 of the Framework, and must approve applications unless the adverse impacts significantly and demonstrably outweigh the benefits.

In this case, the scheme will urbanise a short stretch of Public Right of Way which currently provides an attractive scenic view of Dartmoor National Park and the surrounding countryside. The site will be viewed by public receptors within the area but the site will be seen within the context of its peripheral location on the town's boundary. This change in landscape character is limited environmental harm. In addition, the scheme will remove a small parcel of high grade agricultural land forming the majority of the application site. This is also environmental harm which, for the given reasons, officers quantify to be limited. In addition, the archaeological work has identified a potential cropmark enclosure of local significance. This is also limited environmental harm which must be weighed within the planning balance pursuant to paragraph 135 of the Framework.

Conversely, the various ecological enhancements suggested by consultees will be delivered through necessary planning conditions, ensuring a net biodiversity gain which is an environmental benefit which weighs in favour of this proposal.

The scheme will provide social benefits through the housing provision, including 40% Affordable Housing, which, especially within the context of no five year land supply, is a significant social benefit which weighs heavily in favour of this proposal.

The site is within a sustainable and accessible location where the additional housing will also provide an economic benefit through the increase in use of services, adding to the vitality of the settlement. There will also be a temporary economic benefit through the construction phase.

Within the planning balance and the current policy context, the identified environmental harm does not, in the opinion of officers, significantly and demonstrably outweigh these sizeable and significant social and economic benefits. The scheme is therefore considered to amount to sustainable development, and is recommended for approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP2 – Decentralised and Renewable Low Carbon energy to Supply New Developments
- SP3 – Renewable Energy
- SP4 – Infrastructure Provision
- SP5 – Spatial Strategy
- SP6 – Density of Housing Development
- SP7 – Strategic Distribution of Housing
- SP8 – Inclusive Communities
- SP9 – Meeting Housing Needs
- SP10 – Supporting the Growth of the Economy
- SP13 – Community Services and Facilities
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

- NE10 – Protection of the Countryside and Other Open Spaces
- BE1 – Conservation Areas

BE13 – Landscaping and Boundary Treatment
H28 – Settlements with Defined Limits
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T5 – Public Transport
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). •
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes

DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV36 Community energy
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

North Tawton Neighbourhood Plan

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.

Schedule of 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 approved shall in all respects accord strictly with the following drawing numbers:

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

3) Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall have been submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

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

4) Prior to installation, a full roofing specification including the types and sizes of slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

5) Prior to installation, constructional details of all eaves, verges and hips shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

6) Prior to installation, full details of all new joinery shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

7) Prior to commencement of development, the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. It shall include provisions for avoiding and/or reducing impacts on wildlife (including consideration of bird nesting season, hedgerow removal methodology and timing to minimise potential impact on dormice, and measures to avoid impacting badgers during construction, namely that any holes or trenches shall either be securely covered overnight, or shall include sloping escape ramps for badgers, achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day. The scheme shall also include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason: In the interests of biodiversity and residential amenity

8) Notwithstanding the details indicated on the approved drawings, details of any external lighting (including security lighting) to be erected, placed or operated on the site and PROW shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the positions, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site and PROW. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site or PROW other than in accordance with the approved scheme.

Reason: In the interests of limiting light pollution, in the interests of visual amenity, protecting the amenities of the occupiers of neighbouring residential properties and to ensure conservation and enhancement of landscape character and any habitats associated with protected species.

9) Notwithstanding the details within the approved plans, prior to the commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) and detailed scheme for landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The LEMP shall reflect the recommendations made by the WDBC ecologist, the RSPB and Natural England, and the landscaping shall reflect the GI and naturalistic play requirements identified. All elements of the approved Landscape Scheme and LEMP, including the approved programme of phasing and biodiversity gains, shall be implemented and thereafter managed and maintained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings

or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: In the interests of public amenity, wildlife and local landscape character.

10) Prior to the commencement of the development, full details of inbuilt (within the fabric of buildings) bird nesting and bat roosting provisions shall be submitted to and agreed in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of biodiversity

11) No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) A plan showing the location of, and allocating a reference number to, existing trees on the site and adjoining the site, which have a stem diameter exceeding 75mm (measured at 1.5m above ground level). The crown spread of each tree and details of which trees are to be retained and which are to be removed shall be shown.

(ii) A schedule of the trees identified in paragraph i) detailing species, stem diameter, height, crown spread, vigour, condition and age, along with classification and recommended distance for protective fence in accordance with BS 5837: Trees in Relation to Construction.

(iii) A schedule of any proposed tree felling or tree surgery to trees identified in paragraph

(iv) A plan showing the location of, and means of construction of, a fence or other measure to delineate a Protection Zone to prevent damage to retained trees before and during the course of development.

(v) Details of any proposed alterations to existing ground levels, excavations, placing of services or other works within the Protection Zone and proposed means of limiting any damage to retained trees in accordance with BS5837: Trees in Relation to Construction.

(vi) Details of the final landscaping/ground works proposed within the Protection Zone on removal of the fence detailed at paragraph (iv) including proposed means of limiting any damage to retained trees in accordance with BS 5837: Trees in Relation to Construction.

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

12) Prior to the commencement of development, an access scheme shall be submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for:

- i. details of proposed improvements to existing public right of way; and
- ii. details of design of public right of way route, including width, surfacing, gradient, landscaping and road crossing points;

The work shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity and safety of the public.

13) Any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: in the interests of the amenity of the public.

14) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. North Tawton Phase 2; Rev. B; dated 25th April 2018).

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

15) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

16) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

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

17) All dwellings are to achieve part compliance as a minimum requirement (Silver) of Secured by Design ensuring that:

- All pedestrian gates that lead to rear gardens are capable of being locked from both sides to enable rear gardens to be secure at all times regardless of access or egress.
- Private space is clearly defined from the PRow or any space that the public has access to, to create a sense of ownership and control for residents and deter casual or unauthorised trespass.

Reason: To ensure a consistent level of security throughout and opportunities for crime, fear of crime, antisocial and unacceptable behaviour are minimised.

18) The garage and hardstandings hereby permitted shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwellings.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

19) The proposed estate road, cycleways, footways, footpaths (including the existing public footpath from the site to Moor View), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the application drawings and maintained thereafter free of any impediment to their designated use

Reason: In the interest of highway safety.

20) 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 existing estate street termination.

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 residents

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

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

22) When once constructed and provided in accordance with condition 19 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

Reason: To ensure that these highway provisions remain available

23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwellings or provision of buildings, structures or enclosures within its curtilage, that fall within the terms of Schedule 2, Part 1, Classes A, B, C, D, & E of that Order.

Reason: To provide the LPA control over development which may prejudice the design quality of the development

24) 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.

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Bridestowe **Ward:** Bridestowe

Application No: 2472/17/OPA

Agent/Applicant:

Mr Alister King-Smith
21 Southernhay West
Exeter
Devon
EX1 1PR

Applicant:

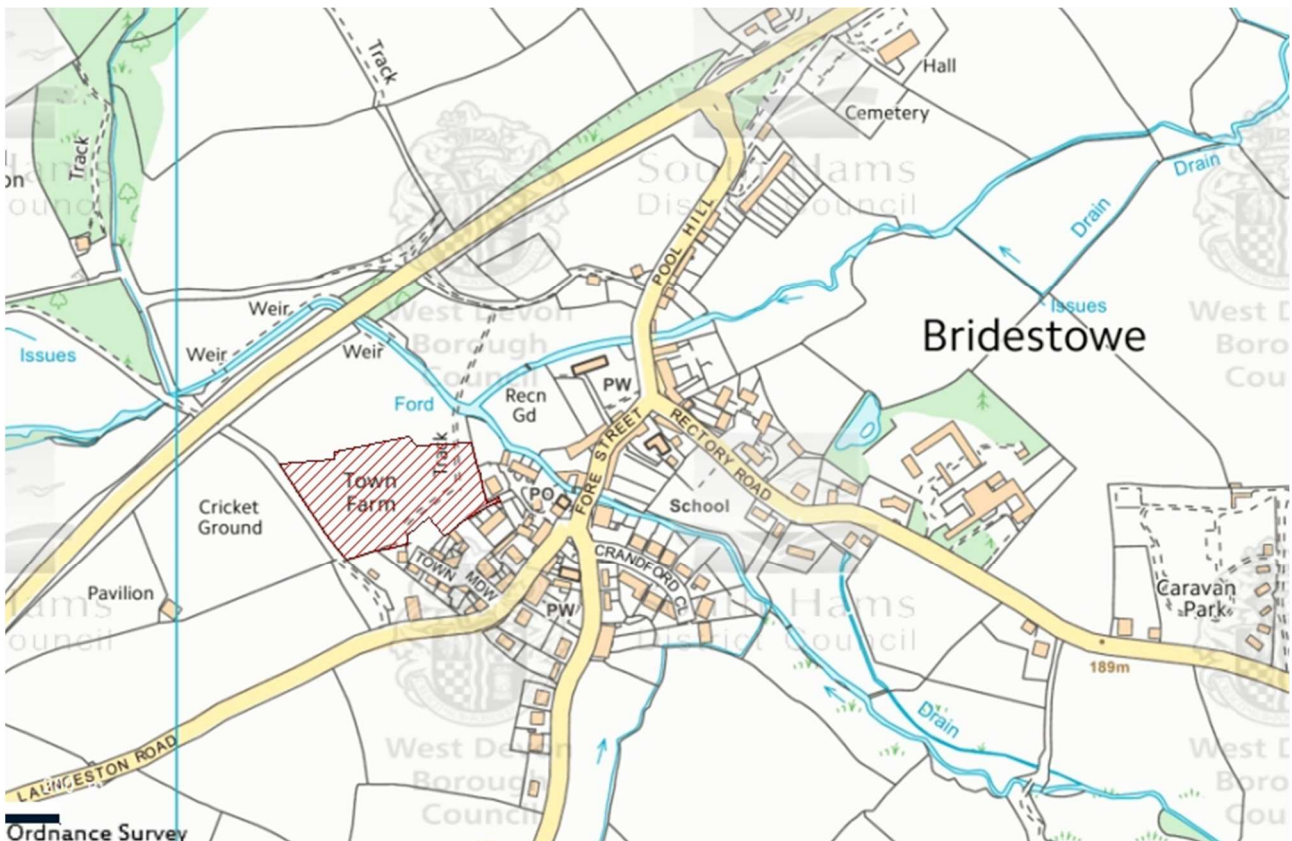
Mr & Mrs Northcott
Town Farm
EX20 4EQ

Site Address: Development Site At Sx511893, Town Meadow, Bridestowe, Devon

Development: Outline application with some matters reserved for residential development of up to 24 dwellings and associated works

Reason taken to Development Management Committee and Licensing Committee:

Cllr Mott has requested that the application come before Development Management and Licensing Committee due to the issues raised regarding flood risk, drainage, neighbour impact, highways, overdevelopment and the appropriateness of the site for residential development in the context of the emerging Joint Local Plan and Bridestowe Neighbourhood Plan.



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement..

Conditions

Reserved matters time
Reserved Matters details
Accord with plans
Surface water drainage strategy prior to commencement
Details of condition of receiving watercourse prior to commencement
Construction site drainage strategy prior to commencement
Ground water drainage strategy prior to commencement
CEMP prior to commencement incorporating recommendations of section 5 of the PEA
LEMP prior to commencement
Arboricultural work prior to commencement
Highways work prior to commencement
Highways access and compound prior to commencement
Highways layout prior to commencement
Highways construction infrastructure prior to commencement
Unsuspected contamination
Removal of Permitted Development Rights (Class E and Part 2 curtilages within Flood Zone 3)

Section 106 Obligations

- 9 onsite Affordable Housing units (with the mix and schedule to be determined with the Affordable Housing Officer)
- A financial contribution of £243,929 disaggregated as:
 - £ 65,816 in OSSR contributions (£60K towards Cricket Club and £5,816 towards village hall recreation area)
 - £178,113 in Education contributions (£81,912 towards Primary School infrastructure, £78,915 towards secondary school infrastructure and £6,000 towards early years provision)

Key issues for consideration:

The main issues are the principle of development, access, and highways safety, visual impact, land contamination, drainage, and any impact upon the amenity of neighbouring properties. Officers must consider the proposal against the Development Plan, the emerging Joint Local Plan, and the emerging Neighbourhood Plan.

Site Description:

The application site is an open area of grassland located on the western periphery of the sustainable settlement of Bridestowe. The village benefits from a shop, village hall, cricket club, pub, church and school.

The village's Settlement Boundary is adjacent to the site, sharing the site's southern boundary. The main vehicular access to the site is also from the modern residential development at Town Meadow to

the south. The site is part of a wider field that partly falls within flood zones 2 and 3, although, the application site is almost wholly within flood zone 1, with just a very small section to the far east of the site in flood zone 3. A length of trees protected by TPO partly forms the south west boundary. The Bridestowe Conservation Area containing its numerous listed buildings, notably the 11* Church, is to the east, separated from the site by a line of mature trees and the River Lew.

Beyond the field to the north is the old A30, now the West Devon Drive. Agricultural land and woodland is to the west, with the Lew separating the site from the public playing fields and play equipment to the east. Also alongside the south eastern boundary is a small ribbon of existing residential development.

The Proposal:

Outline consent with some matters reserved is sought for residential development of up to 24 dwellings and associated works. All matters aside from access are reserved. Detailed plans of the proposed access are included. The layout plans and sections indicate the type and massing of dwellings which could be accommodated within the site.

The scheme is accompanied by a draft Heads of Terms and the applicant has indicated a willingness to achieve the policy compliant 40% Affordable Housing offer, which equates to 9 on site units, in addition to the other compliant planning obligations required under planning policy.

The application is supported by an ecological appraisal, transport assessment, land contamination report, Flood Risk Assessment and proposed plans of the access and indicative plans and sketches.

Please Note This scheme was deferred previously from committee after members identified a localised ground water flooding issue. The applicants have now evidenced perched water within the site, not a high water table, and have presented a basic drainage strategy for its removal from the development for the Council's consideration.

Consultations:

- County Highways Authority

No objection subject to conditions – *'The highway authority's officer has visited the site at both the morning and afternoon peak period and is familiar with the traffic situation in Bridestowe village generally, throughout most times of day during the week. The planning application is supported by a Transport Statement prepared by consultants PCL. Although the scoping had not been previously agreed with the highway authority, its context and scope is acceptable, and the highway authority broadly accept its content and conclusions.'*

The access roads to the site from Town Meadow are constrained and the parking provisions are limited, commensurate with the design practices that were in place at the time the development was originally permitted. It would also comply with current design practices in the nationally accepted document for guidance for new residential layout design, Manual for Streets. There is no record of any personal injury collisions on Town Meadow, nor indeed throughout the whole of the village of Bridestowe, as detailed Transport Statement.

Notwithstanding the constraints identified above, the additional traffic movements from the development will be able to be accommodated safely on the surrounding network and there can therefore be no overriding highway safety reason grounds for objecting to the application. Suitable conditions, including one requiring the provision of an appropriate Construction Management Plan, which is particularly required in this instance.'

- Environment Agency

No objection – *‘We have no objections to this proposal as submitted. You may wish to remove permitted development rights from the curtilages shown to be within Flood Zone 3, to ensure that no structures, land raising or fencing can occur within the floodplain without permission so that flood risk is not increased.*

Advice – Flood Risk

A small part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application will therefore be subject to the flood risk Sequential Test as set out in the NPPF. However, the extent of the flood plain shown on the Proposed Drainage Strategy in appendix C of the submitted Flood Risk Assessment (FRA) indicates that the dwellings will all be located in the lowest flood risk area of the site. The parts which are just within the flood zone will be gardens which will be flooded to shallow depths in the worst case scenario. We are satisfied that a sequential approach has been taken to the layout of this site.’

- DCC Education

No objection subject to planning obligation – *‘The primary school within a 1.5 mile radius of this development is Bridestowe Primary School. There is no forecasted surplus capacity at Bridestowe Primary School to mitigate the impact of this development, so we are requesting a contribution towards primary school infrastructure. A development of 24 family dwellings is expected to generate 6 primary aged pupils and we are therefore requesting £81,912.00 (being 6 x £13,652.00).*

The designated secondary school is Okehampton College which has no forecasted surplus capacity. A development of 24 family dwellings is expected to generate 3.6 secondary aged pupils and so we are requesting £78,915.00 (being the extension rate of £21,921.00 x 3.6).

