

# West Devon Development Management and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 11th December, 2018</b>								
<b>Time:</b>	<b>10.00 am</b>								
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>								
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Sanders <b>Vice Chairman</b> Cllr 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
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Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Yelland								
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
<b>Committee administrator:</b>	Kathy Trant Specialist - Democratic Services 01803 861185								

**1. Apologies for Absence**

**2. Declarations of Interest**

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

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

**3. Items Requiring Urgent Attention**

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

**4. Confirmation of Minutes**

Meeting held on 13 November 2018

**1 - 2**

**5. Planning Applications**

4261/17/FUL – West Harrow, Crapstone Devon. PL20 7PW  
Application for construction of new detached 4 bedroom dwelling with integral double garage.

2138/18/FUL – Land adjacent to Breckland, Down Road,  
Tavistock, Devon. Erection of 2 dwellings

**3 - 34**

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>

**6. Planning Appeals Update**

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# 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 **13<sup>th</sup>** day of **NOVEMBER 2018** at **10.00am**

**Present:** Cllr P R Sanders – Chairman

Cllr R E Baldwin	Cllr W G Cann OBE
Cllr J Evans	Cllr B Lamb
Cllr C Mott	Cllr D E Moyse
Cllr T G Pearce	Cllr J Yelland

COP Lead Development Management (PW)  
Specialist Licensing (NS)  
Solicitor (SN)  
Specialist Democratic Services (KT)

**\*DM&L 23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Roberts for whom Cllr B Lamb substituted and Cllr G Parker for whom Cllr J Evans substituted.

**\*DM&L 24 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered but none were made.

**\*DM&L 25 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 16 October 2018, the Licensing Sub Committee Minutes of 27 June 2018, 18 July 2018 and 18 July 2018 (Premises Licence) were confirmed and signed by the Chairman as a correct record.

**DM&L 26 THREE YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES**

Members were presented with a report that sought recommendation to Council of approval of the Statement of Principles, following a public consultation period.

The Licensing Specialist introduced the report and outlined how the amendments to the previous Statement of Licensing principles were set out in Appendix C, and responses to the consultation at Appendix D of the presented agenda report.

In response to a question from the Chairman, the Licensing Specialist confirmed that the Council had received a letter from the Gambling Commission, querying why the authority had not undertaken inspections of gambling premises in the Borough over the previous year. The Commission had concerns that vulnerable people could be at risk of gambling addiction.

A response would be sent advising that the priority for licensing monitoring in the Borough was alcohol premises and taxi drivers, and that there were only three gambling premises in West Devon. However, the Council did take issues around gambling seriously, and inspections would be carried out in due course.

It was then:

**RESOLVED** that Council be **RECOMMENDED** that the draft Statement of Principles, as amended, is adopted at the meeting on 4 December 2018 for the period 31 January 2019 to 30 January 2022.

#### **\*DM&L 27 PLANNING PERFORMANCE INDICATORS**

Members were presented with the latest Performance Indicator data. The COP Lead DM introduced the report and responded to queries. Members raised queries regarding enforcement statistics and the COP Lead DM suggested that further drop in sessions be arranged with appropriate officers. The COP Lead DM also updated Members on the latest position in terms of staffing levels within the planning service.

It was then:

**RESOLVED** that the Performance Indicators be noted.

#### **DM&L 28 PLANNING SCHEME OF DELEGATION**

Members were presented with a report that sought approval of an amendment to the Scheme of Delegation with respect to applications for discharge of conditions on planning approvals.

It was then:

**RESOLVED** that Council be **RECOMMENDED** to approve the amended Planning Scheme of Delegation as set out in Appendix A of the presented report.

(The Meeting terminated at 10.50am)

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Chairman

## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart  
Monachorum

**Parish:** Buckland Monachorum **Ward:** Buckland

**Application No:** 4261/17/FUL

**Agent/Applicant:**  
Rogers & Jones Architects  
17 Gordon Terrace  
Mutley  
Plymouth  
PL4 6EP

**Applicant:**  
Grace Kitto & Chris Lloyd  
West Harrow  
Crapstone  
PL20 7PW

**Site Address:** West Harrow, Road From The Crescent To Woodend, Crapstone, Devon, PL20 7PW

**Development:** Application for construction of new detached 4 bedroom dwelling with integral double garage

### Reason item is being put before Committee

The application has been referred to Committee by Councillor Cheadle given the considerable local objection and the fact that two similar applications have been refused or withdrawn. Impact of this particular proposal on the house immediately behind it.



**Recommendation:**  
Conditional Approval

### Conditions

1. Time limit
2. Accordance with plans
3. Ecology
4. Tree protection

5. Surface water drainage
6. Unsuspected contamination

**Key issues for consideration:**

Principle of development, design, residential amenity, drainage.

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**Site Description:**

The site is the long front garden of a large, two storey dwelling within, but at the edge of the village boundary of Crapstone. The host dwelling features a large double garage with a room above it, accessed by an outside staircase, between the house and the village boundary to the Southwest. The other building of note on site is a dilapidated garage building in the northwest corner, which would be demolished as part of this proposal. The garden is contained by a low stone/slate wall on three sides, which is topped by a laid hedge on the Southwest boundary.

Access to the site is by an unmade road, marking the village boundary. The site is also bounded at its narrowest extent, to the south, by another private road (The Glade). On the other two sides are houses. Since the host dwelling provides screening to the northeast, the two houses of particular concern are located along the site's northwestern boundary: Firfield is a two storey house, angled at 45 degrees to the site boundary and Oakleigh is a dormer bungalow, facing the site.

The host dwelling has an imposing, Georgian character, with little side or rear garden. To the southwest is a regular terrace of a similar character, facing out of the village, over the unfenced open land. Beyond this and the main road into the village lies a modern industrial estate.

The site is located within the Tamar Valley AONB. The site is also adjacent to the boundary with Dartmoor National Park.

**The Proposal:**

This application seeks planning permission for the erection of a two storey dwelling (with accommodation in the roof space) in the front garden of West Harrow. The proposed built form would stand as far from the host dwelling as possible, but extends back towards it due to the proposed long floorplate (albeit shorter than the previous applications). This would still involve the loss of an existing mature garden tree and two smaller trees by the southwestern boundary.

The proposed dwelling would be two storey with an L shaped gable addition with a dual pitched roof that would be hipped at its W end. It would be 10 – 7m wide and 17m long including an integrated double garage. The ridge height would be 8.6m and eaves height of 5m. There would be windows in all elevations, however those at first floor level within the NW elevation would serve non-habitable rooms (bathrooms and hallway). Ground floor area 128sq.m and first floor area 121sq.m and second floor area 42sq.m, total area 291sq.m.

Materials: Roof natural slate, elevations rendered with sections of timber cladding. Windows and doors dark grey powder coated aluminium. Black UPVC rainwater pipes.

Vehicular access is proposed from The Glade, with the existing access for the host dwelling retained. The vehicular access to the proposed dwelling would be formed by demolishing the boundary wall along more than half of the site's frontage with The Glade. A hedgerow is proposed to separate the host and proposed dwellings.

Comparison to previous refusal:

This dwelling was proposed to be 5m longer (22m) and similar in width at 8m, compared to the proposed 10 to 7m. The ridge height was previously just over 1m higher and the eaves 1.7m higher, for the main house, however the garage/annex height was only 7m, so lower than the currently

proposed scheme. Proposed ground floor area was larger at 163sq.m (compared to 128sq.m), and in total floorspace the previous scheme was 356sq.m.

