

# West Devon Development Management and Licensing Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>								
<b>Date:</b>	<b>Tuesday, 30th July, 2019</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 Yelland <b>Vice Chairman</b> Cllr Pearce</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Cheadle</td> <td style="width: 33%;">Cllr Moyse</td> </tr> <tr> <td>Cllr Crozier</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Hipsey</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Vachon</td> </tr> </table>	Cllr Cheadle	Cllr Moyse	Cllr Crozier	Cllr Ratcliffe	Cllr Hipsey	Cllr Renders	Cllr Mott	Cllr Vachon
Cllr Cheadle	Cllr Moyse								
Cllr Crozier	Cllr Ratcliffe								
Cllr Hipsey	Cllr Renders								
Cllr Mott	Cllr Vachon								
<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 4 June 2019

**1 - 4**

**5. Planning Applications**

**5 - 24**

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>

**1684/19/ARM**

**Application for approval of reserved matters following outline approval  
4043/17/OPA for erection of one dwelling.  
8 Drakes Park, Bere Alston**

**1074/19/FUL**

**Form new dwelling by Subdivision of existing dwelling (resubmission)  
83 Plymouth Road,  
Tavistock**

**6. Planning Appeals Update**

**25 - 26**

# 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 4<sup>th</sup> day of **JUNE 2019** at **10.00am**

**Present:**

Cllr J Yelland – Chairman

Cllr T G Pearce – Vice Chairman

Cllr R Cheadle

Cllr S Hipsey

Cllr D E Moyse

Cllr P Crozier

Cllr C Mott

Cllr B Ratcliffe

Head of Practice Development Management (PW)

Planning Specialist (CS)

Head of Practice Environmental Health (IL)

Legal Advisor (BF)

Specialist Democratic Services (KT)

**Other Members also in attendance:** Cllrs N Jory, N Heywood, T Leech, T Southcott and M Ewings

**\*DM&L 01 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs M Renders and P Vachon.

**\*DM&L 02 DECLARATION OF INTEREST**

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

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

The Solicitor granted a dispensation to enable all Members to take part in the debate and vote on application **0924/19/ADV**: Advertisement consent for 'Meadowlands Leisure Centre' centre name signs x 2 – front and back of building. Directional sign to main entrance from rear of site – Meadowlands Leisure pool, The Wharf, Tavistock, as the Council had a leasehold interest in the application.

**\*DM&L 03 URGENT BUSINESS**

The Chairman advised that there was one item of urgent business that was exempt, and would be taken at the end of the meeting.

**\*DM&L 04 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 23 April 2019, were confirmed and signed by the Chairman as a correct record.

**\*DM&L 05 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

**(a) Application No: 0257/19/VAR Ward: Mary Tavy**

**Site Address: West Liddaton Farm, Liddaton, Coryton**

**Application for variation of condition 2 following grant of planning permission 3842/17/FUL (Part retrospective)**

Case Officer Update: No further update

Speakers included: Supporter – Mr Peter Rowan; and local Ward Member – Cllr Pearce (reserved his speech for debate)

**RECOMMENDATION:** Conditional Approval

During discussion, and having been on a site visit, Members raised concerns over a number of the changes, but particularly were concerned at the appearance and position of the door on the southern elevation. If the application were to be approved, Members required a condition that would change the door to one of solid appearance. Concerns were also raised over the industrialisation of the building, but Members were advised that the future use of the building was not a reason for refusal of the application, although it might be a matter for investigation at a later date. Other Members with experience of bee keeping were surprised at the need for an air conditioning unit, and were disappointed that the need had not been taken into account as part of the recent original application.