Because of the distance from the development to the designated secondary school, Okehampton College, a request for a contribution towards secondary school transport is made. The current cost of transporting pupils from Bridestowe to Okehampton College is £2.97 per student per day. So, we are requesting £11,286.00 being £2.97 x 190 days in the academic year x 5 years at secondary school.

In line with our revised policy, a contribution is requested towards early years provision as there is a lack of all year round provision in this area. We are requesting £6,000 (being £250.00 per family dwelling).

- WDBC Affordable Housing

No objection – *‘In terms of the Town Farm site, I understand that the applicant is now offering 40% AH which is policy compliant. Therefore I would have no objections to this.*

As this is in outline, within the S106, this would need to make reference to the affordable scheme, which will need to be submitted to the council for approval. We would need to make reference to the 40% AH but that size and tenure will be determined at the RM stage of the proposal.’

- WDBC OSSR

No objection - *‘The proposed development site lies immediately to the north of the existing Town Farm site. The Town Farm site contains a fenced Local Area for Play with basic play equipment for toddlers, and an adjacent small fenced amenity green space. It is likely that any new residents with very young children will make some use of this existing LAP.*

To the east of the proposed development site on the eastern side of the River Lew lies the ‘Sporting Green.’ The Green contains a kick-about area with goalposts, and a Local Equipped Area for Play and

serves as the main recreational space for Bridestowe. The Play Audit which comprises Appendix 3 of the West Devon OSSR Study, 2017 (part of the Joint Local Plan evidence base), scored the site as a 3 out of 5, being 'average and needing improvement.' The Bridestowe and Sourton Neighbourhood Plan (at Reg 14) makes several references to the importance of the Sporting Green for local recreation and play, but notes the need for further equipment particularly for older children (11 plus).

There would be clear benefits for new residents if a direct link from the proposed development to the Sporting Green site could be secured, however without such a link the proposed development site is around 320m walking distance to the Sporting Green which is well within accessibility standards and good practice (defined by Fields in Trust, and more recently within the proposed Joint Local Plan).

Accordingly, and in line with Parish Council feedback given to the developer (and as referenced within the Planning Statement), there is little sense in seeking to provide OSSR onsite and potentially duplicate facilities to the south or east) - instead commuted sums should be secured within the s106 towards improving and maintaining the existing play, recreation and open space facilities at the Sporting Green, given that it will be used by new residents, and can be improved to meet new residents needs.

The proposed development site lies to the east of the Bridestowe Cricket Club ground (separated by a green lane). The Cricket Club is a well-used and active club which has two teams in the Devon Cricket League, and a team in the West Devon 20/20 League. The improvement of club facilities to make the club more sustainable meeting existing and new members needs is identified in the West Devon Playing Pitch Strategy (last updated May 2017) as an aspiration for a non-turf pitch, sight screens and covers. Given the vicinity, and likelihood of new residents using the club facilities and becoming members of the Cricket Club, it is considered necessary for investment in these facilities to mitigate the pressure of the new residents on the club.

Such provision is in accordance with retained policy H26 of Local Plan, and SP4 of the Core Strategy (2011), and is based on OSSR establishment and maintenance costs detailed in the Atkins, West Devon OSSR Study (2007).

The following s106 should be secured within the s106 if you are minded to approve:

A sum of £65,816 towards improvement and maintenance of play, recreation and open space facilities at the Sporting Green, Bridestowe, and towards improvement of facilities at the Bridestowe Cricket Club ground.'

- WDBC Biodiversity

No objection - The Preliminary Ecological Appraisal (PEA) accompanying the application describes the proposed development site as an improved grassland field of limited interest, bordered to the east and west by species-poor hedgerows and in part Devon hedgebank. The site is some 25m to the south of the River Lew and its northern boundary.

The PEA advises that there are no likely significant effects on protected habitats or species, subject to protection of hedgerows during construction, and through sensitive lighting avoiding illumination of boundary features which are assumed to be used by light-sensitive bats. Given that detailed bat surveys were not undertaken it will be incumbent upon the applicant at Reserved Matters to demonstrate (through a lighting plan with isocline/lux contours) to show that the boundary hedgerow features will not be illuminated as reflected in the condition.

There is significant scope to enhance the wildlife value of the site, not least by creating a new Devon hedgebank along the northern boundary of the site. Measures to create a net gain for biodiversity (as per local and national policy) should be included at Reserved Matters within an Ecological Mitigation and Enhancement Strategy (which could include the lighting plan), the EMES should be linked with the Landscape Strategy.

The following conditions should be applied if you are minded to approve:

- Pre-commencement CEMP incorporating recommendations of section 5 of the PEA
- Provision at Reserved Matters of an Ecological Mitigation and Enhancement Strategy incorporating recommendations of section 7 of the PEA
- Provision at Reserved Matters of a lighting plan showing avoidance of illumination of W, E and SW boundaries

- DCC Lead Local Flood Authority

06/09/2017 – Holding response due to lack of information demonstrating potential for infiltrations system, and lack of clear adherence to drainage hierarchy

07/02/2018 – Holding objection resolved to no objection, subject to conditions – *‘Following my previous consultation response (FRM/WD/2472/2017, dated 06/09/17), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 29/01/18, for which I am grateful. Evidence has been given that infiltration will not be suitable for this site, therefore the proposed attenuation based design will be acceptable.’*

- WDBC Drainage (referring to ground water issue)

No objection subject to ground water management condition:

‘The applicant has demonstrated that the surface water can be adequately managed for the site by means of an attenuated discharge to the river. This has been assessed and confirmed by DCC as the Lead Local Flood Authority.

At the committee meeting in March 2018 concerns were raised about the water logged ground and what impact that may have on the usability of the new dwellings gardens. Due to the close proximity of the river, it was possible that this was due to a high water table, and could be difficult to manage.

Following the meeting the applicant’s drainage consultant confirmed that the water was due to the surface water remaining in the upper layers of soil, as perched water, due to the ground conditions not allowing it to percolate to the lower layers. This would mean that it could be managed by suitable positive drainage, such as land drains. The amount of standing water will also be reduced by the attenuated system, which will remove a lot of surface water for the development areas.

To support this statement we requested testing which was carried out by Ruddlesden geotechnical in May 2018. This report showed that ground water was over 2m below the surface and the consultant engineer updated the drainage assessment to confirm the issues were due to perched surface water.

On this basis we are happy that the ground water issues can be suitably managed. The proposed herring bone system is drainage to a soakaway which is unlikely to work and is not ideal from a management / maintenance perspective so would like to see what other options are available before this system is approved. This can be dealt with by condition so if permission is granted then please include as suitable condition to agree the design of the drainage system to deal with the ground water.’

- Highways England

No objection

- Dartmoor National Park

No objection

- Bridestowe Parish Council

Objection – *‘Whilst this proposal provides some smaller and affordable dwellings, there is an excess of larger homes, which will only perpetuate the imbalance that is present within the existing housing stock in Bridestowe.*

This imbalance is confirmed by the recent (2016) Housing Needs Assessment for Bridestowe and Sourton conducted as part of the consultation process for the Neighbourhood Development Plan. This is published on the Bridestowe and Sourton web site, as part of the draft Neighbourhood Development Plan, (now at the pre-Regulation 14 stage), to which the applicants make reference.

This showed a relative excess of larger (4 or more bedroom) homes in the parish, with a significant lack of smaller homes, and a need for a significant increase in the number of both open market and affordable homes of 1-3 bedrooms.

This proposal for 24 houses does not accord with the draft Neighbourhood Development Plan that aims to ensure that future development is both appropriate in scale and character to the setting, whilst addressing the present and future housing needs of the parishioners.

The proposed development, by adding to the existing dwellings in Town Meadow will lead to an estate approaching 50 houses that is over-bearing, out-of-scale, involves a loss of the open nature of the area and is out of character in terms of its appearance, compared with existing housing styles in Bridestowe Village. The existing estate of Town Meadow is large enough and any further development in this, the least popular of the five sites identified in the Housing Needs Survey and the Neighbourhood Development Plan, is an unacceptable over-development of the site.

The claim by the applicants that this development is designed to help meet the current housing need in the local area, is thus not compatible with the information contained in these published documents, that they cite in support of their application.

The visual impact of the proposals is such as to have a significant adverse effect on the residential amenity of neighbouring owners, by reason of overlooking, loss of privacy and the loss of existing views from neighbouring properties.

There are practical concerns about both highway safety (narrow roads and traffic congestion in the village) and drainage (the wet nature of the site), not least from many of the residents of the existing dwellings in Town Meadow. However, the parish council is aware that these issues have been subject to careful technical examination by DCC highway authority and WDBC drainage engineers, and so objections based on this local knowledge may be outside planning criteria.’

Representations:

17 letters or objection have been received at the time of writing this report.. A representative of the Cricket Club has also commented on the potential recreational impact on the cricket club, suggesting a S106 obligation may be appropriate. Concerns raised are summarised as follows:

- Supporting documentation is misleading
- The approaching roads through Town Meadows are unable to accommodate the development
- Will lead to highways safety issues in Town Meadow, including during development
- The approaching roads are restricted by parked cars
- The site has flooding issues
- The scheme is too big for the sustainable growth of the settlement
- Will harm the character of the settlement
- Will inundate local facilities, particularly education facilities
- Will lead to congestion in the village
- There is insufficient parking in the existing development

- Access from the old A30 would be preferential
- Will lead to overlooking towards neighbouring properties
- The scheme is in conflict with the Neighbourhood Plan
- The scheme is premature to the making of the Neighbourhood Plan
- The attenuation feature is a hazard
- The land is used informally by dog walkers

Relevant Planning History

11568/2008/OKE - Erection of 25 dwellings - Town Farm Launceston Road Bridestowe Okehampton EX20 4EQ – Conditional Approval

Analysis

Principle of Development/Sustainability:

The Council cannot currently demonstrate a five year housing land supply and consequently paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged in respect of this planning application.

Paragraph 49 of the Framework indicates that in such cases relevant policies for the supply of housing should not be considered to be up to date and paragraph 14 makes clear that where the development plan is absent, silent or relevant policies are out of date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (the ‘tilted’ balance).

Whilst policies may be considered out of date that does not automatically mean that no weight should be attributed to them. Indeed the Framework says in paragraph 115 that due weight should be attached to development plan policies dependent upon their alignment with the Framework.

In this case, the site is on the periphery of the settlement and safe walking distance to the array of services in the village. The site is considered to be acceptable for residential development in principle, subject to all other material planning considerations.

Design/Landscape/Character:

The application site is set down within the valley by the riverside. It is bordered largely by lines of trees and the housing development to the south. Its residential development by 24 units, in the way suggested by the indicative layout, will not be readily visible from the majority of public receptors within the vicinity. The most prominent views will be from the roadways in Town Meadow, and glimpsed, passing views from the old A30 to the north. As such, officers are satisfied that the site can be developed, in the way indicated, without detriment to landscape character and visual amenity.

The indicative plans show a good housing mix with a range of bungalows and two storey dwellings of various bedroom numbers and sizes. Although the comments of the Parish with regard to housing mix are noted, the scheme itself is considered to demonstrate a strong mix in addition to the Affordable Housing offer, and, in any case, the specific housing mix is a Reserved Matter and all stakeholders would be entitled to consider housing mix at the Reserved Matters stage.

Landscaping will be an important issue for the Reserved Matters stage and is conditioned accordingly. Third parties have correctly identified the safety issues associated with attenuation pond, and officers will expect an appropriate means of enclosure to safeguard against unsafe access.

Officers do sympathise with comments made regarding the scale of the development in relation to the village, especially within the context of Town Meadow which is only a few years old. However, there is no evidential basis presented to officers that the increase in population will lead to any degree of additional footfall or congestion which is tangible, or that there will be any specific impact upon village

character which could amount to a reason for refusal which could be sustained or quantified at appeal. Conversely, it is self-evident that additional people living within the village will make use of the existing facilities, adding to their vitality. With regard to education infrastructure, the education authority has not objected to the proposal, as they are satisfied that the additional pressure on facilities can be satisfactorily mitigated through the use of planning obligations as detailed above.

Neighbour Amenity:

There will be an impact on the amenity of properties within Town Meadow by way of additional pedestrian and vehicular trips through the existing development. However, that increased footfall within public spaces is not considered to constitute a harmful impact which justifies refusal of this application.

The part of Town Meadow meeting the application site generally shows blank gable end walls to the proposed dwellings, and the public play park within Town Meadow provides a good buffer to potential overlooking issues, and the development would increase supervision of this area. The existing bungalow to the east of the site is within close proximity to one unit, but the indicative plans show a proposed bungalow in this location, allowing officers to conclude that an appropriate neighbour relationship is possible.

Overall, the existing constraints of and character of the surrounding land, coupled with the indicative layout and massing plans, demonstrates satisfactorily that a development can be sited here which maintains an acceptable impact upon the amenity of neighbouring dwellings.

Heritage

The fields to the north of the Church are within the Conservation Area as they form an important part of the rural setting of the Church and historic core of the village. However, the field containing the application site is visually separated from the setting of the Church and Conservation Area by the River Lew and the mature trees and other boundary vegetation, as well as the dwellings to the east of the site. As such, the field is not considered to contribute the Conservation Area nor any heritage asset within it, and the residential development of the site in the way indicated is considered to maintain no harmful impact on any designated or non-designated heritage asset.

Highways/Access:

The existing Town Meadow development has an existing tarmacked roadway which terminates at the entrance to the site, providing a readymade vehicular access. Beyond the site access the roadway narrows and bends, and is constrained in comparison. However, vehicular access is still possible, and the proposal will simply add additional traffic to this existing highways infrastructure. The applicant has directed officers to examples of other modern housing developments within the Borough which have a similar layout, highways width and standard, and serve equivalent or a greater number of dwellings.

The highways officer has carefully considered this issue and has responded with no objection with regard to highways safety, stating that *'The access roads to the site from Town Meadow are constrained and the parking provisions are limited, commensurate with the design practices that were in place at the time the development was originally permitted. It would also comply with current design practices in the nationally accepted document for guidance for new residential layout design, Manual for Streets. There is no record of any personal injury collisions on Town Meadow, nor indeed throughout the whole of the village of Bridestowe, as detailed Transport Statement.'*

Notwithstanding the constraints identified above, the additional traffic movements from the development will be able to be accommodated safely on the surrounding network and there can therefore be no overriding highway safety reason grounds for objecting to the application. Suitable conditions, including one requiring the provision of an appropriate Construction Management Plan, which is particularly required in this instance.'

Although officers acknowledge comments made with regard to parking provision within the proposed layout, West Devon does not set minimum parking standards through planning policy and officers are satisfied that adequate parking provision can be delivered within the application site.

If third parties park in a way so as to block the road or impede emergency vehicles this is a criminal matter, outside the remit of the Local Planning Authority. This is equally applicable to bin collection, and any obstruction of the road, which achieves specification, would be enforced by the police, not the Local Planning Authority. To aid this point, the highways officer has also added that *'The public at large have rights to pass and repass over a highway. There are no public rights to park a vehicle on the highway unless there is a bay marked out specifically for that purpose. Any vehicle parked on the highway that is not in a marked bay is technically causing an obstruction and the police may take appropriate action if they choose to do so, commensurate with their other duties. To park in an inappropriate location in a residential cul-de-sac would normally be the action of one of the residents, so it is therefore more readily resolved by mutual agreement following discussion rather than by the draconian imposition of waiting restrictions which, in this 'remote' location would be impossible to enforce.'*

Emerging Neighbourhood Plan and Joint Local Plan

Although the evidence base of the Neighbourhood Plan shows a preference for smaller sites elsewhere in the village, this has not been translated into specific housing allocations within the Plan, and there is no specific policy prohibiting development of this site. Policies which seek to secure housing mix would be more applicable at the Reserved Matters stage, as these are currently reserved matters.

In any case, the Neighbourhood Plan has recently been submitted to the Council for publicity and consultation and had not therefore reached the end of the publicity period. However, it is at a reasonably advanced stage and officers therefore afford it some weight in this recommendation.

The recent appeal decision at Crapstone indicates that only limited weight should be attributed to the emerging Development Plan at this time. The main policy which manages development on the periphery of sustainable settlements is TTV31, which states:

'Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.'