### **Consultations:**

- County Highways Authority – Standing advice
- Drainage - Initial holding objection overcome by submission of further information, condition for final drainage scheme
- Buckland Monochorum Parish Council: *“Object: due to the impact of the development being overbearing on neighbouring properties.”*

### **Representations:**

16 Letters of objection, with grounds summarised as:

- Dwelling is disproportionate to size of the plot
- Contrary to planning policy
- Garden development is not acceptable
- Too large, unneighbourly
- Incongruent, out of character, over-dominant compared to surrounding properties
- Poor design to NW elevation
- Loss of light to neighbouring properties
- Too high
- Mass and scale unchanged from previous application
- It is not in accordance with the neighbourhood plan
- Loss of garden to the host dwelling jeopardises the use of this property as a house of its size
- Damage to access road
- Approval would set a precedent for further garden developments
- Insufficient parking for a 4 bedroom house
- Density would be out of character with Crapstone

### **Relevant Planning History**

- 4139/16/FUL - Erection of new private family dwelling set in the grounds of West Harrow House. Refused
- 0508/16/FUL – Erection of new private family dwelling set in the grounds of West Harrow House (Resubmission of application 08899/2015). Refused
- 00899/2015 – Erection of dwelling – withdrawn

### **ANALYSIS**

#### Principle of Development/Sustainability:

The application site is within the adopted settlement boundary of Crapstone. Policy H28 of the Local Plan Review highlights that small scale residential development will be permitted, if it is consistent with other policies in the Plan, as long as it meets the criteria laid out in the policy with respect to design and form (i) and (ii); access (iii); neighbour amenity (iv); nature conservation and important open areas (v); it is within the settlement (vii); it would provide a satisfactory standard of residential amenity (vii) and it would not prejudice the development potential of an adjacent site.

Crapstone was originally identified as a sustainable village within the emerging Plymouth and South West Devon Joint Local Plan (JLP). However, the main modifications to the JLP which are currently out for consultation shows it to be removed from the list of sustainable villages along with other villages within AONBs following the Inspector’s Post Hearing Advice Note; this was because the

Inspectors felt insufficient evidence had been provided to demonstrate that the villages were capable of accommodating further development without harm to the AONB. As this aspect of the JLP is the subject of a main modification however, it is considered to carry moderate weight at best. At present the adopted policy showing this village to be a sustainable location for a single residential dwelling carries greater weight. The principle of development in this village is also supported by NPPF provided the development itself is deemed to be sustainable.

Paragraph 11 of the NPPF states that in the absence of a 5 year housing land supply a tilted balance in favour of development is applied to the determination of applications for residential development unless:

- I. *“the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Footnote 6 to this paragraph identifies policies to conserve and enhance the AONB as having the potential to provide a reason to refuse development. Impact on the AONB therefore needs to be assessed

#### Design/Landscape:

Planning permission was previously refused under application refs 0508/16/FUL and later 4139/16/FUL for the erection of new private family dwelling set in the grounds of West Harrow House. The difference in design between the two schemes was arguably not that significant. This revised proposal seeks to address the previous issues with the scheme which led to permission being refused. The most recent reason for refusal states:

The proposed dwelling by virtue of its bulk, massing and scale would be detrimental to the character of the surrounding area and would represent an unduly prominent structure which would be over dominant and over bearing in the street scene. The proposal is, therefore, considered contrary to policy SP20 of the adopted West Devon Core Strategy 2011 and policy H28 of the West Devon Borough Council Local Plan Review 2005(as amended 2011)

In terms of its bulk, while the revised proposal has increased the height over the previously proposed annex the bulk has been substantially reduced facing West Harrow by the length being pulled 5m in and ridge height dropped by a meter. However, in terms of the width the L shaped gable addition has pulled the proposed bulk of the dwelling closer to the front boundary.

The ground area of the proposed dwelling has been reduced from the previous scheme, which would allow for a larger amenity space for the dwelling and result in a less cramped appearance. The recent appeal decision for Bay Tree House (which allows the construction of a new dwelling within a garden plot approximately 180m to the north west of the site subject of the current application) notes the following:

*“The Crescent is an area of residential character; most of the properties are detached and set back from the road. The ages and style of the houses is varied and so are the sizes of the plots with some dwellings set in very generous grounds but other properties having a much tighter knit feel.”*

The site subject of the current application, whilst to the south of the Crescent is still within area of residential character with a mixture of plot sizes including detached properties and a terrace. The submitted street elevation shows the height of the proposed dwelling would be similar to the existing dwelling at West Harrow and Woodside Terrace. It is acknowledged that the design of the north west elevation could be improved, but it is considered it would not result in sufficient harm to warrant refusal. The current proposal is considered to be substantively different from the previous refusals such that is reasonable to come to an alternate view on it, and on balance it is considered that



previous concerns regarding the bulk and scale of dwelling proposed have now been addressed (although it is stressed this is a very 'on balance' judgement).

Recent appeal decisions (including that for Bay Tree House) make it clear that permitted development rights should only be removed in exceptional circumstances, and the Inspector in the Bay Tree House decision did not remove them notwithstanding the modest size of the rear garden area for the new dwelling. Having regards to the latest guidance a condition removing permitted development rights is not recommended in this instance.

Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs, and the scale and extent of development in such areas should be limited. The application proposes a single dwelling on the edge of an existing settlement, which would be visually well-related to the existing built form. Whilst the proposed dwelling is fairly large it is considered the overall scale of development proposed in this location would not result in harm to the special qualities of the AONB.

#### Neighbour Amenity:

The previous applications considered that due to the separation distances between the proposed dwelling and those in the surrounding area, including the host dwelling West Harrow, the proposal would not result in any harm to neighbour amenity or to the living conditions of future occupants of the proposed dwelling. As the proposal has reduced the bulk facing the host property and due to the separation distances to the surrounding neighbours the revised proposal would not give rise to significant adverse amenity impacts on any neighbouring properties in terms of loss of privacy or overlooking. In particular, the neighbouring dwelling to the north west is approximately 15m from the shared boundary at its closest point. The impact of a two storey dwelling is considered acceptable at this distance in this site context. The neighbouring properties to the south west are separated by the highway.

#### Highways/Access:

The Local Highways Authority have referred to their Standing Advice and it is considered that it would provide adequate parking to serve the proposed dwelling. The submitted plans incorporate a double garage with space for a further vehicle within the curtilage. The proposal is, therefore, unlikely to generate significant levels of additional traffic or have an adverse impact on the safety of the surrounding highway network.

#### Other Matters:

##### Ecology

A Preliminary Ecological Assessment has been submitted in relation to the proposal which advises that following surveys no protected species were found but does identify that the overgrown garden may include potential habitats for reptiles and nesting birds. It is noted that the assessment was dated 11 August 2015 which is now over the recommended two years in which it would be considered up to date.

The assessment includes a number of recommendations to protect nesting birds and reptiles. It is considered, therefore, that the proposal would not have an adverse impact on ecology and relevant conditions could be secured to any permission requiring adherence with the assessments recommendations and mitigation measures.

##### Trees

A Tree Report has been submitted in support of the application which recommends a number of tree protection measures to protect trees on site (including the protected tree adjacent to West Harrow). It is considered that the proposed development would not have an adverse impact on trees and relevant conditions could be attached to any permission to implement tree protection measures, including adherence to the Tree Protection Plan and Arboricultural Method Statement.

##### Drainage

The applicant submitted a drainage strategy with the application but the details were considered to be insufficient having regard to the area of the site proposed for development (which would restrict options for soakaways). Further details were subsequently submitted and the Council's Drainage Specialist is now satisfied the final surface water drainage scheme can be appropriately dealt with by condition. Evidence has been provided that South West Water will accept the foul drainage connection has also been provided.

#### The Planning Balance:

On balance the design and scale of the proposed dwelling is considered acceptable having regard to the character of the surrounding residential area. It is considered the landscape and scenic beauty of the AONB would be conserved. A number of technical matters can be appropriately dealt with by condition. Officers consider the tilted balance falls in favour of the proposal, and the application is recommended for approval subject to conditions as detailed above.

***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
- SP9 – Meeting Housing Needs
- SP17 – Landscape Character
- SP19 – Biodiversity
- SP20 – Promoting High Quality Design
- SP21 – Flooding
- SP24 – Sustainable Rural Communities

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

- BE13 – Landscaping and Boundary Treatment
- H28 – Settlements with Defined Limits
- T2 – Pedestrian and Cyclist Safety
- T8 – Car Parking
- PS2 – Sustainable Urban Drainage Systems
- PS3 – Sewage Disposal

#### **National Planning Policy Framework National Planning Practice Guidance**

#### **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)**

SPT1 Delivering sustainable development

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV20 Place shaping and the quality of the built environment

DEV31 Specific provisions relating to transport

DEV37 Managing flood risk and Water Quality Impacts

### **Buckland Monachorum Neighbourhood Plan**

The plan was progressing but it is understood the group are now considering position in light of a recent appeal decision.