**COMMITTEE DECISION:** Refusal

Reasons:

The insertion of an external doorway in the loft space of the southern elevation does not respect the character and appearance of the building and would cause visual harm to the area, contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

**(b) Application No: 0924/19/ADV Ward: Tavistock North**

**Site Address: Meadowlands Leisure Pool, The Wharf, Tavistock**

**Advertisement consent for 'Meadowlands Leisure Centre' centre name signs x 2 – front and back of building. Directional sign to main entrance from rear of site**

Case Officer Update: None

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** conditional Approval

Conditions:

1. Accord with plans
2. Standard advert condition – permission of site owner required
3. Standard advert condition – security
4. Standard advert condition – maintenance
5. Standard advert condition – public safety
6. Standard advert condition – tidy site after removal
7. Illuminated signage only lit when leisure centre is open

**\*DM&L 06 PLANNING APPEALS UPDATE**

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

**\*DM&L 07 EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

**\*DM&L 08 URGENT BUSINESS**

As set out by the Chairman at Item 3, there was one item of urgent business to be raised, to update the Committee on a decision that had been taken using urgent powers, in respect of the revocation of a taxi driver licence. The Head of Practice Environmental Health presented a statement to Members, and responded to questions of clarity.

(The Meeting terminated at 11.15 am)

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**Chairman**

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

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

**Application No:** 1684/19/ARM

**Agent/Applicant:**

Rowan & Edwards  
21 Plymouth Road  
Tavistock  
Devon  
PL19 8AU

**Applicant:**

Mr J Sobey  
8 Drakes Park  
PL20 7DY

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

**Development:** Application for approval of reserved matters following outline approval 4043/17/OPA for erection of one dwelling

**Reason item is being put before Committee**

Referred by Ward Members due to tensions locally over parking availability and the impact this development would have.



**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans
2. Drainage
3. Natural slate

4. Stone wall
5. Tamar EMS mitigation
6. Removal of permitted development rights for first floor windows and roof openings on rear elevation

**Key issues for consideration:**

Detailed design, visual impact, highways.

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**Site Description:**

The site is situated within the village of Bere Alston, on the eastern side Drakes Park and currently forms part of the garden area of No.8.

Bere Alston is not identified as a Sustainable Village within the JLP due to its location within the Tamar Valley AONB.

**The Proposal:**

Reserved Matters approval for access, appearance, landscaping, layout and scale following approval of outline application 4043/17/OPA. The submitted plans show one detached two storey dwelling with 3 bedrooms. Access would be taken from Drakes Park onto a parking area to the north of the proposed dwelling. The dwelling would have a slate roof with white rendered walls and grey upvc window units.

**Consultations:**

- County Highways Authority – *“The planning authority has specifically requested the highway authority to consider the highway aspects of this application as the access arrangements have varied significantly from the original proposals at outline, which were assessed by the planning authority's own officers using Standing Advice.*

*The access in this 'reserved matters' application is now proposed to be located onto the taper of an existing parking area contiguous with the highway which forms part of the publicly maintained highway. The proposed access will effectively 'mirror' a similar access to number 3, Drakes Park at the northern end of the parking area. That existing access has restricted visibility to the north (leading traffic direction) whereas the proposed access will have restricted access to the south (trailing traffic direction); other than that, they are identical. The proposed access is considered adequate having regard to the number and speed of vehicles using Drakes Park at this location.*

*The parking area between the two accesses will remain for approximately six vehicles, perpendicularly parked. The proposed development includes provision for two parking spaces on curtilage.*

*There are therefore no objections to the proposed development from a highway safety point of view.*

**Recommendation:**

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT'**

- Natural England – specific measures will be required to prevent harmful effects on the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA. Appropriate Assessment may be required. Refer to NPPF para 172 regarding impact on Tamar Valley AONB.