Officers consider that the scheme is broadly compliant with this policy, as it provides a significant contribution to essential affordable housing, is adjacent to a sustainable settlement and provides a sustainable solution. However, officers do acknowledge that there is a degree of conflict with this emerging policy, as this is a major development and TTV31 only supports development which meets small scale local development needs.

Drainage and Flooding

The scheme has demonstrated that the site is not suitable for use of onsite soakaways, which tallies with observations made by officers at site visit. However, the scheme incorporates a large attenuation feature, which the application has demonstrated is technically suitable to achieve the required green field runoff rate. Devon County Council as Lead Local Flood Authority have no objection to the use of water attenuation in principle nor the specification and location of the attenuation pond as submitted. This is subject to a number of conditions regarding the finer technical details, and the a survey of the condition of the River Lew at the point of discharge.

A very small part of the site is within the Flood Zone 3a but this is laid to curtilage within the indicative plans. All housing and operational development is within Flood Zone 1. The Environment Agency has no objection to the scheme as all of the habitable spaces are outside of Flood Zones 2 and 3, as the development will be safe for its lifetime, and as the Council can rely on the removal of Permitted Development Rights to prevent future operational development in these area sensitive to flood.

Consistent with the comments made by the EA, officers are satisfied that sufficient information has been submitted to allow the Local Planning Authority to conclude that this proposal meets the requirements of the sequential test.

However, at a previous visit, members identified a localised flooding issue, with the ground saturated, by ground water. This caused members concerns that a high water table would lead gardens largely unusable, which itself presented a design constraint they were unable to support. Following those concerns, the applicants have identified that the site suffers from 'perched water', with the water table some 2m below the ground. They have tested the ground conditions to allow officers to conclude that the trapped ground water can be removed through typical positive drainage means, the exact specification of which, officers are content to consider through planning condition. The WDBC drainage engineer has stated that:

'The applicant has demonstrated that the surface water can be adequately managed for the site by means of an attenuated discharge to the river. This has been assessed and confirmed by DCC as the Lead Local Flood Authority.

At the committee meeting in March 2018 concerns were raised about the water logged ground and what impact that may have on the usability of the new dwellings gardens. Due to the close proximity of the river, it was possible that this was due to a high water table, and could be difficult to manage.

Following the meeting the applicant's drainage consultant confirmed that the water was due to the surface water remaining in the upper layers of soil, as perched water, due to the ground conditions not allowing it to percolate to the lower layers. This would mean that it could be managed by suitable positive drainage, such as land drains. The amount of standing water will also be reduced by the attenuated system, which will remove a lot of surface water for the development areas.

To support this statement we requested testing which was carried out by Ruddlesden geotechnical in May 2018. This report showed that ground water was over 2m below the surface and the consultant engineer updated the drainage assessment to confirm the issues were due to perched surface water.

On this basis we are happy that the ground water issues can be suitably managed. The proposed herring bone system is drainage to a soakaway which is unlikely to work and is not ideal from a management / maintenance perspective so would like to see what other options are available before this system is approved. This can be dealt with by condition so if permission is granted then please include as suitable condition to agree the design of the drainage system to deal with the ground water.'

It should also be noted that the flood engineers as DCC have also committed to these comments in writing, and offer no objection to the evidenced ground water issue and its proposed migration strategy.

Ecology

The submitted ecological work demonstrates that the development will be carried out in a manner which does not prejudice any protected species. Ecological enhancements will be secured via the planning conditions as suggested by the Council's ecologist.

Other Matters:

The site is not public open space and any unauthorised recreational use that has occurred cannot be given weight within this assessment. Although it is theoretically possible that a policy compliant access on to the old A30 could be achieved, officers must assess this application on its own merits and the highways specialists have indicated that the highways impacts of this proposal as submitted are acceptable. Although officers acknowledge comments made with regard to existing parking provision within Town Meadow, officers are satisfied that adequate parking provision can be delivered within the application site.

Conclusions

The site is well linked to a range of services and sustainable transport options. The provision of 24 homes, including 9 on site affordable dwellings, represents a significant social benefit to the community. The increased footfall arising from the development will enhance the vitality of local services, such as the shop and pub, and provide an economic benefit to community facilities. Planning obligations will ensure that it will do so without undue pressure being placed on these facilities.

The Council has identified no negative environmental or economic impacts. The specific ground water issue identified by members has been researched and resolved to the satisfaction of both West Devon and DCC drainage officers.

As such, the proposal is considered by officers to represent sustainable development and is recommended for approval subject to the above planning obligations and relevant planning conditions.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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
SP9 – Meeting Housing Needs
SP13 – Community Services and Facilities
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
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV31 Development in the Countryside
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Bridestowe and Sourton Neighbourhood Plan

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.

Schedule of Conditions

1) In the case of any matter reserved by this permission, application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. The development to which this permission relates shall 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

(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 permitted shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing and proposed site levels together with proposed slab levels;
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for parking and turning of vehicles in accordance with the Devon County Council's parking standards;
- (h) all other works including walls fences means of enclosure and screening.
- (i) the location, extent and layout of open spaces
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and their 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 permitted shall be carried out in accordance with the approved plans

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 has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 160358, First Issue, dated June 2017).

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

5) No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving watercourse is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving watercourse which will be required to facilitate the development.

Reason: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

6) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

7) No part of the development hereby permitted shall be commenced until the detailed design of the proposed ground water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

8) Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites and taking full account of the recommendations of section 5 of the PEA

Reason: In the interests of biodiversity and in the interests of neighbour amenity

9) No development shall take place until there has been submitted to and approved by the Local Planning Authority a Landscape Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA. It shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of the location and finish of all new areas of hardstanding, details of new terracing and the form and finish of retaining walls and a lighting plan showing avoidance of illumination of W, E and SW boundaries

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

10) No works or development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall be in accordance British Standard 5837:2012 -Trees in relation to design, demolition and construction - Recommendations and shall include:

- a) arboricultural method statement;
- b) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6 of BS5837) of every retained tree and hedge on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan;
- c) the details of each retained tree (as outlined at section 4 of BS5837) in a separate schedule;
- d) a schedule of tree works for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, Recommendations for Tree Work; of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction;

e) the details and positions (shown on the plan at paragraph (b) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. construction, hard landscaping). The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase;

f) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground;

g) the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing); k) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity;

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

11) Any proposed estate road, footpaths, verges, junction street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance / vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. Details submitted for approval shall include plans and sections indicating, as appropriate, the design, layout levels, gradients, materials and method of construction. The occupation of any dwelling shall not take place until the on-site access and associated works are carried out in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority.

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

12) No other 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 residents

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

A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

E) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

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

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

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

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

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

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

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no provision of buildings, structures or enclosures within residential curtilage that falls within Flood Zone 2 or 3, that fall within the terms of Schedule 2, Part 1, Class E and Part 2 of that Order.

Reason: In the interests of the prevention of flooding

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Exbourne **Ward:** Exbourne

Application No: 0878/18/FUL

Agent/Applicant:

Mr John Wilde
4 Crestfield Rise
Ivybridge
PL21 9TJ

Applicant:

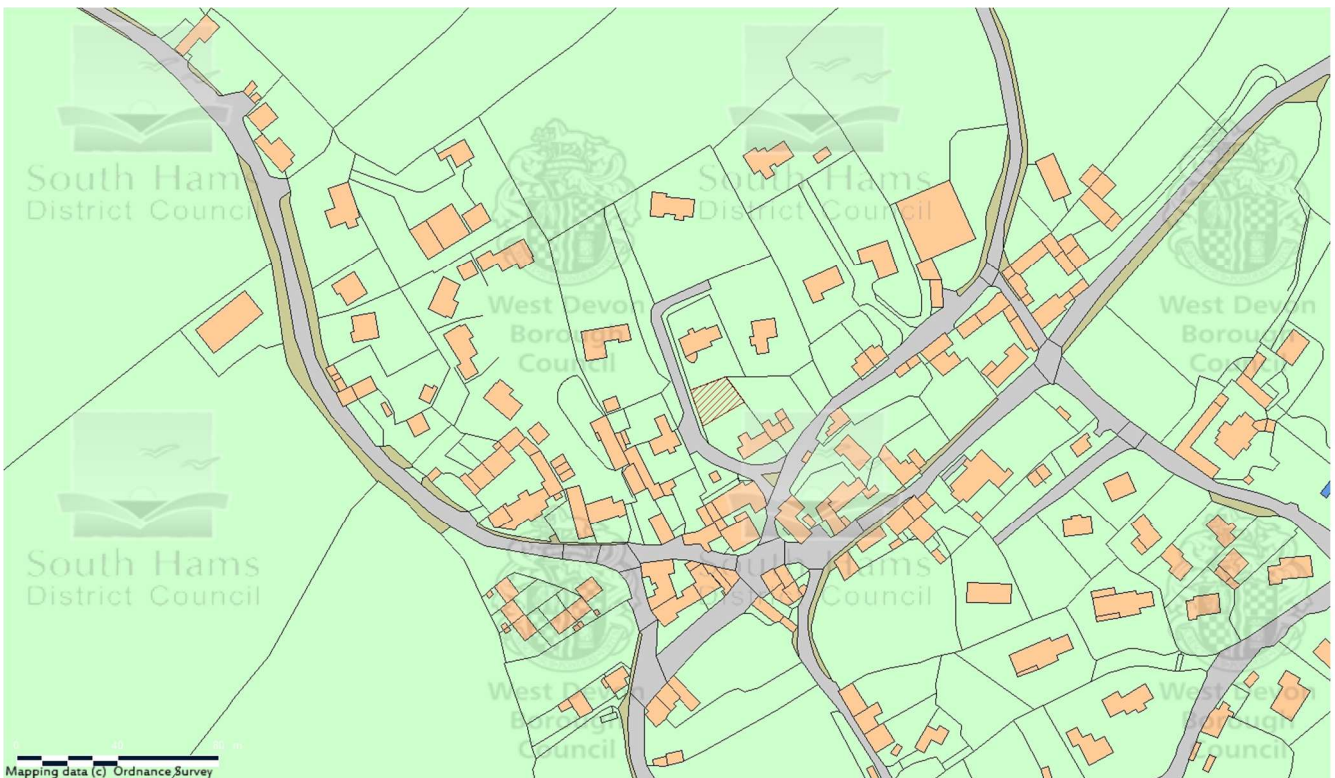
Ms Mandy Rideout
Hayfield House,
Hayfield Road
EX20 3RS

Site Address: Hayfield House, Hayfield Road, Exbourne, EX20 3RS

Development: Erection of 2 storey, 3 bedroom house, detached single storey store/workshop/office building and provision of two car parking spaces

Reason item is being put before Committee:

Cllr Samuel has requested that this application is determined by Development Management and Licensing Committee due to concerns regarding the impact of the proposal on heritage and neighbour amenity.



Recommendation: Conditional approval

Conditions:

1. Standard time limit
2. Accord with plans
3. Window, chimney and eaves details
4. Roof specification including P.V. panels and rooflights
5. Window to be obscure glazed
6. Construction Environment Management Plan
7. Holistic Landscaping plan prior to commencement
8. Stonework sample panel
9. External lighting condition
10. Unexpected contaminated land
11. Removal of Permitted Development Rights
12. Outbuilding ancillary or incidental to enjoyment of dwelling house
13. Hardstanding retained for parking of motor vehicle
14. Drainage details prior to commencement

Key issues for consideration:

- Principle of a new dwelling
 - Effect on Conservation Area and setting of heritage assets
 - Design
 - Amenity of surrounding residents
 - Access and parking
 - Drainage
-

Site Description:

The site is located within the existing rear garden of and to the north of Hayfield House, located on the east side of the lane known as The Tumbles, to the north of Hayfield Road. The Tumbles is a narrow unadopted private lane that provides access to six properties, including Hayfield House. The ground level rises from Hayfield Road and The Tumbles is positioned on higher ground than the application site.

The site is located within the centre of the settlement of Exbourne and the land to the south comprises Exbourne Conservation Area. The Conservation Area boundary passes through the site. The site is not within a Critical Drainage Area. It is within the Exbourne Settlement Boundary.

In 2015 an application was refused, and the subsequent appeal dismissed, for the erection of a single detached dwelling. That appeal decision has been circulated to members and it remains a significant material consideration in this assessment.

The Proposal:

This is a planning application for the erection of a 2 storey 3 bedroomed house and associated outbuilding, with a separate detached parking area providing parking for 2 vehicles.

The house and garage are set back from The Tumbles and are set down at a lower level. Materials are render, natural stone and slate with wooden joinery windows.

This submission seeks to address comments made by the Council, third parties and the Planning Inspector in relation to previous applications.

This application is principally a resubmission of a scheme which was previously withdrawn after it was correctly identified by a third party that the narrow area of land to the west of the principal elevation, at that time essential for vehicular and pedestrian access, was in fact in third party ownership. This has led to the removal of the garage and driveway from the scheme and the introduction instead of a detached parking area for two cars in land directly to the south west of the main site. In addition, the house's pedestrian access off The Tumbles is located to the south side, avoiding the need to use the third party land, permission for which is extremely unlikely to be forthcoming.

In many other regards the scheme is unchanged. The removal of the garage has created more space, allowing for the building to be moved further northwards, away from Hayfield House and more centrally within the plot. The outbuilding is sunken below the boundary wall and finished with a green roof. In front of the outbuildings is located the bin store.

Consultations:

- County Highways Authority

Standing advice

- SWW

Raise no objection to use of combined sewer (in email to applicant dated

- WDBC Drainage Engineer

Holding objection resolved to no objection, subject to drainage condition

- Exbourne Parish Council

Objection - *'The Parish Council wish to object on the grounds that the proposal does not maintain or enhance the character of the conservation area. The Appeal Inspector (Appeal Ref: APP/Q1153/W/16/3151684) said "I had a general sense that the core of the village is tighter knit than the area north of the appeal site with the existing garden of Hayfield House being the first part of this feathering of the edge of the village. This space provided by the undeveloped site does not look out of place and compliments the rural character of this part of the settlement."*

The Parish Council feels the development diminishes this character and therefore adversely affects the conservation area. The Parish Council is also concerned specifically regarding window to window overlooking between the proposed dwelling and Tumbles Bungalow. If the council is minded to grant permission, the Parish Council would request that a construction management plan is prepared and approved by the Council prior to the commencement of the development. Given that the dwelling only has a pedestrian access, the plan will describe how construction materials will be delivered and spoil removed, without adversely affecting the right of others using the access lane.

Also, the levels on the surface water drainage design show the level of the manhole as being 1 metre lower than that shown on the survey drawing. If relevant this could potentially mean that the system would not function as designed.'

Representations:

The application has drawn approximately 10 objections from neighbours and local residents. The concerns can be summarised as follows:-

- Applicants do not have a right to access the site via The Tumbles
- Loss of amenity and overbearing impact on neighbours
- Overlooking of 3 The Tumbles and Wheelwrights Cottage

- Loss of light / overshadowing
- Light pollution
- Excavation would kill conifer hedge
- Excavation could undermine The Tumbles track
- There is a net reduction in parking for Hayfield House
- The setting of Hayfield House would be spoiled due to loss of garden and proximity of the development
- Contrary to Article 8 of the Human Rights Act
- Parking provision is inadequate and no turning is provided
- The Tumbles track would be damaged by development vehicles and services disrupted
- Gates could open on to the track
- The foul sewer is not fit for purpose
- Development would be 'garden grabbing / garden gobbling'
- House is too big for the plot
- Design is poor does not reflect local character nor Conservation Area
- Materials proposed are inappropriate
- There are underground wells / springs
- Will cause congestion elsewhere within the village
- The turning area for the parking encroaches on third party land

Relevant Planning History

1987/17/FUL - READVERTISEMENT (Amended site, design and parking arrangements) Erection of 2 storey 3 bedroomed house, a separate single garage and parking for 2 vehicles – Withdrawn

01110/2015 - Householder application for demolition of single storey extension and construction of two storey extension and boundary treatments. – Conditional Approval

Analysis

Principle of Development/Sustainability:

The proposal would be sited within the settlement limits of Exbourne therefore policy H28 saved from the 2005 Local Plan applies. This policy states that within defined limits residential development will be permitted provided that it is consistent with other policies and then it is acceptable in relation to criteria (i) to (vi).