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

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

### **Recommended conditions in full:**

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 drawing numbers 1862 (S-)01, 1862 [PL-]01, 1862 [PL-]02, 1862 [PL-]03, 1862 [PL-]04, 1862 [PL-]05 received by the Local Planning Authority on 11th December 2017; 3001 Rev A (Proposed Drainage Plan) received by the Local Planning Authority on 15<sup>th</sup> October 2018.

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. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in Section 7 of the Preliminary Ecological Assessment dated 11th August 2015 from Butler Ecology.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

4. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:

(i) The erection of fencing to delineate a Protection Zone to protect retained trees has been constructed in accordance with location and construction details within the Tree Report received by the Local Planning Authority on 11th December 2017. 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 shown on the approved plans or they are agreed in writing in advance by the Local Planning Authority.

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

5. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the attenuated drainage scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). Details to include.
  1. Attenuation to be designed for a 1:100 year event plus 40% for climate change.
  2. Details of the flow control device to achieve 1.1 l/s as per SWW requirements for discharge to the combined sewer.
  3. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority
  4. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

6. 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.



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## PLANNING APPLICATION REPORT

**Case Officer:** Ian Lloyd

**Parish:** Tavistock **Ward:** Tavistock South East

**Application No:** 2138/18/FUL

**Agent/Applicant:**

Rowan Edwards Ltd  
21 Plymouth Road  
Tavistock  
PL19 8AU

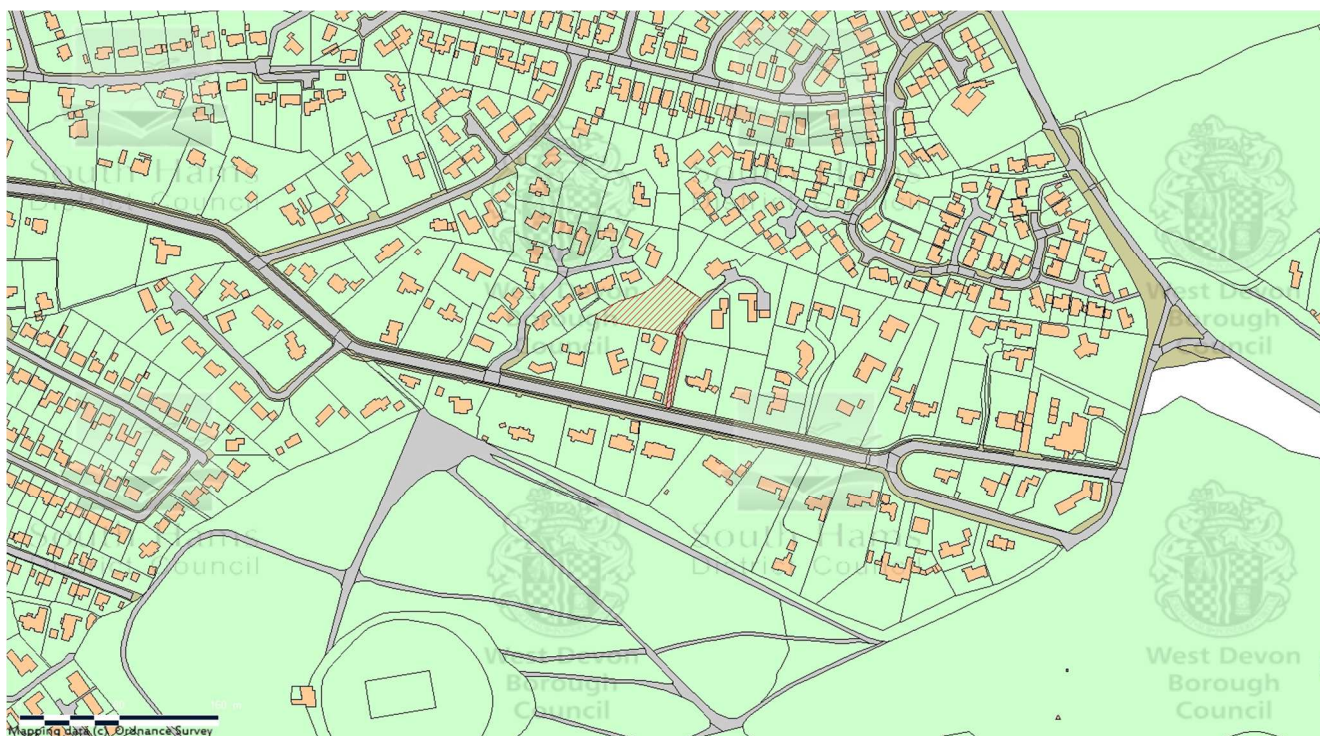
**Applicant:**

Mrs C Henning  
C/o Rowan Edwards Ltd  
21 Plymouth Road  
Devon  
PL19 8AU

**Site Address:** Land Adjacent to Breckland, Down Road, Tavistock, Devon, PL19 9AG

**Development:** Erection of 2 dwellings

**Reason item is being put before Committee:** The Local Ward Members have requested Committee consideration and a Committee site visit due to local concerns regarding environmental impacts, including on local character, protected trees and biodiversity and on residential amenity, including issues of overlooking.



## **Recommendation: Conditional Approval**

### **Conditions:**

1. Time Limit
2. In accordance with plans
3. Site access/ passing place maintained
4. Tree Protection
5. Tree prohibited activities
6. Unsuspected contamination
7. Extensions Removal of permitted development rights
8. Boundary Treatment Removal of permitted development rights
9. Hedge Height
10. Nesting birds
11. Drainage
12. Landscaping mitigation/ replacement planting
13. Ecological mitigation: bird nesting and bat roosting
14. Parking provided and retained/ maintained
15. CEMP

Confirmation has been received from the agent that all conditions, including pre-commencement conditions, are acceptable.

### **Key issues for consideration:**

The principle of Development including the sustainability considerations arising out of a small scale development for two houses within the settlement boundary of Tavistock in circumstances where there is presently no five year supply of deliverable housing land;

Design and landscape considerations including tree impacts, with some trees the subject of a Tree Preservation Order (TPO);

Neighbour Amenity considerations notably overlooking, privacy and issues of increased sense of enclosure given the topography of the land;

Highways and access implications; and

Drainage & Flood Risk considerations having regard to the fact that despite being in flood zone 1, at lowest risk of flooding, the local topography has resulted in problems locally with surface water run-off.

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### **Site Description:**

The application site is a plot of land currently forming part of the extensive garden amenity area of the dwelling Breckland to the north-east, occupied by a stable and bordered by trees. The land is accessed via a private narrow single track lane from Down Road to the south. The site lies to the north/ behind the dwellings fronting/ accessed directly off Down Road within the redeveloped grounds of the former Fallowfield (now occupied by two properties Penrith and The Bedfords).

To the east, across the shared access drive, set at a higher level is Dalfors, a dormer bungalow. To the north-west, set at a lower level are two storey modern dwellings within a cul-de-sac fronting Deer Leap.

In addition to Breckland, Dalfors and the proposed dwellings, the current access lane also serves two further dwellings Rising Hill and Oakleigh House.



The topography is sloping, stepping down south-east to north-west, towards the direction of the properties in Deer Leap.

The site is subject to a Tree Preservation Order (TPO), with trees principally located on or close to the site boundaries, with the central area being largely open, sloping grassland.

The wider area is characterised by large dwellings set within generous plots, with more recent modern development at higher densities, including at Deer Leap to the west/ north-west and the redeveloped Penrith/ The Bedfords plot immediately to the south. The later, more modern properties generally have, on average, smaller gardens, though many still have relatively generously proportioned plots compared to some other parts of Tavistock. The character and quality of the area is good, characterised by the variety of dwellings and the wealth of trees, greenery and a feeling of openness.

The access drive serving the four existing properties has become narrow over the passage of time as the vegetation has matured such that it is now single vehicle width with no passing opportunities, having become overgrown until reaching the application site.

No Public Rights of Way (PRoW) are affected by the development. The site is within flood zone 1, at lowest risk of flooding.

### **The Proposal:**

Permission is sought for the erection of two detached four-bedroom dwellings, together with off-street parking. An existing access would be retained and re-used for one dwelling and a new access formed to serve the second dwelling.

The site has been subject to a considerable number of past applications (see planning history section of this report), most recently having obtained outline approval with all matters reserved for one dwelling. This latter approval is the only current extant permission on the site.

This latest submission is the culmination of attempts to secure permission for two dwellings.