- Drainage – “**Recommendations – no objection**

*Based on the information provided we would support the current proposal. Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site therefore if permission is granted please include the following condition.*

**Suggested condition**

1. *The drainage scheme shall be installed in strict accordance with the approved plans (drainage Report Ref: J-904 dated 2<sup>nd</sup> May 2019), maintained and retained in accordance with the agreed details for the life of the development.*
2. *If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.*

*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.”*

- Bere Ferrers Parish Council – No comments received

**Representations:**

3 letters of objection have been received with issues raised summarised as follows:

- Proposed design not in keeping with other houses on estate
- Highways safety – no clear vision until out in road
- Proposed parking imposes on existing parking spaces for 3-6 Drakes Park and crosses a footpath used daily by occupants of those properties
- Over dominance for nos 8, 9b and 29 Drakes Park
- Spoils other people’s views
- Drakes Park becoming too overcrowded
- Previous applications rejected

**Relevant Planning History**

- 4043/17/OPA READVERTISEMENT (Revised Plans Received) Outline planning application for the erection of one dwelling. 8 Drakes Park, Bere Alston. Conditional approval: 16 May 18

- OA/3/29/1339/1990/: Erection of a dwelling in garden. 8 Drakes Park Bere Alston  
Refusal: 28 Aug 90

Also of interest on a nearby site:

- 01994/2011: Erection of 2 dwellings and associated works. 9 Drakes Park Bere Alston  
Yelverton Devon PL20 7DY. Conditional Consent: 04 Jan 13

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of development has been established by the recent Outline consent. This application submits details for Reserved Matters approval within a reduced red line site area (as not all of the Outline red line site area is within the ownership of the current Applicant), the impact of which is considered in more detail below. Bere Alston is identified as a Key Village within the JLP where new residential development can be supported in principle.

Design/Street Scene/Landscape:

Whilst the principle of development is considered acceptable, due regard must still be had to the detailed design.

Officers consider there is no issue with the proposal for a three bedroom detached home in this location with regards to housing mix. Policy DEV10 requires developers to meet Nationally Described Space Standards and provide sufficient external amenity space. The master bedroom (marked as bed 1 on the submitted floor plans) has a floor area in excess of the required 11.5 square metre minimum. The two smaller bedrooms meet the required standard (7.5 square metres) for single bedrooms. The dwelling therefore needs to provide 84 square metres of gross internal floor space and 2.5 square metres of built-in storage in order to comply with the technical standards. Based on the submitted plans the proposal exceeds the required minimum standards.

Whilst concerns have been raised by third parties regarding the appearance of the dwelling, Officers consider the design is similar to that previously approved at nos. 9a and 9b Drakes Park (LPA ref. 01994/2011) and the general character of the street scene, which already includes dormer features, would be conserved. The location of the parking area to the north of the dwelling rather in front is not considered to be significant issue in general design terms.

Policy DEV25 requires new development to conserve and enhance the natural beauty of AONBs. This is a reserved matters application and the principle of development has already been accepted. The proposed design respects the character of the surrounding street scene, and the use of high quality materials (specifically a natural slate roof and stone wall detailing for the access) can be controlled by condition. On this basis the proposed development would conserve the character of the AONB. It would not provide clear enhancement, but would be seen as a quality new dwelling sitting comfortably in the surrounding street scene within a village environment.

#### Neighbour Amenity:

The proposed development would not in the view of Officers be overly dominant in relation to existing neighbouring properties having regard to the standards of amenity generally enjoyed in this locality (noting the relationships between 9 and 9a/9b Drakes Park). This view is based on the plans as submitted. The future introduction of additional openings on the rear (east) elevation facing 8 Drakes Park could create an unneighbourly relationship including the perception of overlooking. It is therefore considered appropriate to remove permitted development rights in respect of such additional openings.

#### Highways/Access:

The reduced red line site area from the original consent has reduced the frontage of the site directly into the highway, resulting in more limited space for access to be achieved. The access is proposed in the north west corner of the site where it curves around the highway. Devon County Highways have reviewed the application in detail and raised no objection.

The proposed driveway access adjoins directly with the public highway at Drakes Park where there is currently no pavement. It is not clear why the proposed access is considered by objectors to impose on the existing parking for 3-6 Drakes Park – there is an informal parking area to the north of the site adjacent to the green space in front of the Drakes Park properties but the proposed access opens onto the highway. The proposed access would not directly cross the pedestrian footpath that runs around the front of the Drakes Park properties.