In addition policy H39 addresses proposals for the redevelopment of large single residential plots within settlement limits and states that these will be acceptable provided the proposal is compatible with the surrounding residential area. Given Hayfield House benefits from a substantial sized rear garden this is considered to qualify as a 'large single residential plot'.

Exbourne is a sustainable settlement with a good range of local facilities and relatively good connectivity. Policy TTV2 of the draft Joint Local Plan states, 'The LPAs will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development. In addition to the provisions of Policies SPT1 and SPT2, specific attributes of rural sustainability to be supported through development include: 1. The location of housing where it will enhance or maintain the vitality of rural communities.

The principle of residential development on this site is therefore considered acceptable subject to consideration of its local setting. Within the context of an absence of a five year land supply, the social benefit of a dwelling adding to village vitality is considered to be significant.

Previous planning refusal and appeal decision:

This application is submitted following a previous refusal, with the subsequent appeal dismissed by the Planning Inspectorate. The appeal decision, and associated report, is a significant material planning consideration and it is circulated to members within the committee agenda.

Although certain individual comments made by the Inspector can be used, in isolation, to form views of the appropriateness of this new proposal, it is essential that the appeal decision is read in full, with full reference to both the refused scheme and that now before members.

It is obvious that the Inspector and the Council shared specific concerns about elements of the previous proposal, for example, its design and subsequent impact upon the Conservation Area. However, officers maintain that the Inspector's comments and decision do not entirely sterilise the future development potential of the site, and officers maintain that the principle of development remains acceptable. Although it is agreed that the current openness of the site provides a contribution to the village, officers are of the opinion that a well-considered dwelling in itself could provide its own contribution to the development of Exbourne.

Design:

Both Hayfield House and the proposed dwelling are considered to maintain an acceptable degree of curtilage to avoid overdevelopment of the plot. Officers are mindful that the historic core of Exbourne is high density, with in many cases small areas of curtilage serving dwellings. Again, the degree of curtilage for both the proposed dwelling and Hayfield House was not an issue raised by the Inspector.

The design is contemporary but incorporates features characteristic of the local vernacular. A hipped slate roof with chimneys, smooth rendered walls, oak windows and traditional eaves all relate well to the character of properties in Exbourne.

Although officers are firmly of the opinion that views of the site from Hayfield Road are extremely limited, the comments of the Inspector regarding this issue are addressed as the location of the dwelling is now set back further into the plot and away from the Tumbles. This setting back of the dwelling, away from The Tumbles, ensures that the development will be less visible from the public areas around Hayfield Road and views are considered by officers to be negligible from those areas.

Overall, the previous incongruous and rather utilitarian design response has been replaced with a dwelling more traditional in design, and its appearance will not appear out of place in form, scale or materials. Important architectural details will be controlled by conditions.

Heritage:

The loss of the large garden will change the character of this edge of the Conservation Area (CA). As an open space to the rear of the dwelling it does not, however, play a very significant role in the way in which Exbourne is perceived as an historic settlement. The backdrop to views from Hayfield Road is not a particularly attractive one at present and contributes little to the character and appearance of the CA. Views from around the application site are not significant to the setting of the Conservation Area. Clearly the quality of building and materials for the proposed development will need to be demonstrably high, but this can be achieved via the proposed conditions.

Officers acknowledge that the Inspector was of the opinion that the openness of the space is a positive characteristic, but officers do not believe that this comment sterilises the site nor prohibits any future development within the space. Indeed, it is considered that an attractive and well-designed dwelling, with high quality detailing and materials, can itself offer a positive contribution to the settlement.

Hayfield House is old but its altered state meant that the listing Inspector decided not to give it statutory protection. The effect of the proposal on Hayfield House as a non-designated heritage asset will be

minimal – settings change over time and the construction of the modern housing and inappropriate means of enclosure within The Tumbles certainly had a significant and negative impact in the 1980's. The development can be seen as part of the ongoing change that all settlements face and is considered to have a broadly neutral impact within this context.

Overall, the proposal is considered to preserve the character and appearance of the Conservation Area, and to maintain an acceptable impact upon the setting of non-designated heritage assets.

Landscape:

The effect of the development on the Leylandii hedge on the boundary with 3 The Tumbles is something that can be addressed via the landscaping condition and by consideration of construction methods.

However, this hedge is not of specific merit and has no statutory protection; it is not within the Conservation Area. It could be removed at any time by the landowner without any consent from the Council, and could be replaced by a 2m high fence without the need for planning consent from the Local Planning Authority.

In terms of comments made regarding changes to the approved landscaping and means of enclosure relevant to the approved extension scheme, officers welcome the opportunity to provide a comprehensive re-landscaping of the entire area to the rear of the Hayfield House. As the land remains entirely within the control of the applicant, the landscaping condition can achieve an holistic and sensible landscaping of the entire area. It will ensure that adequate privacy for the residents of Hayfield House is maintained. Although the lowering of land will lead to the requirement for some retaining walls, the detailing of a retaining walls will be controlled by condition.

Neighbour Amenity:

The previous scheme was considered by the Inspector to maintain an appropriate impact on neighbouring dwellings. Although there are many similarities in massing and overlooking, this scheme is also assessed on its own individual merits. It is noted that the appeal scheme had an absence of windows at first floor level, and this new scheme, to improve the design, has introduced first floor windows to the front and back of the dwelling, all of which will serve bedrooms or bathroom facilities.

The outlook of neighbours will be altered and there is an element of overlooking, especially towards Hayfield House and the garden of Wheelwrights Cottage. The impact is not of a nature that is unusual in a village location and it is noted that one can already look from first floor windows into the neighbouring gardens of Hayfield House and Wheelwrights. With regard to comments made by a third party concerning potential loss of light to the approved extension serving Hayfield House, officers would reiterate that neighbour impact must be an assessment made based on the realities and relationships generally accepted within the locality. In any case, the site is due north of Hayfield House, meaning there will be no direct loss of sunlight to that property.

The rear elevation of the proposed dwelling will lead to a degree of overlooking from first floor bedroom windows, but this will be in excess of 10m to the shared boundary with Wheelwrights, and approximately 15m to the middle of the garden and is considered acceptable within this specific context. The overlooking from these windows to Wheelwrights itself will be at a further distance of approximately 20m and at an oblique of approximately 90 degrees.

Overlooking towards Tumbles Bungalow will be closer, but will be restricted to a single bedroom window and an ensuite which will have frosted glass in any case. This limited mutual overlooking of essentially a single window from a secondary bedroom leads officers to conclude that the impact upon this property will be, on balance, acceptable. Once again, officers are mindful that assessment of neighbour impact must be made against the level of amenity generally accepted within the locality, and the area is partially within the Conservation Area, formed of high density dwellings in unplanned locations with high levels of intimate, mutual overlooking.

Due to the distance, location due north, and absence of any overlooking, the impact upon no.3 is entirely acceptable. For similar reasons, the scheme has no materially harmful impact on any other property in the surrounding area.

Officers consider that, within the context of the site and surrounding locality, there is no dominance, loss of light or overshadowing issue that would mean the development would be unacceptable.

Highways/Access:

Officers are satisfied that adequate space for turning is achievable and this has now been demonstrated through the submission of a vehicle swept path analysis for the separate parking area. The access arrangements will necessitate reversing to or from the site's detached parking area, but officers are conscious that this is an unadopted lane with infrequent car movements at low speed. As such, with drivers using vehicles with due care and attention, officers are satisfied that no specific safety issues are associated with this planning application.

The question of the applicant's rights to use such access as proposed is a civil matter between the interested parties and not a reason for planning refusal. If there are civil impediments which prohibit motor vehicle use this will need to be addressed by the applicant regardless of the outcome of this planning application. The requirement for a Construction Management Plan can overcome concerns regarding damage to the road surface, lorries, dust, noise etc.

Although the highways authority has only offered standing advice on this specific scheme, it previously offered a written response that *'The Tumbles is a private street, i.e. not a publicly maintained highway. The highway authority have previously assessed the suitability of the junction of The Tumbles with the public highway at the time the former application was submitted and it is confirmed the junction is suitable to accommodate the additional traffic generated.'*

Again, it is noted that the Inspector did not raise access nor highways safety as a reason to dismiss the previous appeal on the site and this weighs significantly in favour of this scheme with regard to the principle of the development and accessing the site. The highways officer did not previously request that the road be adopted, and has reaffirmed this view.

Ultimately, the Council does not set minimum parking standards through policy and routinely approves 2 dedicated parking spaces serving three bedroom units throughout the Borough. Likewise, the Council has no policy basis to object to the retained level of 2 parking spaces serving Hayfield House.

Although officers note the comments from an third party regarding private roads, the document utilised is not a planning policy document, and relates to best practice for the creation of new private drives. As the third party identifies, the document is given as 'advice' and 'guidance', and officers maintain that there is no planning policy basis upon which refusal would be justified on the grounds of access.

Drainage

Although officer's first preference is for water to be dealt with on site through soakaway, the applicant has demonstrated that this is not viable and, instead, has proposed attenuation of the water prior to discharge into the public combined sewer.

Changing stance from that previously adopted in 2015, South West Water have confirmed directly with the applicant that such a drainage solution is acceptable and that use of the combined sewer is viable, with the attenuation rate as agreed. South West Water have also raised no objection to the use of the foul sewer to serve the site. The West Devon engineer is therefore satisfied that a drainage scheme is viable, the detail of which can be secured through condition.

'Garden Grabbing'

Some objectors have continuously raised objection to this scheme based on the notion of 'garden grabbing'. The local authority has no policy specifically addressing garden grabbing, and the only reference to this within the Framework relates to plan making, not decision making.

In any case, the issues which are germane to the concept of garden grabbing, such as design, overdevelopment, visual and neighbour impact, are indeed relevant to member's assessment and are entirely captured within the various relevant policies within the Development Plan and other parts of the Framework.

As such, continued references to the concept of garden grabbing itself maintains little relevance or usefulness to the necessary planning assessment of this application, which should be made with regard to the Development Plan and relevant national planning policy.

Other Matters

The Council has identified no pre-exist ground stability issue within the site; although suggested by objectors, no evidence of underground wells or springs has been provided. The scheme will be required, at building regulations stage, to demonstrate that the development will not lead to land stability issues within adjoining land. A small retaining wall to the Tumbles track, if necessary, is well within the capabilities of modern engineering, and the finish can be secured through the landscaping condition.

Any accidental damage to the The Tumbles during construction should be documented and rectified, and this can be captured within the CEMP condition.

Officers agree that, owing to the current lack of street lighting, a condition controlling external lighting is reasonable and necessary to protect public amenity.

Conclusion

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 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP20 – Promoting High Quality Design

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

BE1 – Conservation Areas

H28 – Settlements within defined limits
H39 – Redevelopment of Single Residential Plots

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV22 Development affecting the historic environment

NPPF

137

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. 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 approval relates to the plans and documents supplied, including latest revisions.

Reason: To ensure the development is carried out in accordance with the drawings hereby approved

3. Prior to their installation full details of the items listed below, including sections at a minimum 1:10 or 1:1 scale where appropriate, shall be submitted and agreed in writing with the local planning authority:-

a) Windows and doors

- b) Chimney
- c) Eaves and rainwater goods

The works shall then be carried out and thereafter maintained as agreed.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

4. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles, specification of the hips, details of the solar panels and rooflight shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out and thereafter maintained as agreed.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the ensuite window hereby approved on the south west elevation of the building and the bathroom window within the north east elevation shall be glazed in obscure glass and thereafter so maintained.

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

6. Prior to commencement of any part of the construction phases of the development the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08.00am and 6.00pm Mondays to Fridays, 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) a photographic survey of the condition of the Tumbles and surrounding public highway prior to the commencement of construction or other work

The CMP shall be strictly adhered to during the construction of the new development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, including preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

7. The building works shall not be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, indicating the garden landscaping, including proposed levels, all means of enclosure, retaining walls and planting, of the proposed development. All elements of the scheme submitted shall be fully implemented in the planting season following the completion or occupation of the development, whichever is sooner, 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.

8. Prior to construction a sample panel of each of the stone boundary walls shall be prepared on site for inspection and approval by the Local Planning Authority. Not less than two weeks notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All external stonework shall be constructed to match the approved panel. The stone boundary wall to the development site and to the boundary between Hayfield house and The Tumbles shall be fully completed prior to any occupation of the approved dwelling.

Reason: To ensure delivery of the proposed enhancement of the locality and of the conservation area.

9. There shall be no external lighting at the site unless otherwise agreed in writing by the Local Planning Authority. Any lighting agreed shall be installed and maintained in accordance with those details so agreed.

Reason: In the interests of visual 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 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.

11. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 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 of the Order, including the erection of 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.

12. The outbuilding hereby approved shall remain ancillary or incidental to the enjoyment of the dwelling house and shall not be used for separate business or commercial activity.

Reason: In the interest of public amenity

13. The parking area hereby approved shall be retained for the parking of motor vehicles in association with the use of the dwelling.

Reason: To ensure that adequate onsite parking is retained to serve the dwelling, in the interests of highways safety and amenity

14. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.

4. Only once all of the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

5. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods.

6. The permeable parking should be designed in accordance with CIRIA C753.

Full design details and sectional drawing showing the specification and make up.

7. Any shared drainage scheme should be within the public or shared space.

8. 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.

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Lamerton **Ward:** Milton Ford

Application No: 2424/17/OPA

Agent/Applicant:

Edward Persse
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

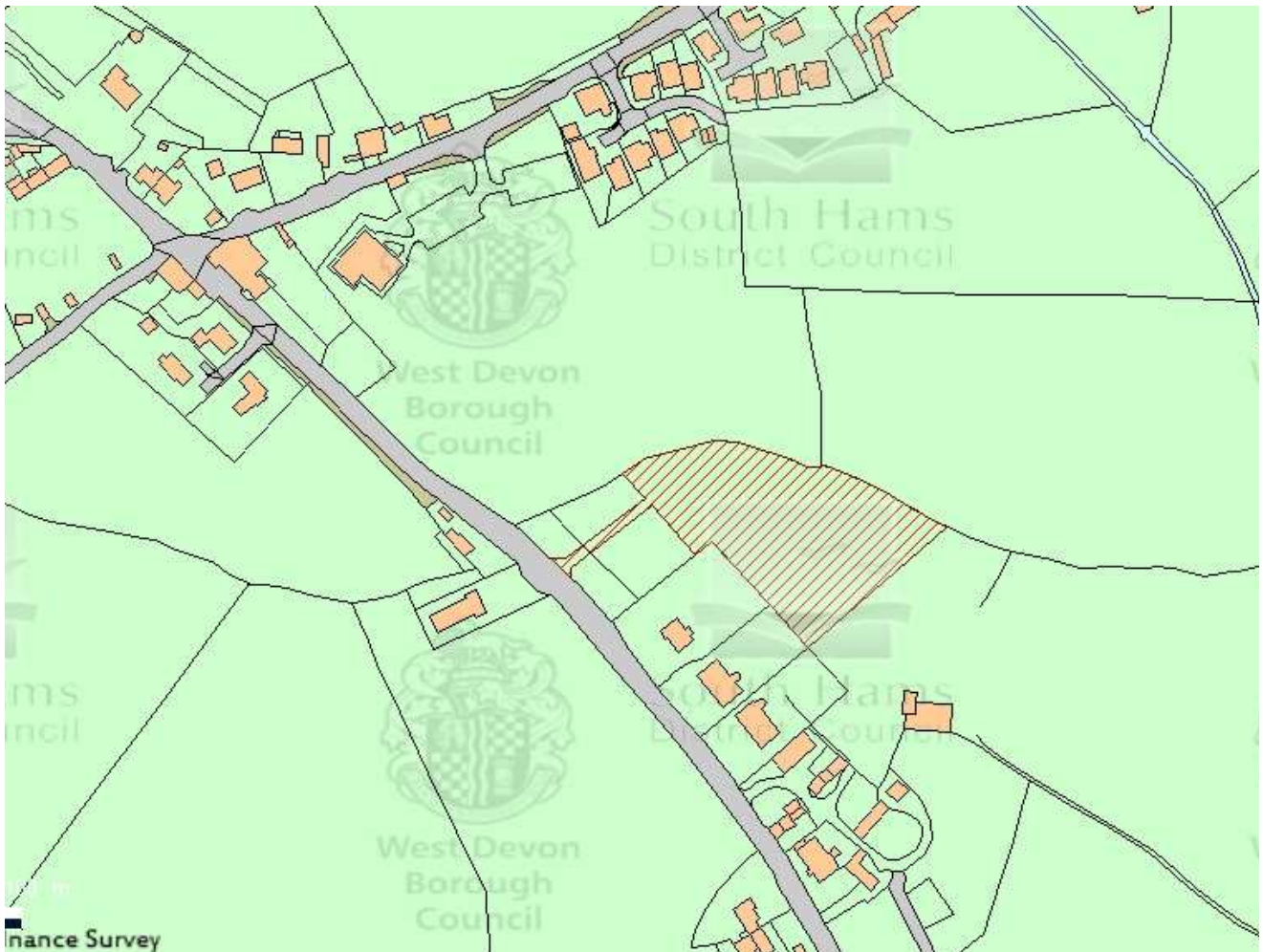
R Holland
Holland Farm
Tavistock
PL19 0QT