The application indicates that a passing place along the access is practical and this would be increasingly desirable with the increased vehicular and pedestrian traffic from two additional dwellings, over and above the four dwellings currently served off the drive, about which more is said under 'Highways/ Access' below.

### **Consultations:**

- County Highways Authority: Standing advice applies
- Tavistock Town Council: after initially expressing a neutral view the Town Council subsequently reached an inordinate decision on the re-consultation. However an informal discussion took place with regard to:
  - The management of surface water and the potential for increased flooding in areas such as Pixon Lane;
  - Overdevelopment of the area;
  - Access via a narrow shared road onto the highway;
  - The overlooking of neighbouring properties
- WDBC Drainage Specialist: no objection/ support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA.

This is a small scale minor development for the erection of 2 new dwellings. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753). SuDS should be designed to reduce

or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.
2. Discharge to a water course, attenuation maybe required.
3. Discharge to the public sewer, attenuation will be required and permission from SWW.

Full details of the foul drainage have been submitted and includes written consent from SWW. Sufficient surface drainage details have been provided to confirm an 'in principle' scheme can be accommodated on site. Testing and calculations have not been provided to support the scheme so this information will be required by condition.

Therefore if permission is granted, suggest conditions to finalise the drainage design.

- SWW: provided a map of their infrastructure and confirm that the suitably sized public combined sewer in the vicinity will accommodate the proposed development and that surface water via a soakaway is acceptable to South West Water.
- WDBC Tree & Landscape Specialist: No Objection subject to conditions securing Arboricultural methodology statements, submission of tree protection plans and new planting prior to commencement.

### Overview

The submitted details have been assessed with consideration to the amended layout. Reference has been made to the planning history and previous outline applications. Whilst previous information has been reviewed, the recommendation is made upon the current application and the accompanying submitted details with the updated Arboricultural information. In noting the tree constraints plan, concerns over the relationship of the proposal to protected trees has resulted in the current revised scheme (Block Plan – Henning BLPL 2Dwellrev4 Sept 2018).

Initial concerns were expressed by officers over the validity of the Arboricultural Impact Assessment and the details submitted. These have now been reviewed and understood following a further site visit and meeting with the appointed Arboricultural consultant. The original Tree Constraints drawings has been revised and no longer includes the 15m RPA adaptive future growth illustrative line, the Root Protection Area as calculated for the individual trees remains the same except for T13 and TG1. The reasons given for this amendment is as a result of reviewing the onsite trial pits and professional assessment of the likely impacts based upon the rooting areas and ground conditions; as a result the RPA has been amended to accommodate this. This allows the soakaways to be installed.

Layout Rev 2 was discussed in detail in light of a holding objection. The holding objection was raised because of concerns over the relationship of the proposed dwellings to the existing mature trees (subject to TPOs) and residential amenity.

Those trees cited for removal are noted and agreed.

### Site Description

The site is constrained heavily by a number of mature trees around the boundaries, both within and adjacent. A number of these trees are subject to protection by TPO S251 (Groups 7, 8, 9, 10, 19 and 20) and graded B or above in the Tree Survey (BS5837:2012; they positively contribute to the visual amenity of the surrounding streets and neighbouring residential properties.

The paddock is currently laid to unimproved grassland. It is located in the settlement boundary, within the western quarter of Tavistock. It slopes down from south-east to north-west. The local area has a well treed character and appearance that significantly contributes to this part of Tavistock and reflected in the overall density of housing.

## Discussion

An arboricultural assessment has been carried out by Aspect Tree Consultancy, including a *Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan* and *Tree Protection Plan*. Officers note the findings and conclusions.

Following submission of the revised plan (Henning BLPL 2Dwellrev4 Sept 2018) and noting the proposed dwelling positions have been altered to minimise impacts on the root protection areas (RPAs), officers are satisfied that the trees can be safely retained, now and into the future.

It is accepted that trees identified for removal can be mitigated through replacement planting within the proposed gardens.

## Conclusions

The proposed scheme has been fully considered with reference to the supporting assessments on arboricultural impacts. Whilst the proposed development will result in development in relatively close proximity to protected trees, it is acceptable subject to the implementation of rigid tree protection measures. Any potential losses of the protected trees would clearly affect the local amenity, and be harmful to the character and appearance of the local area. However, officers are satisfied that the current revision has addressed initial concerns, and the scheme can now be supported.

## **Representations:**

### **Representations from Residents**

Multiple comments have been received from the occupiers of 11 separate properties (in circumstances where the application has been re-advertised), objecting on grounds summarised as follows:

- The design of this development has not changed significantly since previous objections which still stand:
- Loss of light and over dominance on constricted, sloping site with a number of TPO trees, land is not suitable for one multi-storey house let alone two (a number of sketches to demonstrate submitted);
- Attempting to maximise profit at the expense of neighbours;
- Design and Access Statement is considered inaccurate and misleading in several important areas: Paragraphs 1, 3, 4 & 5 consent not continuously granted for 2 dwellings, only once in outline/ not renewed and new buildings are much higher, more dominant and therefore dispute that the principle has been established and would alter local character; Paragraph 6 land has been used for grazing non domestic animals; Paragraph 7. the principle of development of this site has not been agreed to by the Tree Officer; Paragraphs 8 & 10 The root protection area (RPA) has been reassessed in this 2018 application resulting in the protected area being reduced to accommodate the new dwellings; Paragraph 11 the drain crossing the site is not a land drain but a combined sewerage and surface drain, does not limit development and can be moved; Paragraph 12 strengthening privacy by additional new planting would results in a severe loss of light; Paragraph 13 Details have not yet been approved and agreed, ownership of passing place uncertain; Paragraph 15, 16, 17, 18, 19, 20 & 23 although the design shows a split level, the dwelling is still double height, change in orientation may reduce overlooking but increases the over-massing and dominance as plot 2 is closer to Deer Leap; under-build to dwellings and impacts from car parking; dwellings were 145m<sup>2</sup>, now increased to 170m<sup>2</sup>; section doesn't show plot 2; RPA moved; overshadowing; protrusion has increased, not reduced; ridge height is the same front to back, therefore no advantage from the split-level;
- Proposed Landscaping-removal of 2 TPO trees that limit access to the site and replacing them by planting of 10 field Maples on the boundary of Deer Leap for privacy will have a negative impact on natural light and overshadowing from new trees;
- Over-dominance, overbearing and over-massed as seen from Deer Leap;
- Drainage- already an existing problem and the proposed changes will have a significant adverse effect on land drainage;
- Privacy/Design-large dominant brick wall, reduction in light;

- Request Committee consideration;
- Multiple submissions;
- No direct consultation;
- Passing place may not be in ownership/ rights may not exist;
- Adverse impact on highways safety and convenience from increased use of narrow access with wide pavement, high traffic and an already dangerous situation;
- Density of the area has increased with other development allowed including the replacement of Fallowfield with Penrith and The Bedford;
- Ridgeline unduly dominant;
- Loss of open aspect;
- Increased noise and disturbance;
- Loss of privacy and direct and indirect overlooking;
- Loss of private views [not a material consideration];
- Overshadowing and loss of light;
- TPO impacts; loss of protected trees
- Wildlife impacts;
- Out of scale and character providing lack of privacy;
- Deep Leap properties appear further away in later section [this is because the section is taken through a slightly different alignment];
- Relationship of development with Deer Leap properties is not fully described on a plan - only 10m from the boundary and 6m lower and will eliminate most of the daylight;
- When viewed from ground level in Deer Leap the height of the proposed buildings would appear over dominant and impact on the character of the area, appearing as five storeys
- Drainage is already an issue and additional properties of this size will further adversely affect land drainage; consider drainage issues beyond the site; removing trees will compound drainage problems;
- 13 Deer Leap is lower than no. 12, and be overlooked with a feeling of being enclosed;
- Repositioned houses are now higher than the original application-ground floor level now level with the eaves of Deer Leap properties;
- Blank wall facing Deer Leap is prison-like;
- Why allow loss of TPO trees;
- Has there been a recent bat survey as there are bats in the vicinity; may impact flight path;
- Will dominate 11, 12 and 13 Deer Leap, and be an eyesore for other residents;
- Privacy from boundary planting would only be effective in summer but would result in increased enclosure;
- Damage to the character of the area;
- Lack of direct consultation;

### **Relevant Planning History**

0233/18/PRE - Pre-application enquiry for proposed erection of 2no. dwellings – Held in abeyance