#### Other Matters:

Loss of private views is not a material planning consideration.

The site is now within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. This presents a material change in policy since the original outline application was considered. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

#### The Planning Balance:

The principle of development has been established by virtue of the existing outline consent. The proposed detailed design would conserve the character of the surrounding street scene and the AONB within a village location. Concerns raised by third parties are not considered to provide material grounds for refusal in this case. 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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

## **A Neighbourhood Plan Bere Peninsular to 2034**

Policy E1: Protecting the Local Environment

Policy E2: Supporting Biodiversity

Policy E3: Progressing towards a Low Carbon Environment

Policy H4. Unallocated Development

Policy H6. Housing Density and Design

Policy T1. Sustainable Transport

### **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 hereby approved shall in all respects accord strictly with drawing numbers Sobey LocPL APR19, Sobey BLPL APR19, Sobey PL APR19, Sobey EL APR19, Sobey SEC NS APR19 received by the Local Planning Authority on 7th May 2019.

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

2. 1. The drainage scheme shall be installed in strict accordance with the approved plans (drainage Report Ref: J-904 dated 2nd May 2019), maintained and retained in accordance with the agreed details for the life of the development.

2. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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

3. The roofs hereby approved shall be clad in natural slates, a sample of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details and thereafter so retained.

Reason: In the interests of visual amenity and high quality design within the Tamar Valley AONB.

4. All alterations and repairs to the existing walls shall be carried out to match the existing stonework with any repairs in lime mortar to match the colour and texture of the existing. New stone walls shall be constructed to match the existing stone walling of the development.

Reason: To ensure that the finishes and colours are appropriate to the locality.

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

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

Dwelling size Contribution per dwelling

1 bedroom £17.16

1 bedroom flat £23.99

2 bedroom house £31.60

3 bedrooms £33.93

4 bedroom house £36.76

5 bedroom house £40.38

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission shall at any time be inserted in the first floor or roof space of the rear (east) elevation of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

## PLANNING APPLICATION REPORT

**Case Officer:** Rosalie Metcalfe  
West

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

**Application No:** 1074/19/FUL

**Agent/Applicant:**  
Mr Jeremy Maddock  
Elford Maddock Architect'l Practice  
23 Fore Street  
Bere Alston  
Yelverton  
PL20 7AA

**Applicant:**  
Mr T Faircloth  
Lower Hill Farm  
Nr Tavistock  
PL19 8RR

**Site Address:** 83 Plymouth Road, Tavistock, PL19 8BZ

**Development:** Form new dwelling by subdivision of existing dwelling

**Reason item is being put before Committee:** This application has been brought before the Committee at the request of the Head of Development Management Practice on the base that a previous application for the same site and description was refused at previous Development Management Committee and it is considered that DM Committee should determine whether the proposed changes in this application overcome the previous reasons for refusal.



**Recommendation:** Conditional Approval

**Conditions:**

1. Time limit
2. Accord with plans
3. PD rights removed
4. Parking to be implemented and retained
5. Car parking/access drainage details
6. Zone of Influence mitigation

**Key issues for consideration:**

- Principle of development
  - Neighbour Amenity
  - Previous appeal and planning decisions
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**Site Description:**

The application site consists of a recently constructed extension attached to the southern elevation of 83 Plymouth Road. The extension occupies part of the existing garden belonging to the host dwelling.

The close consists of 6 dwellings accessed via a communal drive/road that connects to the A386 (Plymouth Road) to the west. The close is configured in a horseshoe arrangement with the nearest property to the application site within the close being 85 Plymouth Road to the west. To the east and close to the site's garden boundary is the building located on Grenville drive housing flats 1A – 1D.

The site is located to the east of the Tavistock Conservation Area (CA) but is set amongst the more modern developments on the opposite side of the road to the CA and does not contribute to its historic character or make a positive contribution to its immediate setting.