Site Address: Development site at SX 447 766, East of Summer Green, Lamerton

Development: Outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and access road

Reason taken before Planning Committee:

Cllr Baldwin has requested that this scheme be determined by Planning Committee as *'The pattern and size of this application is a significant development for a 'sustainable' village with limited facilities and amenities, that has already had a number of applications for new dwellings approved in the past 2-3 years; should be fully considered by the DM Committee.'*



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

Conditions

Reserved matters time
Reserved Matters details
Accord with plans
Surface water drainage strategy prior to commencement
Surface water adoption and maintenance strategy prior to commencement
Construction phase drainage strategy prior to commencement
Details of connection to and condition of receiving watercourse prior to commencement
Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
TEMS Mitigation Strategy
Landscape Plan prior to commencement
CEMP prior to commencement
Accord with details of Arboricultural Work and Tree Protection Plan
Highways work prior to commencement
Highways construction infrastructure prior to commencement
Unsuspected contamination

Planning Obligations

- 4 on-site Affordable Housing units (with the mix and schedule to be determined with the Affordable Housing Officer) and a commuted sum of £7,250. Contingency to be built into S106 in the event RP cannot be found)
- A sum of £35,650 towards improvement and maintenance of play, sport and open space facilities at the Lamerton Sports and Community Centre (including associated play area and playing field)
- A formula based Biodiversity contribution to mitigate recreational impacts upon the Tamar Valley SAC (delivered by condition)
- £52,597 in Education contributions (£44,369.00 towards Primary School infrastructure, £4,978.00 towards secondary school transport and £3,250.00 towards early years provision)

Key issues for consideration:

The main issues are the principle of development, access and parking, and highways safety, visual impact, land contamination, drainage, and any impact upon the amenity of neighbouring properties. Officers must consider the proposal against the Development Plan, the emerging Joint Local Plan, and the emerging Neighbourhood Plan and national policy.

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

It is estimated that this development has the potential to attract New Homes Bonus of £17,032 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site is agricultural land adjacent to the Lamerton Settlement Boundary. Access is via a new track which passes between two semidetached properties recently constructed to the west (the Summer Green development approved under ref 01278/2014).

To the north and north east is a tree lined boundary separating the site from the community playing fields and village hall beyond. This boundary also forms the edge of the Lamerton Settlement Boundary, which abuts the site. To the east and south east is the remaining land forming the larger agricultural field. To the south is the residential curtilage of a neighbouring properties 'Treacle Pot' and 'The Haven'. The site is an approximately 200m walk up the main road to the crossroads which provides safer pedestrian access into the village. The crossroads is also the location of the Public House 'The Blacksmith's Arms'. It is approximately 370m to the village hall and associated playing field.

The site falls within the area of the emerging Lamerton Neighbourhood Plan, which is at Regulation 14 Stage. The Plan is within the process of allocating sites to deliver growth over the plan period. The application site is not a preferred site within this document

Aside from being within designated countryside and adjacent to the Settlement Boundary, the site is free of specific planning constraints. However it is within an area of undeveloped space that some members of the community call the 'Green Triangle', owing to its verdant and undeveloped character the physical separation and relief it provides between the built settlements of Rushford and Lamerton. The emerging Neighbourhood Plan also identifies this area.

Rushford is a linear hamlet which follows the road to the south, with Lamerton a larger, more dispersed settlement to the north and north east. .

The Proposal:

This is an outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and the access road. All matters except access are reserved at this time.

However, the scheme is submitted with an indicative plan which identifies a potential layout and housing mix, to aid the Council in its assessment. The scheme is also supported by:

- Ecological assessment
- Surface water drainage assessment identifying attention system and discharge to River Lumburn
- Land contamination report
- Landscape Visual Impact Assessment
- Design and Access Statement

The drainage strategy was submitted during the life of the application, following concerns raised by Devon County Council as the Lead Local Flood Authority regarding the very basis SuDs scheme indicated within the layout plan. In addition, small changes have been made to the Design and Access Statement and the Site Location Plan, reducing its size. These changes have been accepted by the Local Planning Authority without prejudicing the rights of any interested third party

Consultations:

- County Highways Authority

No objection subject to conditions

'The access to the highway has already been provided to a sufficient geometry, visibility and construction standard (up to base course level) to serve as a suitable access to the proposed development. There are no objections from a highway safety point of view.'

- Tamar Valley AONB

No comments

- WDBC Affordable Housing

No objection – 'I have asked that the agent/applicant tries to see if there is an RP that would take on 4 units but I suspect that if we applied the % of rent to the % of intermediate home ownership, that this would be too few for an RP to take on.'

Therefore within the s106 can we include the possibility of an RP and also if these are all for Discount Market Sale that we include some standard provisions. These would include:

- *the discount applied will be at least 20%*
- *Initial sale of properties advertised through Help to Buy SW at a cost to the applicant.*
- *Applicants verified for eligibility through Help to Buy South West at a cost to the applicant*
- *Subsequent sales as per the above with current owner paying*
- *Subsequent sales, need to provide 3 estate agents valuations and the average will be used.*
- *Permission will need to be approved through Help to Buy SW.*
- *Land registry charge needs to be applied to the properties to ensure that sales do not happen without approval of the council or Help to Buy SW.*

We do have standard clauses/provisions but I can provide these to the lawyer if the application is granted consent.'

- Devon and Cornwall Police Architectural Liaison

No objection – 'Thank you for requesting consultation on the above outline planning application. I would like to advise that the Police raise no objection to the planned proposal and from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective it is considered that the current layout is positive.'

- DCC Education

No objection, request planning obligations

'The primary school within a 1.5 mile radius of this development is Lamerton Primary School. There is no forecasted surplus capacity at Lamerton Primary School to mitigate the impact of this development, so we are requesting a contribution towards primary school infrastructure. A development of 13 family dwellings is expected to generate 3.25 primary aged pupil and we are therefore requesting £ 44,369.00 (being £ 13,652.00 (the primary extension rate x 3.25). The designated secondary school is Tavistock College which has capacity to mitigate the impact of this development, so no request is made for secondary education infrastructure

No primary education transport is required.

However, because of the distance from the development to the designated secondary school, Tavistock College, a request for a contribution towards secondary school transport is made. A development of 13 dwellings is expected to generate 2 secondary aged pupils (13 x 0.15). The current cost of transporting pupils from Lamerton to Tavistock College is £ 2.62 per student per day. So, we are requesting £ 4,978.00 (being £ 2.62 x 190 days in the academic year x 5 years at secondary school x 2 pupils).

Devon Education Authority is also requesting £3,250.00 towards early years provision as there is no funded provision in the area. Early years provision is sought at a rate of £250.00 per dwelling based on the estimated delivery cost of provision applied to the number of dwellings the provision would serve.'

- WDBC Biodiversity

No objection subject to conditions and planning obligation

'Onsite biodiversity

The application is supported by a Preliminary Ecological Appraisal (PEA) by JL Ecology, dated May 2017. The PEA advises that the site comprises an improved grassland field, bounded in part by species-rich and species-poor hedgebank. The hedgebanks are proposed to be retained, and abutted by residential gardens, and as such detailed surveys for bats and dormice were not undertaken due to a lack of perceived impact on any potential usage by these protected species – such an approach is reasonable and proportionate. New planting is proposed (on the 'Strategic Landscaping Scheme' drawing) to strengthen the existing species-poor hedgerow, and to create a new south eastern hedgerow.

The ecology report also references potential for inclusion of features for bats and birds within the buildings. The hedgerows and wildlife provisions should be reflected within an EMES/Landscape Scheme at Reserved Matters, as referenced in the condition below.

Recommendation – no objection subject to condition

Condition

An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme and demonstrating a net gain in biodiversity.

Offsite biodiversity

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Tamar European Marine Site (EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results, MBA, March 2017).

The Study clarified and confirmed a 12.3km ZOI around the Tamar EMS. The proposed development site within this ZOI for the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Tamar EMS (put another way, without mitigation the new residents in combination with other development could have a likely significant effect on the Tamar EMS).

This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that:

'In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will

then set out the charge that will be applied to all new dwellings and tourist developments within a 'Zone of Charging' as set out in Policy SPT13 'European Protected Sites – mitigation of recreational impacts from development'.

The Strategic Access Management and Monitoring Strategy (SAMMS) list is currently being finalised, with a view to being agreed through Duty to Cooperate and Natural England (and will ultimately inform the JLP SPD) – this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering.

Until the time that the SAMMS list has been formalised, the existing per dwelling figures are being used from the Plymouth Travel To Work Area, as have previously been used by Cornwall Council, Plymouth City Council and SHDC and as are reflected in the proposed condition.

Recommendation – no objection subject to condition

Condition:

- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Informative: This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the following table once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team to arrange payment of the contribution.

<i>Dwelling size</i>	<i>Contribution per dwelling</i>
<i>1 bedroom</i>	<i>£17.16</i>
<i>1 bedroom flat</i>	<i>£23.99</i>
<i>2 bedroom house</i>	<i>£31.60</i>
<i>3 bedrooms</i>	<i>£33.93</i>
<i>4 bedroom house</i>	<i>£36.76</i>
<i>5 bedroom house</i>	<i>£40.38</i>

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of WDBC adopted policy SP19 and policies SPT11, SPT13 and DEV28 of the proposed JLP.'

- WDBC OSSR

No objection, suggest explore options for pedestrian link to playing field, request planning obligation

- Historic England

No objection

- South West Water

No objection

- DCC Lead Local Flood Authority

Initial objection, resolved to no objection following receipt of detailed surface water management strategy and details of drainage ditch. Request four conditions (detailed spec, adoption and maintenance details, condition of ditch and receiving water course and construction drainage scheme)

- Environmental Health Section

No objection, request unsuspected contamination condition

- NHS

No comments to make

- Landscape and Trees

No objection, subject to conditions

	<i>Comments</i>	<i>No objection</i>	<i>Objection</i>	<i>Conditions</i>
<i>Landscape Character</i>		✓		✓
<i>Visual Impact</i>		✓		✓
<i>Arboricultural Impact</i>		✓		✓

Landscape Character and Visual Impact

The submitted Visual Impact Assessment (EJFP; 2017.09) is noted. The document principally deals with visual amenity but references landscape character.

Officers have visited the site and considered the impacts from a number of local viewpoints, with an understanding of the local landscape character.

The site is within the most northerly part of Devon Character Area (DCA) – River Tavy middle valley and close to the adjacent DCA – Tamar Upland Fringe where similar characteristics are noted as the land rises to the ridge beyond, above Lamerton to the north. Both these character areas are noted for their high scenic value and limited settlement; with villages nucleated. Pressure from continued village expansion has the potential to adversely impact on the rural and historic character, and setting to the Tamar AONB (approx. 1.3 km to the west). Locally it is within Landscape Character Type 3G River valley slopes and combs.

The proposed development is located on the village fringes within an area valued locally as the ‘green triangle’. It brings the settlement pattern away from the current linear form along the road frontage. It is pastoral with wetland plant indicators, highlighting the presence of numerous springs and streams locally. Traditional hedgebanks exist along the northern boundary with the playing fields, and contain a number hedgerow trees. These landscape features are retained and provide screening to the north. Whilst this will see some encroachment into the triangle, beyond the roadside development pattern, it will have a limited visual impact more widely and is associated with the more recent Summer Green development.

As noted, visually the proposal is relatively constrained by existing development and boundary vegetation reducing open views from local sensitive receptors.

Mitigation will be required along the eastern boundary, and opportunities sought to plant orchard trees. Building materials should reflect the local vernacular and with an awareness to the Conservation area – of granite and slate, partially embraced at Summer Green.

Arboricultural Impact

The submitted AIA (Doug Pratt; 2017.05.26) I noted and establishes the constraints for the outline application. Careful consideration will need to be given to the boundary trees and their longer term maintenance as these contribute to screening, noting their historic management. Further mitigation would be sought to address longer term retention of these important features.

Recommendation

No objection subject to RM conditions

1. Landscape – design, planting schedule and maintenance
2. Tree Protection Plan and planned management of trees

- Lamerton Parish Council

Objection – ‘Please be advised that the Lamerton Parish Council has unanimously refused the above application. Our detailed objections are listed below and we would expect the support of West Devon Borough Council in upholding the Lamerton Parish Councils decision on this matter.

The Joint Local Plan (JLP) clearly states in its Introduction that the West Devon ‘Our Plan’ (WDOP) would be pursued as a Corporate Document (section 1.8). Section 1.10 of the JLP states that all of the work undertaken under the WDOP has been taken forward into the JLP process. Section 1.21 clearly states that “For South Hams and West Devon the JLP will sit alongside their ‘Our Plan’ corporate policy documents”. With regard to this site, known as Ref: WD_44_03_08/13 St.John’s Lamerton within the WDOP the following should be noted:-

Under the heading Landscape & Ecology the WDOP states – “The site encroaches into the “Green Triangle” which is an important feature of the village. Any development should be kept close to the existing building line to limit impact on this landscape character”.

This site application clearly encroaches into the Green Triangle and is therefore contrary to the JLP/WDOP. Furthermore, this entire site sits outside of the current Settlement Boundary.

The site identified within the WDOP was assessed as having a site potential for 10 dwellings. It was also noted that there was a live application for 4 units.

These 4 units have now been built leaving a balance of 6 potential properties. It should also be noted that access through the Village Hall playing field was refused and as such pedestrian access to the very few village amenities is via a main road without footpaths and with an officially proven traffic speeding problem. This application is for 13 dwellings in addition to the 4 already built. This would take the total number of dwellings to 17, almost double the amount considered suitable by West Devon. This level scale of development is contrary to the JLP/WDOP.

Within the WDOP, the map highlighting the outline plan for this potential development clearly indicated that there was no development behind any of the existing properties.

This application clearly indicates that development will be extended to behind existing properties. This application also clearly leaves room for further future development via the proposed field access gate. It should be noted that the landowner has alternative access into these fields and as such the need for such a provision is not necessary.

Figure 5.8 of the JLP indicates that Lamerton is a village which is “able to accommodate around 20 dwellings”. Allowing a 10% tolerance either way for the use of the word “around” this would put the number of dwellings within Lamerton at between 18 and 22 to be built by 2034. So far 6 dwellings have already been built and 6 have been approved. In addition, 4 conversions have been completed/proposed and there are two other applications outstanding, one for 1 dwelling, the other for 5. This takes the current increase in housing to 14 built/approved and 8 awaiting a decision from WDBC. (An additional Planning Application for two homes on the site of the Old Village Hall is also imminent, thereby increasing the list of home construction even further.)

The Lamerton Neighbourhood Plan, which is currently with WDBC, supports the development of a brownfield site known locally as The Old Dairy. This site has the potential for 12 dwellings which will enable Lamerton to exceed its development requirement for 2034 by 2018. It should also be noted that Lamerton Parish Council are also in dialogue, along with West Devon, regarding a potential development of 18 Affordable Homes on land adjacent to Green Hill.

In summary, not only has Lamerton fulfilled its requirement for new housing but it has the potential to exceed the requirement of 20 by over 150% (52 new dwellings) and with sixteen years of the JLP to run. Based on the requirements of the JLP/WDOP there is no justifiable need for this development.

□ Section 3.10 of the JLP states “most development in these locations will come forward through the strategic allocations both within the JLP and through neighbourhood plans”.