2764/17/FUL - Application for the erection of 2 dwellings – Current application, held in abeyance

4172/16/OPA - READVERTISEMENT (revised plans and information received).Outline application for the erection of one single dwelling with all matters reserved – Granted 21.6.2017

4250/16/OPA - Outline planning application with some matters reserved for the erection of 2 dwellings – Withdrawn

13282/2009/TAV - Application to carry out works under Tree Preservation Order for the crown lifting of 1 Blue Atlas Cedar and 1 Deodar Cedar, the removal of 1 Rowan, the reduction and thinning of 1 Willow and the removal of 2 Hollies at Breckland – Conditional Approval

12305/2008/TAV - Erection of 2 dwellings - Conditional Approval (Outline with all matters reserved)

6851/2004/TAV - Renewal of planning permission for the erection of a dwelling - Conditional Approval

2503/2002/TAV - Renewal of Planning Permission 1400/98/8141/03 for erection of dwelling - Conditional Approval

RN/3/50/1400/1998/Unknown - Renewal of permission 8141/002 for erection of one house - Conditional Approval

RN/1998/8141/008 - Renewal of permission for erection of one house – Conditional Approval

RN/3/50/1363/1995/Unknown - Renewal of outline permission RN.3.50/1439/92/8141/1 for erection of one dwelling - Conditional Approval

RN/3/50/1439/1992/Unknown - Renewal of outline permission for erection of one dwellinghouse - Conditional Approval

RN/1992/8141/01 Renewal of outline permission for erection of one dwelling house Conditional Approval

8141/0 Provision of one building plot Conditional Approval 12.1.1990

Tree preservation Order (TPO) S251 dated 30.6.1988

## **ANALYSIS**

### **Principle of Development/Sustainability:**

The starting point for consideration is the development plan and the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with the Development Plan to be acceptable in principle.

The principle of developing the site for residential use has been accepted historically under a number of previous planning applications, with a series of planning approvals dating back at least to 1990. However, none were implemented and all previous permissions had expired until June 2017 when outline approval with all matters reserved was granted for the erection of a single dwelling (Ref: 4172/16/OPA Granted 21.6.2017).

It should be noted that outline approval with all matters reserved has been granted in the past for two dwellings (Ref: 12305/2008/TAV) but has lapsed and is no longer extant. However, it is no longer considered that an outline application for two dwellings should be accepted without an adequate level of detail to enable impacts, including on amenity and trees, to be properly considered and assessed, hence the current detailed application.

The site lies within the development boundary for Tavistock, which has public transport provision and where access to services and amenities is within walking distance. There is an extant outline approval for one dwelling. As such, while not all gardens are suitable for residential development, this large 0.1 ha. site is considered to be sustainable in principle for residential development.

The proposal is considered to accord with strategic Policy SP1 in this accessible location where sustainable drainage is achievable and is acceptable subject to compliance with the criteria in Policy H28. Given the current Joint Local Plan (JLP) process, it is considered that only moderate weight can

still be afforded to emerging policies. The general thrust of emerging policies would not appear to preclude the principle of this development in any case and it is a matter of whether the detail of development is acceptable having regard to current and emerging policies, notably surrounding residential amenity and local character. These issues are addressed in detail in the report below.

WDBC is presently unable to confirm a five year supply of deliverable housing land. Nor is it anticipated/ likely that this will be addressed in the immediate future based on the emerging new housing delivery test figures. Consequently, while only moderate weight can yet be afforded to the emerging JLP, upon adoption of which WDBC would have a five year housing supply, until this time the Development Plan (DP) is considered to be out of date. Where the DP is out of date, the presumption in favour of sustainable development takes precedence. The emerging Tavistock Neighbourhood Plan (NP) is not yet sufficiently advanced to be a material planning consideration. Having regard to paragraphs 11 and 14 of the Framework, in the absence of being able to demonstrate WDBC has at least a three year supply of deliverable housing sites or can demonstrate the LPA's housing delivery was at least 45% of that required over the previous three years, the DP is considered to be out of date. In the circumstances, the presumption in favour of allowing sustainable development prevails, unless material considerations dictate otherwise. This weighs heavily in the planning balance.

Making best use of land is a consideration. The site area is 0.1 ha. and the density of development equates to 20 dwellings per hectare (dpha.). This is below the usually preferred higher density for urban/ suburban areas of 35 dpha. or higher in town locations. On balance however, making best use of land in this instance is considered to be secondary to safeguarding neighbouring residential amenity and the character of the area generally, when weighed in the planning balance.

The application has been amended during the course of consideration in an attempt to overcome objections and concerns, and has been re-advertised. Notwithstanding this, local objections remain and are addressed in the report below.

A key issue of principle is whether the plot is considered large enough in principle to accommodate the two dwellings proposed, having regard to issues of neighbouring amenity, tree and character impacts among others (addressed in detail in the report below).

The criteria in Policy H28 include:

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

The issues are considered in the report below, but it is not considered that the development is in conflict with the criteria of the policy.

Having regard to the sustainable location, the principle of development is acceptable and the lack of a deliverable five year supply of housing land weighs heavily in the planning balance.

### **Design/Landscape:**

The land falls within the Main towns/villages landscape character type (LCT). Policy SP17 Landscape Character requires the quality, character, diversity and local distinctiveness of the natural and historic

environment to be conserved and enhanced within identified Landscape Character Types. The development is consistent with a town/ village character, the LCT will be conserved and important trees retained. No conflict with Policy SP17 is considered to arise.

As the site is covered by a TPO, it is important to assess that the application site can accommodate the two dwellings proposed without undue detriment to the trees on site. A number of objections reference the loss of some of the trees. A tree survey has been submitted and a site meeting taken place between the agents, tree consultant, WDBC planning officer and tree & landscape specialists. The comments of the tree specialist are included in full under the consultation section above. These conclude effectively that the two dwellings proposed can be incorporated on site without undue harm to the retained trees, which are seen against the backdrop of higher trees beyond to the east. The site meeting and revised proposals have resolved matters to the satisfaction of WDBC tree specialists who now have no objections to the scheme.

This is a backland site, unimproved paddock, an extended amenity area for Breckland, with no frontage anywhere onto a public highway. The access exits onto Down Road to the south via a track which currently serves the existing dwelling Breckland and three other large detached dwellings.

The application site is currently and is largely undeveloped, with only an ancillary domestic outbuilding/ former stable in the north east corner.

Other properties served off the access drive are, like Breckland, large, set within substantial grounds and although they are all individual and unique, Breckland has by far the largest garden curtilage of them all. The topography is steeply sloping within and around the site south-east to north-west such that land to the east is much higher than the application site and the site slopes westwards and is elevated above neighbouring properties to the west/ north-west in Deer Leap below. North-east to south-west the land levels are comparatively constant.

Changes in levels range from 137.88 at the low point in the south-west, across to 141 at the low point in the north-west (a fall of 3.12m over a distance of circa 60m) to a high point of 144.25 in the south-east, across to a similar high point of 144.3 in the north-east

The proposed buildings are similar in size and appearance, each having 4 bedrooms, and are split-level set into the ground on plinths to account for the gradient of the land. No garages are proposed due to levels and tree root protection areas. Permitted development rights would need to be removed to safeguard trees.

It is considered that this split-level approach and siting buildings as now revised, pays greater regard to the character and sensitivity of the landscape than previous attempts that would resulted in an unacceptably dominant and discordant development failing to respect the character of the site and surroundings. This is reinforced by the changes to the roofline, which now steps down with the step change in floor level, which both adds visual interest and reduces height/ massing and neighbour impacts. Notwithstanding the continued objections from neighbouring occupiers bordering the site, the siting, orientation, levels, building height, scale and form of development now proposed are considered to sit more comfortably onto and into the site.

Tree impacts, including the growth of retained trees to maturity (which other schemes for two dwellings to date are considered to have failed to do) are addressed by turning the dwellings and located them further from the site boundary where necessary. Removing the stable and concrete pad and forming a new access here has also opened up options and opportunities.

It is considered that the site is capable of accommodating the two dwellings proposed in a way which would integrate successfully within the landscape. The site is not within a protected landscape, not within, nor would impact on the setting of any designated Conservation Area and would not affect the setting of any Listed Buildings as there are none nearby. The site has no street frontage and is visible only in glimpsed public views and is visible mainly in private views.