**The Proposal:**

The proposed development is to subdivide the current dwelling by using the extension as an independent dwelling.

The revised plans as submitted also now show the subdivision of the existing curtilage to show separate small garden areas for the existing property and that as proposed.

Parking provision is also indicated to the front of the proposed dwelling showing space for one vehicle for the proposed dwelling.

A previous application (2243/18/FUL) for the same proposal was refused at committee on 26/03/2019 for the following stated reason:

1. *The new dwelling by reason of the inadequacy of the parking and turning area and insufficient area and quality of outdoor amenity space for the size of the dwellings*

would result in a cramped and undesirable form of development that would not provide for the needs of the occupants and harm the locality contrary to Local Plan Policy H28, Core Strategy policies SP1 and SP20 and policies DEV1, DEV8 and DEV10 of the emerging South West Devon Joint Local Plan.

This application is stating to be addressing those issues in full.

### Consultations:

- County Highways Authority - No highways impacts
- Natural England – No objection subject to inclusion of pre-occupation contribution.
- Drainage - No objection

Based on the information provided we would support the current proposal.

Observations and comments:

*This is an application for internal subdivision of an existing dwelling located partially within Flood zone 2, with no external changes proposed and SWW have confirmed they would be happy to accept foul discharge to their system therefore we would have no objection to this aspect of the development.*

*However new car parking facility and access has been proposed but its drainage details have not been provided, so this information will be required by condition.*

*Suggested conditions:*

*Notwithstanding the submitted information, no development shall be commenced until: Drainage details of the car park and access have been submitted to and approved in writing by the Local Planning Authority (LPA). 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.*

*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.*

- Tavistock Town Council - Object – “we do not believe this is materially better than the previous applications which were objected to, also there is now even less parking availability and no vehicle turning area.”

### Representations:

- None

### Relevant Planning History

Application Ref	Address	Proposal	Decision	Decision Date
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2243/18/FUL	83 Plymouth Road, Tavistock	READVERTISEMENT (Revised Plans) Form new dwelling by subdivision of existing dwelling.	Refusal	26/ 3/2019
1032/18/NMM	83 Plymouth Road, Tavistock, Devon	Non-material amendment following householder consent 3493/17/HHO (Householder application for two storey side extension) for additional door	Conditional Approval	21/ 5/2018
3493/17/HHO	83 Plymouth Road, Tavistock	Householder application for two storey side extension to dwelling.	Conditional Approval	11/12/2017
2461/16/FUL	83 Plymouth Road, Tavistock	Erection of dwelling	Refusal	22/11/2016 Appealed – Ref: APP/Q1153/W/17/31690 48, Dismissed on 29/06/2017
0874/16/HHO	83 Plymouth Road, Tavistock, Devon	Householder application for a two storey extension to existing dwelling	Conditional Approval	25/ 5/2016

## ANALYSIS

Principle of Development/Sustainability:

The proposed development relates to an existing extension and the host dwelling. The application site is located within the main town of Tavistock and is close to a range of services including public transport and shopping facilities. The site is located within an existing residential close.

Given the above, the application site is considered to be in a sustainable location.

A previous application (2243/18/FUL) for the same proposal was refused at committee on 26/03/2019 due to inadequate parking and turning and insufficient amenity space.

This application proposes one parking space for the new dwelling and a larger amenity area.

Prior to this, as is noted in the “planning history” section of this report the site has been subject of a previous appeal decision in relation to the erection of dwelling.

This decision and the issues raised in the Inspector’s report setting out their assessment is a material planning matter that must be considered in that it relates to this current proposal.

It should be noted that appeal was in relation to a proposed detached dwelling to be located within the southern garden area belonging to 83 Plymouth Road as opposed to the current scheme where the dwelling would be created through the sub-division of the dwelling to utilise the extension as a dwelling.