This application is neither part of any strategic allocation nor a part of the Lamerton Neighbourhood Plan. In the case of the latter, Lamerton parishioners have made it clear in their responses to the Lamerton Parish Questionnaire sent out in July 2016, that this site, due to its encroachment into the Green Triangle, is not supported. This was a 91% call in favour of retaining the rural nature of the Parish and, in particular, the Green Triangle.

Furthermore, if approved, this application would clearly contravene Section 3.10 of the JLP as “most” development will not have come from strategic allocations or through the neighbourhood plan process.

□ JLP Policy SPT1 clearly states “Efficient use of land is made for development, reducing the need for greenfield development” and that “The best and most versatile agricultural land is protected for agricultural use”.

The Lamerton Neighbourhood Plan has already identified a brownfield site (a site which also features within the WDOP) which will make for efficient land use and which will also allow the village, along with other identified/built developments to fully meet its new development obligation. Furthermore, the land for this proposed development is used for agricultural purposes and ought therefore to be protected in accordance with JLP Policy SPT1 3.1 and 3.4, particularly as more suitable sites within the village exist.

□ Section 5.2 of the JLP states – “The need to deliver a significant number of new, high quality homes and jobs is shared across the JLP area. By increasing the supply of homes in sustainable locations, and by providing a housing mix that responds positively to identified housing needs, greater housing equality can be achieved by rural communities which for a number of years have suffered from a rapidly increasing affordability gap.

The social implications of house price rises that far outstrip wage increases have seen a disproportionate amount of young people and working age families leave South Hams and West Devon for more affordable areas within cities such as Plymouth, Torquay and Exeter, or further afield. This has a negative impact on community cohesion and resilience in our rural settlements, which have previously been characterised by strong family networks and a continuity of local population. A demographic imbalance towards older age groups has been a feature of South Hams and West Devon over the last two census periods, and is projected to continue throughout the plan period.

If this issue is to be addressed then consideration and preference must be given to proposals which will provide a greater number of affordable homes (such as the potential Green Hill development which is under consideration and discussion within WDBC) and not high value private housing. The location of this proposed development, aimed at younger families, would also negate the need for accessing village facilities by car given the far safer walking environment.

JLP Strategic Objective SO6 clearly states that “To achieve and deliver a prosperous and sustainable South West Devon” it will:

Support bottom up planning processes in local communities by supporting the delivery of neighbourhood plans;

Preserve and enhance the natural beauty of south west Devon's countryside, protecting the countryside from inappropriate development, and maximising our environmental assets.

Neither of these objectives will be achieved if this application is approved. The Lamerton Neighbourhood Plan and the wishes of its parishioners will have been ignored. The countryside will not have been protected from inappropriate development given that a brownfield site is available.

JLP Section 5.10 “encourages communities to identify sites to meet these needs through neighbourhood plans”. The JLP also states that it will know when it has been successful when “Neighbourhood plans have driven the delivery of sustainable and thriving rural communities”.

The Lamerton Neighbourhood Plan draft, which is currently with WDBC cannot and should not simply be ignored. The plan is progressing, is at an advanced stage and well known to WDBC. Furthermore, this site is not a feature of the Lamerton

Neighbourhood Plan. If WDBC is seriously committed to the JLP and to supporting neighbourhood plans (JLP Policy TTV30) then this application cannot be approved.

JLP Section 5.156 states “It will be for neighbourhood plans themselves to determine which sites to bring forward for development, provided that they are consistent with the provisions of the JLP, whilst Section 5.157 states that “The LPAs support the preparation of neighbourhood plans as the means of identifying local development needs in the sustainable villages”.

The Lamerton Neighbourhood Plan must be allowed to run its course!

The site is known to have much below – surface water movement and is wholly unsuitable for domestic housing. The recently built homes – (numbers 1 to 4 Summer Green) are suffering from constant high free water levels on the site despite provision having been made for sustainable drainage/soak-away. It is known that the owners and tenants of numbers 1 to 4 Summer Green have been denied the right to object to this proposed development by the developer.

EJFP Planning in their Planning Statement dated June 2017 claim in section 2.4 “that the site has been recognised as appropriate for development in the West Devon Local Plan and the draft Joint Local Plan for Plymouth, South Hams and West Devon.”

This is incorrect. It is true to say that the site was one of several ‘worthy of some consideration’ as outlined in point 1 above. However, as previously stated the potential for development was for a maximum of 10 dwellings, (of which 4 have already been built) and not the total of 17 now proposed. The originally proposed development did not extend behind existing established properties.

EJFP Planning highlight a number of points within their Planning Statement dated June 2017 which they consider worthy of consideration in justifying this application

In section 2.7 they claim “the additional housing will benefit the local community”

The local community has clearly stated that development within the Green Triangle is highly undesirable. The local community has also made it abundantly clear it requires more affordable housing and yet the majority of houses will be sold on the open market with (based on the previous 4 houses built) a starting price in excess of £300k, far from affordable for young people within the parish.

□ In section 3.3 it is stated that “services are within easy walking distance, that there is a bus stop, that there are two existing employers not including the pub and that access to the proposed development will be via the gate situated between the pair of semis which comprise Summer Green.”

They fail to highlight that the ‘easy walking’ is along the main road which has no footpath at all and is an officially recognised area for speeding traffic.

They fail to mention that the country bus, the only public transport available, only operates once a day on three days of the week (and not within peak travel times), and not at all at the weekends, which is hardly a realistic alternative to the car as mentioned in section 4.4 and certainly not compliant with the intention of Policy SPT1 2.2.

They fail to mention that the two “small” employers have no employment vacancies and that they are both located along the main road with no footpath and from a safety perspective can only be realistically accessed by car.

They also failed to mention that the original plan for the Summer Green development made provision for farm field access, not for the provision of future development. Furthermore, planning approval for the Summer Green development was in part granted on the basis that it “supported the containment of the settlement without necessary sprawl into the countryside”.

□ In section 3.20 comparisons are drawn to the planning application that was granted under reference 3244/16/OPA, Ashton Court. A number of things should be recognised:-

Firstly, the size of the development and the amount of traffic entering onto the main road.

Secondly, that the visibility levels at Ashton Court are far better, making the roadside walking safer both for the pedestrian and the driver. The Ashton Court site is also closer to village facilities.

Thirdly, that the site was classified as infill, (as was the case for Summer Green), and not a significant expansion into greenfield as is now the case in this instance. In fact, the Officers Report dated 08/05/17 stated “The residential development of the site, to the scale suggested, will read as an infill plot and the character of the street scene and the surrounding countryside will be conserved”.

Fourthly, neither the Lamerton Neighbourhood Plan nor the Joint Local Plan were at an advanced stage at the time of 3244/16/OPA and thus policies, housing needs and other considerations do not bear comparison.

□ Section 9.7 is however, well worthy of consideration. The section highlights the need for affordable housing and in section 9.8 indicates that this application will support a 30% provision for affordable housing.

By contrast the potential Green Hill site will provide a far better mix of 18 dwellings ALL of which will come under the banner of Affordable Homes which will be of far greater benefit to the families and residents of the local community!

□ Section 10.15 makes the claim that the “local bus stop and good quality footways offer a choice of transport means.”

The main road has NO footpath and as previously indicated in 10.2 above the bus only operates once a day (and not within peak travel times), three days a week and not at all at weekends.

□ *Included within the supporting documentation of this application is a non-independent Visual Impact Assessment dated 30/10/17.*

The photographs and claims of this document are questionable. To claim that a Devon Bank to the east of the development will reduce the impact on the householders is simply absurd. The development directly faces 6 of the affected households and cannot be hidden from view.

As for the broader visibility of the site the two photos below clearly indicate just how visible the development would be from just two local vantage points. In both photos, taken with a 50mm lens equivalent to the naked eye and from a basic standing position (it is unknown how the photos of this report were taken) the existing properties at Summer Green are clearly visible. We would also calculate the development area as closer to 3% rather than the 1.8% quoted in section 2.3.'

Representations:

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

- Will set a precedent
- Will diminish private views and affect house prices
- Not compatible with village character
- Encroaches harmfully into 'green triangle' area
- There is not adequate parking provision
- Will lead to traffic congestion and highways safety issues
- There is no footpath connecting the site to the village
- Will have an unacceptable impact upon neighbouring properties
- Does not accord with the Development Plan
- Does not accord with the emerging Joint Local Plan
- Does not accord with the emerging Neighbourhood Plan
- Is detached from the village and its services
- There are errors within the submission
- The ecological report fails to fully address ecology
- Will be harmful to the grade II* 'Trevenn'

Relevant Planning History

Other Sites

01278/2014 - Outline application for 4 dwellings including consideration of access, layout and scale – Conditional Approval (Implemented)

3244/16/OPA - Outline planning permission with some matters reserved for proposed erection of 5 dwellings and improvement to access – Conditional Approval

1462/17/OPA - Outline application with some matters reserved for erection of 2no. semi-detached houses and 3no. detached houses – Conditional Approval

2242/17/OPA - Outline planning permission with all matters reserved for Erection of a two bedroom bungalow – Conditional Approval

2568/17/OPA - Outline planning application with some matters reserved for erection of dwelling – Conditional Approval

Analysis

Principle of Development/Sustainability:

Despite concerns raised regarding the inadequacy of public transport serving the area, Lamerton is a village within which new residential development is accepted in principle in the current Development Plan. This designation of Lamerton as a sustainable location for additional growth is retained within the emerging Joint Local Plan, where an indicative figure for 20 dwellings within the Plan Period is given. The application site is adjacent to but outside of the Settlement Boundary, and therefore technically within designated countryside.

The Council cannot currently demonstrate a five year housing land supply and consequently paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged in respect of this planning application.

Paragraph 49 of the Framework indicates that in such cases relevant policies for the supply of housing should not be considered to be up to date and paragraph 14 makes clear that where the development plan is absent, silent or relevant policies are out of date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (the 'tilted' balance).

Whilst policies may be considered out of date that does not automatically mean that no weight should be attributed to them. However, officers conclude that the Borough's Housing policies should be attributed only very limited weight in this case.

A recent appeal decision within the West Devon Village of Crapstone has also clarified the weight that should be currently attributed to the housing policies within the emerging Joint Local Plan. In that decision, the Inspector stated that *'Given that the plan is a joint one between three authorities, that much of the land is either within the National Park or AONB and that objections to various policies exist, I consider that date to be overly optimistic. It follows that the lack of a five year supply of housing will continue for some time yet.'*

Also of interest, within his decision the Inspector also stated that, with regard to the site's location outside of the Crapstone Settlement Boundary, that *'I also note that a large majority of the proposed allocations for West Devon contained within the emerging Plymouth and South West Devon Joint Local Plan (JLP) are outside of current boundaries.'*

In this case, the site is on the periphery of the settlement and is considered to be within walking distance to the services within the village. Although pedestrian access to the village will necessitate walking along a 200m stretch of the busy main road, there is a notable absence of pavements in Lamerton generally, and, in addition, the Council has consistently approved new residential development along the main road, in many cases where a longer walk is required. As such, the site is considered to be acceptable for residential development in principle, subject to all other material planning considerations.

Other site approvals

To elaborate, the Council has consistently approved new residential development in the area around the hamlet of Rushford, where walking would be within the confines of the roadway. In the cases of 2568/17/OPA, 2242/17/OPA and 1462/17/OPA, these sites are all significantly further away from the Settlement Boundary, and further away from Lamerton's services than the land east of Summer Green.

Also, although the majority of approvals have been for infill development which respects the linear form of Rushford and the area of Lamerton at the cross roads, last year the Council also approved residential development in and behind the linear form, at Kooshti Bok, where five dwellings are approved in a similar style, behind the main line of the settlement.

As such, the Council has approved numerous sites with shared characteristics or which are a further walking distance from the Settlement Boundary. These approvals are material planning considerations which weigh heavily in favour of this proposal.

The benefits of the proposal

The scheme will provide a social benefit through the housing provisions and an economic benefit during the construction phase and through increased footfall to community facilities and services. The social contribution, within the context of the absence of a five year land supply, is considered to be significant.

Design/Landscape:

The scheme is located behind the four dwellings at the Summer Green development, and shares its access. There will therefore be limited visual intrusion when viewed from the main highway serving the site. Views will be oblique and glimpsed between existing buildings. There will be no new vehicular access, which can in itself often cause visual harm. The site will be viewed from the playing fields and the area around the village hall, but these views will be filtered by the tree lined boundary and by the fall of the land.

The site does impinge upon what many in the community, and the Neighbourhood Planning Group have identified to be the 'Green Triangle': the rough triangle of open farmland which provides physical separation between Rushford and Lamerton. Although this area has no formal designation within the Development Plan, it is identified in the emerging Neighbourhood Plan and is a green space which undoubtedly provides a buffer between the two distinct settlements, and provides a positive contribution to the character of the area.

The proposal will intrude into this space, and will therefore diminish the importance of this area to an extent. However, the size of the development is very small in relation to the retained open land between the two settlements, and the vast majority of its open farmland will be retained.

In addition, although the Green Triangle provides a contribution to the area as undeveloped, open space, the application site itself is not considered by officers to be prominent or to provide a fundamental contribution to the space. Furthermore, the land is viewed when travelling along the elevated, southern approach to Lamerton, but otherwise public views of this extensive green space are surprisingly limited, and in many cases are restricted to glimpsed views between houses. As identified within third party letters, many views of the Green Triangle occur from private houses, the protection of which is not a material planning consideration.

As such, although the residential development of the site will have an impact upon existing landscape character, due to its size in proportion to rest of the Green Triangle, its close relationship with existing adjacent residential development, the distance of the site from many of the public views, and coupled with the significant retained open land around the development site and the remaining swathes of undeveloped land within the Green Triangle, this harm is identified by officers to be very limited.

In the specialist consultation response, the Council's landscape officer is not objecting, stating that *'These landscape features are retained and provide screening to the north. Whilst this will see some encroachment into the triangle, beyond the roadside development pattern, it will have a limited visual impact more widely and is associated with the more recent Summer Green development. As noted, visually the proposal is relatively constrained by existing development and boundary vegetation reducing open views from local sensitive receptors.'*

Overall, officers acknowledge the contribution of the Green Triangle, and understand the comments raised by the Parish Council and interested third parties. However, officers are of the opinion that the impact upon landscape character will be limited, and will not significantly and demonstrably outweigh the social benefits of the application, within the context of the current under delivery of housing within the Borough.

Neighbour Amenity:

The scheme is located to the rear of the properties along the main road. It is directly behind the properties at Summer Green, in addition to Treacle Pot and The Haven.

Although the two storey properties shown are 13m to the shared boundary with Treacle Pot and The Haven, these properties enjoy long gardens, and the actual indicated distance from property to property extends to approximately 45m. Ground floor overlooking can be prevented by suitable boundary treatments.

The proposed dwellings at the entrance to the application site are closer to the new Summer Green housing, but show their flank wall to the neighbouring dwellings and, in the case of unit 1, a bungalow is shown. Neighbour relationships between the proposed dwellings is also acceptable.

The proposed dwellings are generally located to the north or north east of existing properties, and therefore there will be no or extremely limited loss of direct sunlight towards neighbouring dwellings. The dwellings will not present any unacceptable dominance towards neighbours.

Overall, the indicative plans allow officers to conclude that this quantum of development can be achieved without an unacceptable impact upon neighbouring properties.

Ecology and Drainage

The Council's ecologist has identified that no harm to protected species will arise, and has recommended that ecological benefits are provided through a LEMP and at the Reserved Matters stage.

The applicants have evidenced that on site surface water soakaway is not a viable option, and have proceeded down the drainage hierarchy to arrive at an on-site attenuation system, with water slowed down and to the greenfield runoff rate and eventually discharged into an existing ditch on the site through the adjacent field and finally into the River Lumburn. Although Devon County Council originally objected to the scheme due to a lack of information and the poorly illustrated SuDs scheme originally suggested, following the submission of additional information they are now content to support the attenuation drainage strategy subject to appropriate conditions regarding the detailed specification and the existing state of the drainage ditch.