Policy BE13 requires developments provide appropriate landscaping to minimise impacts, contribute to its wider setting and create a pleasant environment for users of the development. Where appropriate existing landscape material should be retained and protected or replaced. Landscape character can be satisfactorily safeguarded through this proposal assessed against relevant policies including SP17 of the Core Strategy 2011 and H28 and BE13 of the Local Plan 2005.

Similar requirements fall under criterion in Policy H28 (see principle of development section above).

Having regard to the design of the dwellings, the character of the area is generally very mixed, with many individually designed homes being a positive feature of the area. The proposal is considered to accord with Policy SP20 Promoting High Quality Design.

### **Neighbour Amenity:**

The amenity of neighbouring occupiers has been at the forefront of discussions and negotiations. The impacts on the amenities of surrounding occupiers is considered in detail below. The concerns of objectors are available to view in full on the website and summarised under the representations section above. Around 30 submissions and sketches have been received from the occupiers of 11 different nearby properties.

In seeking approval for a two storey development, past schemes were considered likely to adversely impact on the amenities on neighbouring residents, notably those at a lower level in Deer Leap to the west, the closest and potentially most affected being 12 Deer Leap, and were not supported as resulting in an unneighbourly development. Significant concerns were raised by neighbouring residents in relation to overlooking, loss of privacy and increased sense of enclosure among other concerns, which were justified. These neighbour concerns and objections remain in relation to the submitted scheme as revised.

Overlooking and the perception of overlooking, loss of privacy, increased sense of enclosure and overshadowing/ loss of daylight are all considerations and a scheme on this land has the potential to seriously impact on the living conditions of neighbouring occupiers, notably, but not exclusively to the west and south.

Neighbourliness is a reasonable yardstick by which to judge development. It is fully appreciated that this is subjective. It is clear from representations, including the sketch perspective submitted (not verified for accuracy), that neighbouring occupiers are concerned at perceived impacts. Impacts can though be more accurately gauged from the submitted scaled plans, elevations and sections.

It a factor of the way the land is sloping that the closer the development is towards Deer Leap, the lower it would be, the further from it, the higher it would be. It is considered preferable to set the development as far from Deer Leap as reasonably practical, notwithstanding that this means it is higher up the slope/ ridges will be higher.

Because of how close 12 Deer Leap (to north-west) and The Bedfords (to the south) are to the site boundary, they effectively borrow to an extent for their amenity from across the application site. This should be factored into considerations and should not sterilise the site.

The proposed dwellings have been set away from boundary trees and from neighbouring dwellings as far as practical while maintaining a reasonable front to front separation distance.

### **Deer Leap**

The buildings are now set end on towards the lower properties in Deer Leap, over 23m away (building plot 2 to no. 12) at the closest point. The dwellings have been re-designed to be lower where they are closest to Dear Leap, stepping up further up the site towards the east.



The eaves of plot 2 [closest to 12 Deer Leap] is only circa 3.6m above existing ground level, with a door (with no window) serving a utility room on the ground floor and a small velux window serving a bathroom, set in the roof slope at first floor, facing towards no. 12. No overlooking of Deer leap would occur.

The building rises higher further away from no. 12 such that at its highest point, at its closest position to no. 12, the ridge is 6.5m [ridge level 148.78] above existing ground level at a point nearly 28m away from the rear of no.12. The ridge of plot 2 is 5.43m higher than that of no. 12. This is achieved through having rooms set in the roof space.

Impacts between plot 1 and no. 11 Deer Leap are less than between plot 2 and no. 12. Despite having a higher ridge, plot 1 is further from no. 11, 29m at the closest point.

It is fully appreciated that the building will be visible and prominent in circumstances where there is currently no development, when viewed from the upper floor windows at the rear of Deer Leap in particular. However, as mentioned previously, Deer Leap dwellings borrow to an extent for their outlook and views across this land. By turning the buildings to face end-on towards Deer Leap, impacts are reduced and further minimised by avoiding windows to habitable accommodation and by stepping the levels/ roofline down. Impacts do not amount to a substantial level of harm and the development as re-designed is not considered to be unduly unneighbourly. Views are also filtered through the intervening trees on the boundary.

Notwithstanding the proposed planting on the Deer Leap boundary, residents do not want more high vegetation which would further overshadow this boundary and it is recommended that landscaping and the height at which new boundary planting will be maintained in perpetuity be conditioned.

#### The Bedfords

To the south the existing living accommodation at The Bedfords is set particularly close to the boundary and borrows to a much greater extent for part of its amenity from across the application site. There also appears to be living accommodation as part of the detached garage close to the site boundary. A semi-mature Beech tree on the boundary very close to the neighbouring development has been taken into account in re-siting plot 2 further away from the root protection area of this tree. Plot 2 is over 8m from this southern boundary at its nearest point, then angling further away. The Bedfords has been built 4m from the boundary at its nearest point. There is some 11m between the buildings at their closest point, but the properties are set obliquely such that direct overlooking between dwellings is avoided. Also being to the south, no daylighting or overshadowing issues arise. First floor rooms closest to this southern boundary are set within the roof, keeping impacts down.

#### Dalfors

Dalfors is 16m away from plot 1 at the nearest point, but set on higher ground, with intervening screening. No undue impacts on the amenities of the occupiers of Dalfors are considered to arise.

#### Breckland

Breckland, currently unoccupied, is 25m from plot 1 on a comparable level and with intervening screening. While presently unoccupied, no undue impacts on the amenities of the future occupiers of Breckland are considered to arise.

In summary, impacts are not excessive or in any way unusual on land with this topographical profile and impacts on outlook will result but not be unduly harmful.

While the loss of a private view has been held not to be a material planning consideration, loss of outlook is an amenity issue. Overlooking, loss of privacy and outlook issues have been resolved through siting and orientation, with direct overlooking avoided and intervening distances maximised such that the proposal is not considered to result in an unneighbourly form of development.

Boundary planting should be addressed by condition so that the boundary with Deer Leap in particular is treated sensitively to avoid undue impacts from overshadowing and enclosure in particular.

Vehicle noise is potentially an issue in this backland location. The scheme, unlike others, has two accesses and makes proper provision for parking and within the site and reversing onto the private access drive, without requiring excessive manoeuvring and any additional noise would not amount to undue harm

On balance, it is considered possible in principle to develop the site in a way which is not unneighbourly and that this scheme achieves an acceptable balance between achieving sustainable development and neighbourliness, accounting for the element of borrowed amenity.

Due to the narrow access and backland nature of the site, the close proximity of neighbouring occupiers together with the site constraints as a result of levels and tree root protection areas, a CEMP is recommended as necessary, to be secured by condition.

Having regard to the amenities of future occupiers of the proposed properties, internally a good standard of accommodation is proposed. Externally, gardens are large. Though sloping and with overshadowing from boundary trees, nevertheless a good standard of external amenity is still afforded to future occupiers. The front to front distance between the proposed dwellings, 10m at the closest point, widening to 15m, are no less than in many front to front circumstances, in no way unusual and there is the benefit of the extra privacy of not having a street frontage and public views. In the circumstances a good and acceptable standard of amenity is afforded to future occupiers.

#### **Highways/Access:**

Access is via the existing track which currently serves four large detached dwellings. The track has become narrower through the maturity of vegetation, such that cars cannot now pass along part of its length until approaching the application site. In increasing the number of dwellings served by the access from four to six, the number of average vehicle movements daily increases, along with the potential for conflict, with the likelihood of vehicles meeting and having to reverse increasing.

The key concerns as a result of this surround the increased potential for reversing onto the highway, which would be more likely given the greater use, length of the access and the lack of passing opportunities, together with additional noise from unnecessary manoeuvring.

Clearing of vegetation to reinstate the possibility of passing is considered expedient in the circumstances and a condition is recommended to keep vegetation trimmed/ passing opportunities possible.

By retaining the existing access for one dwelling and forming a new access for the second dwelling, a large expanse of hardsurfacing and concentration of activity/ noise at one point nearest to The Bedfords is avoided.

Parking is provided for a minimum of three cars, two of which are tandem parking. There are no parking restrictions and existing capacity on-street in Down Road for additional visitors if necessary. Three parking spaces for each 4-bed dwelling is considered proportionate in a sustainable town location having regard to accessibility and public transport opportunities.