Highways/Access:

The scheme uses the existing vehicular access serving Summer Green. Regarding which, the highways officer, offering no objection to the proposal, states that *'The access to the highway has already been provided to a sufficient geometry, visibility and construction standard (up to base course level) to serve as a suitable access to the proposed development.'*

The Council does not require minimum parking standards through any specific planning policy, and officers are satisfied that the indicative plans identify adequate land within each curtilage to provide suitable parking provision for each residential unit.

There is no evidence that the vehicular movements associated with this housing development will materially increase congestion within the area.

The Neighbourhood Plan

The Neighbourhood Plan is at Regulation 14 stage, meaning that it cannot be afforded significant weight at this stage.

The Neighbourhood Plan It is not pursuing this site as a potential residential allocation, and has other preferences within the area. It does, however, identify the Green Triangle as an undeveloped green space which provides a significant positive contribution to the area socially and environmentally.

Other Matters:

The site is a significant distance from the II* listed building Trevenn and will not affect its setting.

The loss of private views is not a material planning consideration.

Officers do not agree with the Neighbourhood Planning Group that the comments made supporting the now defunct 'Our Plan' lead to an in principle objection to the scheme.

Conclusion

The Council's housing policies are out of date and the Borough does not have five year land supply of residential sites. As such, the weight to be attributed to the conflict with the Council's housing policies is limited. Pursuant to paragraph 14 of the Framework, the Council should approve this scheme unless it considers that the adverse impacts significantly and demonstrably outweigh the benefits.

Numerous approvals for residential development in the area around the application site are together a significant material consideration which weighs in favour of this case.

Overall, the social and economic benefit of the housing provision is considered to outweigh the limited landscape harm due to the small incursion into the Green Triangle, the vast majority of which will be retained.

The proposal is therefore considered to represent sustainable development and is recommended for approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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
- SP13 – Community Services and Facilities
- SP14 – Accessibility Planning
- SP15 – Traffic Management
- SP16 – Safer Communities
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity

SP20 – Promoting High Quality Design
SP21 – Flooding
SP24 – Sustainable Rural Communities

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

NE10 – Protection of the Countryside and Other Open Spaces
BE5 – Important Open Space within Settlements
BE13 – Landscaping and Boundary Treatment
H31 – Residential Development in the Countryside
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network
PS2 – Sustainable Urban Drainage Systems
PS3 – Sewage Disposal
PS4 – Private Water Supply

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation

DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Lamerton Neighbourhood Plan

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.

Schedule of Conditions

1) In the case of any matter reserved by this permission, application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. The development to which this permission relates shall 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
- (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 permitted shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved in writing by the Local Planning Authority. These detailed drawings shall show the following:

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing and proposed site levels together with proposed slab levels;
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for parking and turning of vehicles in accordance with the Devon County Council's parking standards;
- (h) all other works including walls fences means of enclosure and screening.
- (i) the location, extent and layout of open spaces
- (j) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and their 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 permitted shall be carried out in accordance with the approved plans

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 has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed SuDS Plan (drawing No. 3001; Rev. A; dated 29th January 2018).

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

5) 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, in consultation with Devon County Council as the Lead Local Flood Authority.

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

6) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

7) No part of the development hereby permitted shall be commenced until an assessment of the condition and capacity of the receiving ditchcourse is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving ditchcourse which will be required to facilitate the development.

Reason: To ensure that the receiving ditchcourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

8) An Ecological Mitigation and Enhancement Strategy shall be submitted at Reserved Matters, to be fully integrated with the Landscape Scheme and demonstrating a net gain in biodiversity.

Reason: In the interests of biodiversity

9) Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of WDBC adopted policy SP19 and policies SPT11, SPT13 and DEV28 of the proposed JLP.

10) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of all areas of hard and soft landscaping, means of enclosure and any retaining walls.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be

carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

11) Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason: In the interests of residential amenity

12) No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on the Tree Protection Plan and associated Tree Survey

Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in advance by the Local Planning Authority.

No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value

13) 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 where it meets the existing private access road (Summer Green)
- B) The ironwork has been set to base course level
- 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 residents

14) 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 where it meets the existing private access road (Summer Green)
- B) The ironwork has been set to base course level
- 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 residents

15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [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

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Tavistock **Ward:** Tavistock North

Application No: 4426/17/FUL

Agent/Applicant:

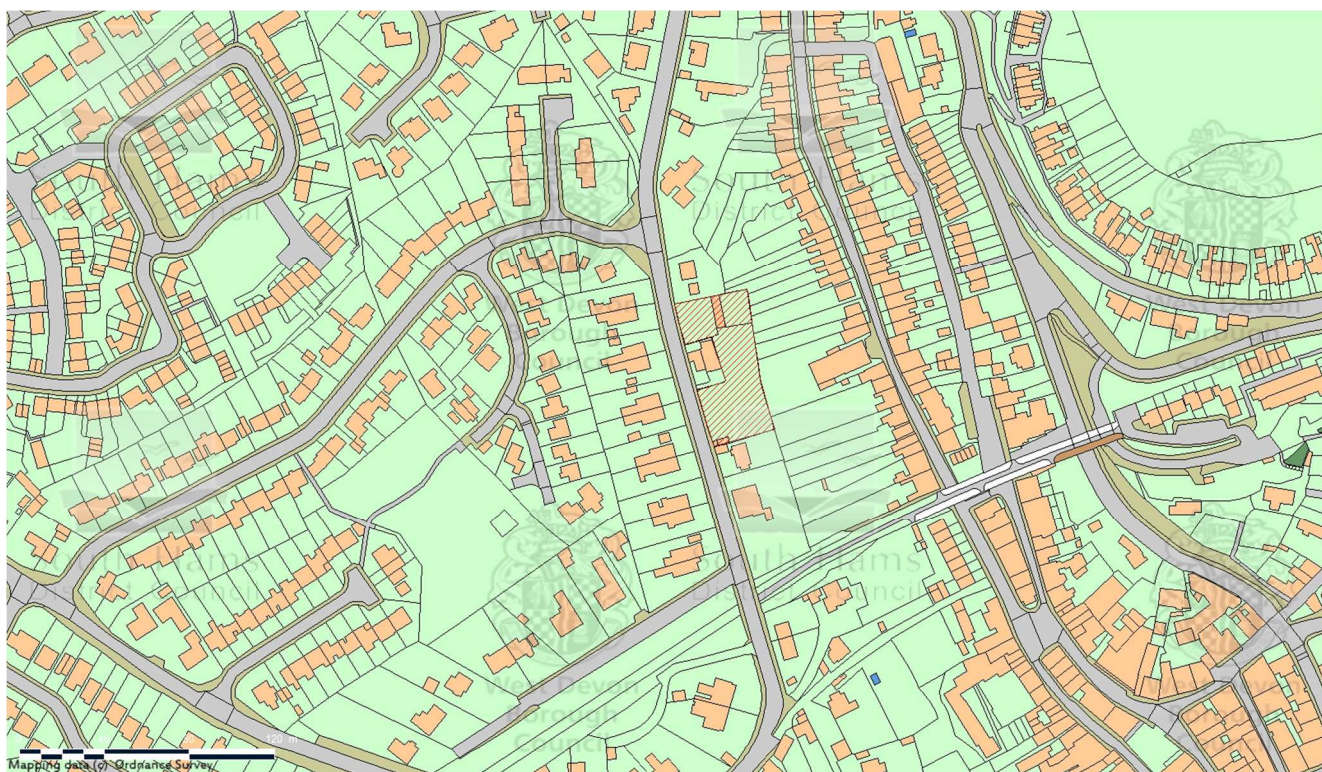
Mr D Pearce
Plumer House
Tailyour Road
Crownhill
Plymouth
PL6 5DH

Applicant:

Mrs Ilmarie Rencken
Hallowell Farm
Hensbury Lane
Devon
PL20 7LB

Site Address: Land adjacent to 24 Glanville Road, Tavistock, PL19 0EB

Development: Application for demolition of western boundary wall(s) and erection of 4no. dwellings (two pairs of semi-detached dwellings)



Recommendation: Conditional Approval

Conditions

Time

Accord with Plans

Joinery details prior to installation

String course, moulding details prior to installation

Stone walling detailing prior to installation

Eaves and verge details prior to installation

Render details prior to application

Rainwater good details prior to installation

Roof specification prior to commencement

Land stability specification prior to commencement

Drainage details prior to commencement

Construction Drainage details prior to commencement

Landscape plan prior to commencement

Accord with arboricultural mitigation and Tree Protection Plan

Universal land contamination condition

Verification Report

Unsuspected contamination

Construction Environment Management Plan

Accord with recommendations of ecological report

Removal of Permitted Development Rights

Piling details prior to commencement

Key issues for consideration:

The main issues are the impact of the proposal upon the World Heritage Site and Tavistock Conservation Area, access and parking, land contamination and land stability, design and massing, drainage, landscape impact, arboricultural and ecological impact and any impact upon the amenity of neighbouring dwellings

Site Description:

The application site is an area of redundant land with a previous, historic association with the now subdivided dwelling '24/26 Glanville Road' as curtilage. Access is from Glanville Road to the west, from where the site drops down steeply from west to east, where it meets a retaining wall forming the east boundary. That wall retains the land above the steep rear gardens of properties off Bannawell Street, which themselves are significantly below the application site, at the valley floor.

The highway is to the west with residential dwellings and their curtilages to the north, east and south. The site surrounds 24/26 Glanville Road to its north, east and south sides.

The site is within the Tavistock Settlement Boundary, a Critical Drainage Area, the World Heritage Site and the Tavistock Conservations Area. The nearest listed buildings are grade II miner's housing on Bannawell Street, and the grade II listed Tavistock Viaduct. There are trees within the site and within its influence which, due to the site's location within the Conservation Area, are protected from felling.

Glanville Road is formed of Victorian villas, with the villas to the west of the highway set within a clear building line with frontages towards the highway. To the east are two Victorian dwellings, one of which has now been subdivided, which are perpendicular to the road and abut it. These have been joined by two modern in fill dwellings of limited architectural interest. All historic villas here are identified as positive buildings by the Council's Conservation Area policy documentation.

The Proposal:

Planning permission is sought for the demolition of western boundary wall(s) and the erection of 4no. dwellings. The dwellings are semidetached in a pair of buildings, one to the south of 24/26 Glanville Road and one to its north. The buildings seek to replicate the Victorian architecture of the dwellings to the west of the road, but the frontage of the proposed dwellings will face eastwards toward the valley, not towards Glanville Road.

The front boundary is formed of remodelled natural stone walls enclosing individual parking areas and a single storey kitchen element, which effectively extends from the roadside elevation and joins it to the boundary wall. Due to the fall in the land the accommodation is over three floors with use of mezzanines. Finish materials are render and slate, with the single storey elements having a low profile zinc roof.

The scheme is well supported by a variety of supplementary documents, which reflects the number of planning constraints which affect the site.

Please note, this scheme was deferred from a previous Development Management committee due to a third party voicing concerns regarding the accuracy of the Site Location Plan. The applicants have cross referenced the Site Location Plan with Titles Deeds information and the topographical survey, and have now submitted a revised Site Location Plan which the affected third party now raises no objection to.

Consultations:

- County Highways Authority

No objection subject to conditions – *‘Although the visibility splays shown from the private accesses on the application drawings has not been drawn correctly (they should be drawn to the same side of the road, not the centre line) the available visibility splays over the land forming the footway and carriageway is acceptable to serve the vehicular accesses and are commensurate with other private accesses in the vicinity of the application site.*

There are therefore no objections to the proposed development from a highway safety point of view and suitable conditions are recommended to be imposed on any planning permission granted.’

- Environmental Health Section

No objection subject to conditions

- Conservation Section

No objection subject to conditions – *‘The application follows pre-application discussion which gave a positive response to the principle of development along the lines submitted. The Heritage Assessment provides an accurate description of the site. The fact that the land was once landscaped garden is significant but the subdivision of ownership has resulted in neglect.*

Development of the site will not harm the OUV of the World Heritage Site – the villas here are peripheral to OUV with no direct mining related connections. The site is overlooking the workers housing of Bannawell St and there are views across the valley to Trelawney Road. The site is a distant part of the setting to the former workhouse (GII) and more closely the working area of Lakeside, including the grade II listed foundry building. The setting of the listed buildings will not be harmed by development and most may be said to be potentially enhanced. The main affected LB is the viaduct which is a monumental structure which will remain the dominant feature of the locality. Some views of the viaduct will be altered or even lost but there are so many vantage points from which to appreciate the structure that this is not a reason for refusal. The site will change when viewed from the viaduct, but again it is a

matter of the buildings being delivered as promised and supplemented by a very high standard of landscaping.

The character and appearance of the CA can be positively enhanced by a well-executed development of this kind.

The proposed architectural response is of a pastiche type, but that is an appropriate response here so long as the architectural details and materials are of a suitably high order. I suggest conditions to control materials, window and door details and all architectural details (eaves, string courses, sills etc).

Landscaping is of almost equal importance here and I recall this being stressed at pre-app. The information supplied is lacking in detail and it is most important that existing stone walls are retained and repaired. These contribute positively to the character and appearance of the CA and their repair should be seen as an essential element of any approved scheme. All new enclosures should be achieved either by stone walls or hedges - fences must be avoided. It is also very desirable that good landscaping involving specimen planting, with some high quality trees, is delivered on the site to complement the general character of the polite suburban parts of the town. Robust conditions are needed to secure these aspects of design as the land is so prominent in views of and within the CA.

With conditions to cover the issues I have identified I would support approval of this application.'

- Landscape and trees

Objection due to tree loss, suggest conditions 'The Tree Survey (Penpont Ecology Services Ltd; 2018.02) is noted. The ash has been assessed as a Category A tree: Trees which are significant and which must be retained wherever possible, within the layout. This position is confirmed by the Council's view that the ash has high amenity value and would warrant protection by a Tree Preservation Order. Disappointingly, the submitted scheme cites the ash tree for removal. This approach is not supported by the Council's tree specialist and significant weight should be given to the retention of important trees in the planning balance.

- Drainage Section

Objection resolved to no objection subject to conditions

- Tavistock Town Council

Support – 'However concerns were raised regarding; Drainage issues and potential effect on Bannawell Street, Appearance of elevation facing Glanville Road which is potentially unsympathetic to surrounding properties'

- South West Water

No objection

Representations:

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

- Design and proposed materials is not in keeping, particularly the flat zinc roof element and hardstanding
- Will lead to loss of public views
- Will harm Conservation Area and World Heritage Site
- Conflicts with the Council's Conservation policies
- Will harm setting of non-designated heritage assets

- Doesn't maintain building line
- The most appropriate elevation faces away from the street, with the rear to the highway
- Will lead to loss of space
- Is overdevelopment of the plot
- Will lead to highways safety issues
- Will lead to loss of on street parking
- Could lead to introduction of parking permit system
- Will lead to loss of amenity of neighbouring dwellings through dominance, overlooking and loss of light, noise and smells
- There are errors within the proposed plans
- Could prejudice integrity of retaining walls
- There are land contamination issues
- The site is a wildlife corridor
- The site provides drainage for the area
- Piling may damage historic structures

Relevant Planning History

11940/2008/TAV - Erection of four dwellings – Refusal

Analysis

Principle of Development/Sustainability:

The site is within a sustainable location within the Tavistock Settlement Boundary, where new residential development is accepted in principle, subject to all material planning considerations.

The Council cannot currently demonstrate a five year land supply of residential sites, and the presumption in favour of sustainable development applies, subject to the caveat provided by footnote 9 of the Framework.

Design/Massing/Heritage:

The legibility of this area as a large garden serving what is now 24/26 has been significantly eroded by previous residential infill and the degraded state of the site and boundary walling. The principle of its development from a heritage perspective is therefore accepted.

The existing site including its walls, the herring fencing, contaminated land and unkempt state presents a negative contribution to the street scene and its heritage designations. The proposal includes the consolidation and rebuilding of historic boundary walling, which officers consider to be a significant enhancement of the site.

Turning to the proposed layout, officers acknowledge the comments made by third parties with regard to the building lines in Glanville Road. The dwellings on the west side of highway are set within a clearly identifiable building line and any infill on that side of the street would be expected to comply with both the existing building line and grain of development. However, the east side of this part of Grenville Road, where the application site is, is formed of two historic dwellings perpendicular to the road and tight to it, and with their flank walls facing the highway. They have been joined by two modern infill dwellings which do not respect the original location or orientation of their older neighbours.

As such, there is no longer a clearly identifiable grain of development or building line on this side of Glanville Road that this proposal is required to adhere to, and officers support the location and orientation of the buildings as proposed. Setting the buildings back allows for parking and turning areas to be provided.

Similarly, the existing buildings turn their sides to the highway, and do not represent a uniform frontage. Indeed, one of the dwellings has a simple porch canopy which extends and connects the dwelling to the boundary wall, and it appears that the applicant has taken reference from this with regard to the single storey forward elements of the proposed dwellings. Zinc is not a material common to the vernacular, but this element is considered by officers to add a degree of interest to the proposal.

Officers note that the four units are large family homes and the scheme has an absence of housing mix. However, it is of fundamental importance that the proposal protects heritage designations and fits in to the street scene, which itself is formed of high status, generally large dwellings. In addition, officers view it as unlikely, owing to the significant constraints of the site, that it would provide a suitable opportunity to secure smaller, more affordable units for the community. Officers are therefore satisfied, in the circumstances, that the housing mix, or lack of, is acceptable.

Officers are satisfied that the plot, building and garden ratios are acceptable, and in keeping with other sites in Glanville Road. Officers note that the scheme will provide a far greater relationship than that achieved through the subdivision to create 24/26 Glanville Road.

Overall, and with the quality of detailing and finish materials secured through condition, officers are satisfied that the proposed buildings will provide a positive contribution to the street scene and a social benefit to the community through the housing provision.

Other Heritage Impacts

The openness of the site currently provides public views of the Conservation Area and World Heritage Site to the east, for example, views of the listed viaduct and the Bedford style housing on Trelawney Road. However, these are not intention or strategic views, and they only occur as a consequence of the unsightly alteration and removal of original boundary walling. In addition, there are numerous other views.

The public benefit of the views that the site provides are considered to be offset by its own negative contribution through its incongruous appearance. As such, officers do not consider the loss of the public views through the site as a consequence of its development to be harmful to the character and appearance of the Conservation Area, the setting of any heritage asset nor the Outstanding Universal Value of the World Heritage Site.

The specialist Heritage Officer has stated that *'The main affected LB is the viaduct which is a monumental structure which will remain the dominant feature of the locality. Some views of the viaduct will be altered or even lost but there are so many vantage points from which to appreciate the structure that this is not a reason for refusal. The site will change when viewed from the viaduct, but again it is a matter of the buildings being delivered as promised and supplemented by a very high standard of landscaping.'*

Trees and Landscape

The Council's landscape team are not objecting on landscape grounds, but have identified harm through the loss of a tree which, by nature of its impact within the Conservation Area, is protected. The tree officer has stated that *'The Tree Survey (Penpont Ecology Services Ltd; 2018.02) is noted. The ash has been assessed as a Category A tree: Trees which are significant and which must be retained wherever possible, within the layout. This position is confirmed by the Council's view that the ash has high amenity value and would warrant protection by a Tree Preservation Order. Disappointingly, the submitted scheme cites the ash tree for removal. This approach is not supported by the Council's tree specialist and significant weight should be given to the retention of important trees in the planning balance.'*

Although the comments of the tree specialist are noted, officers are also aware that the tree cannot be retained within the proposed layout due to the location of the north unit. Although the lack of a

discernible, uniform building line does allow for a degree of flexibility, officers would not support dwellings to the complete rear of this site and, as such, it is likely that any dwelling that can be supported in the north of the site would lead to loss of the tree.

That leaves officers in the position of protecting the tree and effectively causing the sterilisation of the site, or accepting its loss in an otherwise acceptable development. As such, officers accept that the Ash cannot be retained within this layout or any which provides residential development in this location, and the social benefit of the housing provision is considered to outweigh the environmental harm associated with the felling of this high specimen ash tree.

Neighbour Amenity:

With regard to no.26a, the impacts upon the property are commensurate to the neighbour relationships between other properties within the street. Similarly, the dwelling 'Seven Tors' maintains an acceptable distance and relationship from the south units; although the setback will provide a small degree of dominance, the distance between the two buildings reduces this significantly. Any overlooking towards these properties will be oblique and not of such significance as to warrant refusal of the scheme. Views toward the properties on the west of the highway will be commensurate to existing neighbour relationships and views from the highway, and the properties off Bannawell Street are set significantly down below the site, to the extent that they will not be negatively affected by this proposal.

Number 24/26, by nature of its location within the centre of the site, will be more affected than other properties. The units to the south of 24/26 are considered to be at a sufficient distance and orientation as to provide an acceptable neighbour relationship. Although these properties are to the south, the distance between the two buildings and location due south will prevent any significant loss of sunlight or dominance. Loss of views of the viaduct and other heritage designations from private spaces is not material to the outcome of this application.

The units to the north are closer to 24/26 and, coupled with the set back of the building, this will lead to a degree of dominance towards these neighbours, particularly to the rear garden serving no.24. However, the proposed units here will be due north and, as such, there will be not loss of direct sunlight to neighbouring areas. Overall, although officers do acknowledge that the close proximity and set back will lead to a degree of dominance, within this urban context, this impact is, on balance, considered to be acceptable. The outlook of no.24/26 and its garden is overwhelmingly to the east, and the proposed development will not lead to the loss of aspect from these areas.

No.26 does have a window to the north elevation which will be affected by a degree of loss of daylight and passing overlooking from the external stairs and hallway window, but this window itself also serves a hallway, not primary accommodation, and the overlooking towards it will be limited in any case. Similarly, any oblique overlooking from the external staircase towards the rear garden of no.24 will be limited, and is an acceptable impact given the urban context, and degree of mutual overlooking between properties that already exists throughout this area.

Overall, although officers accept that there will be a degree of impact, the proposed development is considered to render an acceptable impact upon the amenity of neighbouring properties.

Drainage

The applicants have demonstrated that soakaways are not viable for the site and are instead suggesting an attenuation system prior to discharge to the combined sewer. South West Water have issued no objection to that approach, and the Council's drainage engineer are satisfied that the specification of the attenuation system will satisfactorily slow down surface water runoff, protecting neighbouring land from any additional flooding risk.

There was an outstanding concern from the Council regarding future maintenance arrangements and the sharing of the attenuation system, but the applicant has produced a plan indicating means of access

to prevent future disagreements which could prejudice the operation of the drainage management system, The Council's drainage engineers now have no objection to the proposal.

Officers acknowledge that the contamination of the site and its topography could potentially lead to discharge down to Bannawell Street during construction, and therefore have added a condition to this recommendation requiring details of the construction phase drainage strategy prior to the commencement of development.

Ecology

The applicant's ecology survey does not identify any use of the site as a 'wildlife corridor', and the Council agrees with its conclusions that the site is of limited ecological value. Nonetheless, ecological enhancements are recommended within the ecological appraisal, and these will be secured by way of planning condition.

Land contamination

The land, in particular the topsoil, is identified to be contaminated by the applicant's submitted phase 1 contaminated land survey. The survey also suggests a number of remediation measures, which are supported by Council's specialist Environmental Health Officer. The EHO has recommended three separate land contamination conditions to ensure delivery of the mitigation measures and provide a safe and usable site for future residential occupiers.

Land Stability

Third parties have identified potential harm through the loss of integrity of the long and high Victorian retaining wall separating the site from the Bannawell Street area below, and the associated land stability issues. Officers have visited sites off Bannawell Street, and have observed the degraded state of the wall in various sections. In many respects, the protection of third party wall and structures is a civil issue, which will remain the responsibility of the developer.

However, the Victorian retaining wall is visually attractive historic feature in its own right, which separates the lower status miner's cottages of Bannawell street with the more high end villas above and is as such, in itself, a non-designated heritage asset which contributes to the Conservation Area and World Heritage Site. The Framework also identifies that planning decisions should not prejudice land stability, with paragraph 109 stating that '*The planning system should contribute to and enhance the natural and local environment by... ..preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;*'

The supplementary guidance identifies a flow chart to aid LPAs assessment of such issues. It provides the following:

'What steps should developers take if they suspect land stability is an issue for an individual application?

Details of the steps that a planning authority should follow for applications where they expect land stability is an issue may be found in the flowchart below. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.

A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared. Developers should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site. A site needs to be assessed in the context of surrounding areas where

subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or property.

Such information could be provided to the planning authority in the form of a land stability or slope stability risk assessment report. Developers may choose to adopt phased reporting, eg desk study results followed by ground investigation results.'

Officers are satisfied that the third party comments, combined with the evidenced problems with the retaining wall observed at site visit, necessitates a preliminary assessment of ground instability. Such an assessment was included with the previous 2008 refusal on the site and the applicant originally intended to rely on its previous conclusions. However, the Council required this to be cross referenced and at least updated with reference to changes in the site's circumstances in the intervening period, and changes to neighbouring sites, such as through other residential development.

The applicant has now provided a supplementary report, with associated 'Slope Stability Assessment'. The applicant's specialist engineer has stated that *'The Frederick Sherrell report carried out in 2005 is still considered applicable and relevant to the site, as the geology underlying the site hasn't been altered or the site developed since these investigations were undertaken. In any case, our analysis assumes a worst case 'Made Ground' soil overlying the bedrock, and still produces a result indicating no significant slope failure risk at the site in it's current state.'*

As such, the NPPG guidance flow chart indicates that the LPA is now able to rely on a planning condition to maintain land stability. Officers are therefore satisfied that the land stability during construction can be maintained through a condition securing a watching brief and technical information as to vehicular movements, loads and pilling.

Highways/Access/Bin Store:

The proposal provides two parking spaces per unit which, in the absence of any policy basis to secure a minimum parking requirement, is considered to be acceptable. The scheme does not provide on site turning, and therefore requires entering or leaving the site in a reverse gear. However, this is common through this part of residential Tavistock, and is an issue identified by the specialist highways officer who is not objecting to this with regard to highways safety.

The highways officer has stated that: *'Although the visibility splays shown from the private accesses on the application drawings has not been drawn correctly (they should be drawn to the same side of the road, not the centre line) the available visibility splays over the land forming the footway and carriageway is acceptable to serve the vehicular accesses and are commensurate with other private accesses in the vicinity of the application site.*

There are therefore no objections to the proposed development from a highway safety point of view and suitable conditions are recommended to be imposed on any planning permission granted.'

Any small scale loss of on street parking is not considered to lead to safety or congestion issues which would justify refusal and effective sterilisation of this Insightly infill site for future residential development.

There is adequate land within the front yard areas to provide on site bin storage.

Other Matters:

Officers agree that the Site Location Plan is in error, through the inclusion of third party land namely the rear garden of No.24 without the third party being prior notified. Officers have secured the revision of this plan to omit the third party garden area, and this revised plan can be accepted without prejudicing the rights of any third party.

There is no evidence that this development in itself would lead directly to a permit parking system being introduced in the area.

Conclusion

The impacts of the development on the highway and upon neighbour amenity are considered to be acceptable within due regard to the use of parking and accesses and the existing neighbour relationships and level of amenity generally accepted within the locality.

The scheme provides an environmental benefit through the remediation of contaminated land, the provision of wildlife enhancements, the redevelopment of an incongruous and visually harmful site and a social benefit through the housing provision. These benefits outweigh the identified environmental harm through the felling of the high specimen ash tree. The scheme has been designed to have no harmful impact upon non-designated or designated heritage assets, and the character and appearance of the Tavistock Conservation Area is preserved

Other issues regarding drainage, land contamination and land stability have been addressed to the extent that they can now be resolved through the use of planning conditions. The scheme is subsequently recommended for approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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
- SP17 – Landscape Character
- SP18 – The Heritage and Historical Character of West Devon
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding

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

- BE1 – Conservation Areas
- BE2 – Conservation Areas
- BE3 – Listed Buildings
- BE7 – Archaeology and Sites of Local Importance
- BE13 – Landscaping and Boundary Treatment
- H28 – Settlements with Defined Limits
- T8 – Car Parking
- T9 – The Highway Network

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

.TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV23 Cornwall and West Devon Mining Landscape World Heritage Site

DEV24 Landscape character

DEV30 Trees, woodlands and hedgerows

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.

Schedule of 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 approved shall in all respects accord strictly with the following drawing numbers:

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

3. Prior to installation, full details of all new joinery shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

4. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample panel of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

5. Prior to installation, constructional details at a scale of 1:20 of all eaves, cornice detailing, string courses and sills shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

6. Prior to application, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the finishes and colours are appropriate to the locality

7. Prior to installation, full details of all ducts, flues, rainwater goods, vents and other external attachments shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

8. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles, hip detailing, a section through the zinc roof, and chimney stack and pot detailing shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that character is maintained.

9. Prior to the commencement of development a structural survey of the retaining wall running along the eastern site boundary shall be undertaken. This information shall be used to inform a scheme that shall be prepared to ensure the ongoing stability of this retaining wall during the construction phase and residential use of the development. This scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained as such.

Reason: To ensure a safe form of development that does not cause land instability problems for adjoining residents.

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The building(s) shall not be occupied until drainage works have been carried out in accordance with the approved details and the water management system shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and address means to prevent contaminated water entering third party land.

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

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of the location and finish of all new areas of hardstanding, details of new terracing and the form and finish of retaining walls.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

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

13. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until the erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details shown on Tree Protection Plan and associated Tree Survey by Penpont Ecology Services Ltd dated February 2018. Within the Protection Zone nothing shall be stored or placed, nor bonfires lit, nor any works take place, nor shall any change in ground levels or excavations take place unless they are agreed in writing in

advance by the Local Planning Authority. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until all tree felling or tree surgery works as agreed in writing by the Local Planning Authority have been completed. All tree works shall be undertaken in accordance with British Standard 3998 (Tree Work).

Reason: In order to protect trees of public amenity value.

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

1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved

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

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

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

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

16. 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.

17. Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

Reason: In the interests of residential amenity

18. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology dated 21 August 2014, shall be strictly adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling or provision of buildings, structures or enclosures within its curtilage, that fall within the terms of Schedule 2, Part 1, Classes A, C, D, & E, Part 2 or Part 14 of that Order.

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

20. Details of any and all piling works associated with the new structures shall be submitted to and approved in writing by the local planning authority prior to works commencing. The work shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in order to ensure that neighbouring structures are not placed at risk.

This page is intentionally left blank

West Devon Borough Council **Agenda Item 6**
PLANNING AND LICENSING COMMITTEE 19-Jun-18
Appeal Hearings/Public Inquiry from 28-Apr-18

Ward Tavistock South West

APPLICATION NUMBER : **0971/16/FUL** APP/Q1153/W/17/3173805
APPELLANT NAME: Harding & Sons Ltd
PROPOSAL : Change of use from Class B8 (Storage & Distribution) to Class A1 (Retail) with ancillary pet grooming and vet services; external alterations to building and site layout including car parking amendments; and creation of 2no. customer entrances and associated works.
LOCATION : Unit 8 Plymouth Road Industrial Estate Tavistock PL19 9QN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 05-July-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 12-June-2018
LOCATION OF HEARING/INQ: Council Chamber, Kilworthy Park, Tavistock

APPEAL DECISION:
APPEAL DECISION DATE:

Ward Exbourne

APPLICATION NUMBER : **3836/16/FUL** APP/Q1153/W/17/3189494
APPELLANT NAME: Wainhomes (South West) Holdings Ltd
PROPOSAL : Full planning application for 100 residential dwellings with associated roads, footways, parking, landscaping and drainage
LOCATION : Land West Of High Street Known as Batheway Fields, North Tawton, EX20 2FN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 19-December-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY: 10-July-2018
LOCATION OF HEARING/INQ:

APPEAL DECISION:
APPEAL DECISION DATE:

This page is intentionally left blank

West Devon Borough Council
DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 19-Jun-18
Appeals Update from 28-Apr-18 to 1-Jun-18

Ward Exbourne

APPLICATION NUMBER :	2935/16/COU	APP/Q1153/W/17/3192178
APPELLANT NAME:	Mr Nigel Holman	
PROPOSAL :	Change of use of land and building from agricultural use to Class B1 & B8 usage	
LOCATION :	Land at Beacon Cross Farm, Sampford Courtenay, EX20 2SQ	
APPEAL STATUS :	Appeal Lodged	
APPEAL START DATE:	29-May-2018	
APPEAL DECISION:		
APPEAL DECISION DATE:		

This page is intentionally left blank