Despite objections on the grounds of highways safety and claims traffic levels are high and the situation currently dangerous, with only one 'slight' accident reported in the area, in 2004, these concerns are not borne out and there is no evidence this is the case, nor have site visits revealed traffic levels to be unduly high, or the situation in any way comparatively dangerous.

In the circumstances no undue highways safety or parking concerns arise and the development is considered compatible with Local Plan Policy T9 (safe functioning of the highway network).

## **Flood risk and Drainage:**

The area is in flood zone 1 and is at the lowest risk of flooding. However, given the topography, there is a potential for run-off to cause problems and consultee responses refer to existing problems with surface water run-off locally. WDBC drainage specialists advise a drainage report reflects that tests have been undertaken which demonstrate the site is potentially capable of being drained sustainably using soakaways and details of how the principle of the drainage will be addressed have been submitted. WDBC Drainage Specialists consider that as SWW have given consent to connect to the combined system as a backstop and a condition is recommended requiring full details of the most sustainable system achievable to be submitted and approved, it is possible to prevent surface water problems for neighbours down slope. Foul drainage connection is possible on-site. In the circumstances, notwithstanding the concerns and objections received on drainage grounds, there is a requirement for the scheme to achieve the best possible sustainable solution which will address potential problems.

## **Other Matters:**

Ecology and biodiversity – There are understood to be bats present locally and the trees bordering the site offer foraging and flight route opportunities and bird nesting opportunities. The site therefore has a value arising principally from the trees and hedges bordering the boundaries. The site is surrounded by other dwellings and their gardens. Most trees are to be retained and any limited loss necessary to achieve access and a satisfactory development are unlikely to impact species or habitats to any significant degree. A landscaping condition and condition requiring details of ecological compensation/ mitigation through bat roosting and bird nesting box provision are recommended to secure appropriate mitigation for any loss. A seasonal bird nesting condition is also recommended so that tree works should be avoided in the bird nesting season.

The site is within the Plymouth SAC 12.3 km buffer zone, but no issues or impacts arise. On balance no undue ecology or biodiversity issues arise which could not be addressed through planning conditions

Heritage Impacts: There are no nearby recorded Ancient Scheduled Monuments (SAMs), Listed Buildings, Conservation Areas or other heritage assets potentially affect by the proposals. As such there are no conflicts arising with Policy SP18 Heritage and Historical Character of West Devon.

Stability – The site is relatively steeply sloping, but typical of the area, which has been successfully developed with houses for a number of years and there are no known problems in achieving safe and stable development. Building Regulation consent would be required and it is not considered necessary to impose additional conditions.

Contamination - Being amenity land it is not expected that the land will be contaminated. Nevertheless, given the sensitive end use, a condition regarding unsuspected contamination is recommended as necessary.

Permitted Development Rights – while the plot is large, the land is sloping, tree root protections areas are extensive, neighbour and drainage impacts are possible and in these circumstances it may not be possible to extend any dwelling approved without harm arising. Uncontrolled extensions have the potential to harm the trees on site and/ or create amenity issues for adjoining occupiers and permitted development rights should be removed, to prevent identified impacts from uncontrolled extensions. An informative advising future purchasers that it should not be assume future garages/ extensions/ outbuildings will necessarily be permitted is recommended.

Upgrade of the access track – the access track is not metalled and has a central grassed strip. It is privately owned and its appearance and current condition is appropriate to serve the existing properties and the intended use. It is considered that a condition requiring an upgrade is not

necessary, though clearing of vegetation to maintain passing opportunities for all properties served off the drive is considered desirable.

Ownership of land where the passing place is proposed or rights of access over it: a neighbour has queried ownership of this, claiming possible ownership. This is not borne out by the red line site plan accompanying the application for the redevelopment of land to the south to two dwellings (Ref: 8654/2006/TAV) and no evidence in support of this claim submitted. The applicant is eligible to clear land for the passing of cars, only to the extent within their ownership/ legal rights and an informative is recommended to this effect.

Compliance with the Framework – third party concerns have previously been expressed about the development of gardens and compliance with the Framework. This is a large plot, where ultimately it is considered the two dwellings can be accommodated while respecting local character.

Inaccuracies in the Design Access Statement (D&AS): The D&AS has not been updated with the revisions and does not form part of the planning decision notice.

Changes in the Root Protection Areas (RPAs): Third parties queried changes in the RPAs between the previous and current schemes. As explained in the tree specialist's report, this was clarified at the site meeting, where it was explained the RPAs had been adjusted as a result of further site investigations.

Non-Residential use: There are claims the land has been used for non-domestic grazing. The land appears to have been principally used as a garden extension with domestic stables. The exact nature of the former use does not have a significant bearing on the application.

Prison-like elevation facing Deer Leap: there is a balance to be struck between privacy and character. It is not accepted that the north-west elevation is prison-like, with interest in the roof form and rear addition setback.

Lack of direct consultation: consultation and re-consultation has taken place with site notices and press advertisements, accords with accepted practice and has been no barrier to receipt of the numerous responses.

Loss of view: the loss of a private view has been held not to be a material planning consideration.

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

SP9 – Meeting Housing Needs

SP16 – Safer Communities

SP17 – Landscape Character

SP19 – Biodiversity

SP20 – Promoting High Quality Design

SP21 – Flooding

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

BE13 – Landscaping and Boundary Treatment

BE19 – Development on Contaminated Land

H28 – Settlements with Defined Limits

H38 – Conversion or Redevelopment of Larger Dwellings

H39 – Redevelopment of Single Residential Plots

T2 – Pedestrian and Cyclist Safety

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)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV20 Spatial priorities for development in Tavistock.

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV10 Delivering high quality housing

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV37 Managing flood risk and Water Quality Impacts

Account has been taken of the National Planning Policy Framework (the Framework) and Planning Practice Guidance.

**Neighbourhood Plan**

The emerging Tavistock Neighbourhood Plan is not yet sufficiently advanced to be a material planning consideration.

## **Summary/ Conclusions/ Planning Balance**

Having regard to the need to take decisions in accordance with the development plan and where the development plan is out of date, as it is here in circumstances where there is no five year supply of deliverable housing land, there is a presumption in favour of sustainable development unless other material considerations are overriding and dictate otherwise. This weighs heavily in the planning balance.

The submitted plans are considered to result in buildings of acceptable siting, height, scale and appearance. The development would not have a harmful impact on the character and appearance of the area.

Despite neighbour concerns about dominance, while the development will have an impact, neighbours are not entitled to an unrestricted view and do borrow to an extent for their current amenity and outlook from across the application site. Notwithstanding that the dwelling will be visible and set at a higher level than properties in Deer Leap, the proposed development would not be unduly unneighbourly or overly dominant.

A passing place would avoid likely instances of reversing onto the highway. Adequate access and parking is provided to avoid undue noise, disturbance, congestion or nuisance to neighbours close to the access drives and parking areas.

The application has been amended to address concerns as far as reasonably practical and constitutes a more sensitive approach to site constraints and opportunities and would better safeguard the amenities of surrounding occupiers than previous attempts.

Given the sustainable location and absence of a five year housing supply, any element of harm does not amount to significant harm, does not weigh heavily in the planning balance and is not sufficient grounds to withhold consent in the circumstances.

Having regard to the presumption in favour of sustainable development, the benefits of housing provision outweigh any limited landscape character and amenity impacts which can be satisfactorily safeguarded through this proposal assessed against relevant policies including SP17 of the Core Strategy 2011 and H28 and BE13 of the Local Plan 2005 and the Framework taken as a whole.

Accordingly, on balance, approval is recommended.

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

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

### **Conditions in Full**

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 drawing numbers Henning LocPL 2Dwell rev4 SEP18, Henning BLPL 2Dwellrev4 SEP18, Henning PLHo1 Rev4 SEP18, Henning PLHo2 Rev4 SEP18, Henning ELHo1 Rev4 SEP18, Henning ELHo2 Rev4 SEP18, Henning Driveway Ho1 SEC SEP18, Henning Driveway Ho2 SEC SEP18 and Henning SEC 200 SEP18 received by the Local Planning Authority on 04 October 2018 and Tree Survey and Arboricultural Impact Assessment dated May 2018, Tree Protection Plan 04672-TPP-2018 dated June 2018 and Tree Constraints Plan 04672-TCP-2018 RevC dated May 2018 received by the Local Planning Authority on 26 June 2018.

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. The vegetation bordering the access lane shall be permanently kept sufficiently trimmed to allow for the access and passing of motor vehicles in accordance with drawing number Henning BLPL 2Dwellrev4 Sep 18 hereby approved.

Reason: To minimise the risk of vehicles reversing onto the highway, in the interests of highways safety.

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

- Arboricultural method statement
- 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 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.
- the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837:2012), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must 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.
- the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
- the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all hard and soft landscape treatment.

Reason: To protect the trees on the site in the interests of the character and visual amenities of the area.

5. The following activities must not be carried out under any circumstances:

- No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.
- No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect the trees on the site in the interests of the character and visual amenities of the area.

6. 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.

7. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-F of the Order, including the erection of extensions, porches, garages, dormers roof alterations, sheds, other structures, or hard surfaces 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 safeguard the visual amenities and character and appearance of the area, to ensure adequate space between the buildings hereby approved and adjoining land and in the interests of ecology and biodiversity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Class A including gates, fences, walls or other means of enclosure shall be erected or constructed and details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first occupation of the dwelling hereby permitted. The approved boundary treatment shall thereafter be retained and maintained.

Reason: To safeguard amenities of neighbouring occupiers and the visual amenities and character and appearance of the area generally.

9. The awaited landscape details shall include proposals for the minimum and maximum heights at which all hedge boundaries are to be maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Proposed boundary hedges or proposed planting on/ close to the north-west boundary (with Deer Leap) in particular shall be low, not exceeding 1.5m above existing ground level or 1m above the level of the bank and thereafter maintained in perpetuity at a height not exceeding the agreed level.

Reason: In the interests of the amenities of neighbouring occupiers and the character and amenities of the site and locality.

10. Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area and in the interests of ecology and biodiversity.



11. 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 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. Full details of the flow control device will be required.
6. If discharging surface water to the main sewer, then written permission from SWW will be required.
7. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
8. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.
9. 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.

12. Notwithstanding the details hereby approved, the dwellings shall not be occupied until full details of both hard and soft landscape works, including boundary planting have been submitted to and approved in writing by the local planning authority. These details shall include grading and any mounding of land areas including the levels and contours to be formed, showing the relationship of any proposed mounding to existing vegetation and surrounding landform, details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree/ hedgerow or of any tree on land adjacent to the site, equivalent to half the height of that tree and hard surfacing materials or Root Protection Areas whichever is the greater. The hard landscaping shall be implemented prior to the first occupation of the dwelling or the completion of development whichever is the sooner.

The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscaping shall be implemented in the first available planting season following the first occupation of the dwelling or completion of development whichever is the sooner.

If within a period of five years from the date of the planting of any tree/shrub/plant that tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To safeguard the visual amenities and character and appearance of the area and in the interests of ecology and biodiversity.

13. Prior to the first occupation of either of the buildings details of ecological mitigation through the provision of bat roosting and bird nesting boxes either on the buildings, on the land or a combination

of both, shall be submitted to and approved in writing by the local planning authority and implemented prior to the first occupation.

Reason: In the interests of ecology and biodiversity.

14. The access, parking and turning areas indicated on the approved plans shall be implemented and available for use prior to the first occupation of the dwellings hereby permitted and thereafter permanently retained and maintained.

Reason: To avoid congestion and in the interests of the safety and amenity of pedestrians and users of the private drive and public highway.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- measures to control the emission of dust and dirt during construction

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A pre-commencement condition is necessary to minimise the effects of construction on local residents and for highway safety reasons.

## **Informatives**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

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

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £97 per request. Application forms are available on the Council's website.

4. You should note that hedges and trees can be occupied by species subject to legal protection; for example, nesting birds or roosting bats. It is a criminal offence to wilfully or recklessly disturb these species at certain times. You are strongly advised to seek competent ecological advice, and as necessary any relevant licenses, prior to undertaking work to hedges or trees. Further details of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 can be obtained from Natural England.

5. For the avoidance of doubt, the applicant/ developer/ Future Purchasers are advised Permitted Development Rights are removed due to TPO tree root protection areas, drainage issues, the presence of SWW infrastructure and considerations surrounding neighbouring amenity and it should not be assumed planning permission would be forthcoming for garages, extensions or outbuildings.

6. The applicant is advised that clearing the access including the passing place must only take place on land within the applicant's ownership/ legal right to do so.

7. The applicant is advised a development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753). SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.

2. Discharge to a water course, attenuation maybe required.

3. Discharge to the public sewer, attenuation will be required and permission from SWW.possible.

The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.

2. Discharge to a water course, attenuation maybe required.

3. Discharge to the public sewer, attenuation will be required and permission from SWW.

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**West Devon Borough Council** **Agenda Item 6**  
**DEVELOPMENT MANAGEMENT AND LICENSING COMMITTEE 11-Dec-18**

**Appeals Update from 31-Aug-18 to 23-Nov-18**

**Ward Bridestowe**

APPLICATION NUMBER : **4182/17/FUL** APP/Q1153/W/18/3204250  
APPELLANT NAME: Mr & Mrs J & S May  
PROPOSAL : Demolition of existing outbuildings, change of use of part of field from agricultural to garden, change of use of part of field from agricultural to equestrian, new barn and stable, new residential annexe within domestic curtilage  
LOCATION : South Hill Cottage, Bratton Clovelly, EX20 4JP  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 23-August-2018  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 08-November-2018

**Ward Buckland Monachorum**

APPLICATION NUMBER : **1697/18/FUL** APP/Q1153/W/18/3210614  
APPELLANT NAME: Charles Gray Limited  
PROPOSAL : Development of 4no. dwellings, new access road and external works  
LOCATION : Challoch, The Crescent, Crapstone, PL20 7PS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-November-2018  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Exbourne**

APPLICATION NUMBER : **0878/18/FUL** APP/Q1153/W/18/3208669  
APPELLANT NAME: Ms M Rideout  
PROPOSAL : Erection of 2 storey, 3 bedroom house, detached single storey store/workshop/office building and provision of two car parking spaces  
LOCATION : Hayfield House, Hayfield Road, Exbourne, EX20 3RS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 14-November-2018  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **0891/18/OPA** APP/Q1153/W/18/3210407  
APPELLANT NAME: Mr P O'Connor  
PROPOSAL : Outline application with all matters reserved for two bungalows  
LOCATION : Land at Town Living, Blenheim Lane, Exbourne, EX20 3RX  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 14-November-2018  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Milton Ford**

APPLICATION NUMBER : **1280/18/LBC** APP/Q1153/Y/18/3210365  
APPELLANT NAME: Mrs S E Hambley  
PROPOSAL : Listed Building Consent for provision of WC facility to first floor of existing cottage  
LOCATION : 7 Venn Hill, Milton Abbot, PL19 0NY  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 07-November-2018  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **2424/17/OPA** APP/Q1153/W/18/3206945  
APPELLANT NAME: Mr R Holland  
PROPOSAL : Outline application with some matters reserved for erection of 13 dwellings (9 open market and 4 affordable) and access road  
LOCATION : Development site at SX 447 766, East of Summer Green, Lamerton

APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 05-November-2018

APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward South Tawton**

APPLICATION NUMBER : **4225/17/LBC** APP/Q1153/Y/18/3203688  
APPELLANT NAME: Mr T Speyer  
PROPOSAL : Listed building consent for removal of two internal walls and internal alterations.  
LOCATION : 3 Garden Cottages, South Tawton, EX20 2LS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 06-November-2018

APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Tavistock South East**

APPLICATION NUMBER : **3753/17/TPO** APP/TPO/Q1153/6699  
APPELLANT NAME: Mrs L Critchley  
PROPOSAL : T0885: Beech - crown height reduction by up to 4 metres, lateral reduction on north, west and east sides by approx 2 metres, crown raise lower branches on North side to approx 5 metres from ground, level, adjacent companion tree removed leaving tree exposed, movement in rootplate; T0886: Copper Beech - Crown reduction on lower South side by up to 3 metres, raise whole crown to approx 4.5 metres from ground , encroaching neighbouring property, lower branches preventing light; T0887: Monterey Pine - Fell, post-mature, historic limb failure, sap flow on large limb overhanging property, change in targetvalue.  
LOCATION : Grey Wethers, Down Road, Tavistock, PL19 9AG  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 05-April-2018  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 24-October-2018