The Inspector’s report confirms that they reviewed the following issues;

1. The character and appearance of the area; and
2. The living conditions of the future occupiers of the proposed dwelling in respect of outlook and available garden space and the existing occupiers of 83 Plymouth Road in respect of available garden space.

In dismissing the appeal the Inspector offered the following conclusions;

*Paragraph 5 – “Due to its detached nature, the dwelling would have an appreciably more significant effect than the existing side extensions and the one that has been granted planning permission at this site...Other new housing has been accommodated in the area, such as No. 89a. However that dwelling is located at the end of a terrace and the context is not directly comparable and it does not justify the appeal scheme.”*

The current scheme is not for a detached dwelling and would instead use the approved extension as a dwelling.

*Paragraph 7 – “A two storey block of flats is located to the rear of the site; it is sited so that it sits across almost the entire width of the appeal site and a good portion of the width of No. 83. The side elevation of this building is set only very modestly away from the common boundary. The rear of the appeal dwelling would be located very close to the boundary, the outlook from the rear living room windows and two of the bedrooms would be dominated by the side wall of the flats. This would create harmfully oppressive living conditions for the future occupiers of the dwelling.”*

The current proposal would utilise the existing extension where the amenity impacts have already been previously assessed as being acceptable in terms of relationship with other development (inclusive of the flats). No new windows or doors are proposed to increase

overlooking from that as assessed in relation to the approved extension. The extension is set further back from the common boundary with the flats and therefore the issue in relation to the proposed dwelling's outlook has, in officer view, been overcome.

Paragraph 8 – *“The living room would also have a side window. Currently there is a low boundary between the site and the side garden at No. 85. To ensure that garden was not unacceptably overlooked from the proposed side living room window it would be necessary to secure a higher boundary treatment through a condition. Consequently the outlook from this side window would be dominated by the boundary.”*

As is noted the current proposal is for the dwelling to occupy the existing extension whereby the window facing onto this garden area has already been assessed as being acceptable. Equally it is located further away from the side garden referred to and a higher boundary treatment would not therefore impact upon the outlook through dominance and therefore a suitable boundary treatment could be achieved without detriment.

Paragraph 9 – *“The outside space to the rear and side of the dwelling would be extremely limited and would amount to little more than a narrow yard area dominated by the boundaries and the side wall of the flats. The front of the site would be largely taken up by parking and vehicle manoeuvring space. Even if only a single space was provided, the usable outside garden would still be limited, and this area would not be private.”*

The revised plans submitted as part of the current proposal indicates more garden space being provided than both the previous application and the appeal scheme. This has been achieved through the moving of parking provision, the re-siting of the dwelling from a detached position to being attached to No. 83, and the subdivision of the plot via a squared off fence-line. The plans also show the existing conservatory and shed belonging to No. 83 as being removed to provide more outside space to the existing property. It is considered necessary and reasonable to condition the removal of these in order to ensure sufficient amenity space.

Whilst the garden areas would be reduced from that as currently serving No. 83 as a single dwelling, there would be adequate garden areas provided to serve both the existing and proposed property.

In addition the revised plans also show a 1.8m fence to be installed above the existing concrete block wall that bounds the adjacent side garden area belonging to No. 85. This would provide a degree of privacy to prevent undue overlooking into this garden, although it is again noted that the existing extension has already been assessed as acceptable. Further revised plans show a boarded fence of 1.8m in height between the garden areas of no.83 and the proposed dwelling which would ensure a degree of privacy to both amenity areas.

In light of the above, it is case officer opinion that the current proposal does not result in the same issues as were cited in the dismissal of the appeal nor the previous application and that there are key differences that overcome the issues identified in the inspector's assessment and the committee decision that led them to conclude the previous scheme was unacceptable.

Design/Landscaping:

The appearance of the dwelling is unchanged – the approved extension is identical to the proposed house having a slate roof, rendered walls and uPVC windows/doors.

The amenity areas will be a combination of absorbent finishes where parking/drive/paths and will be lawn elsewhere. The existing tall block built boundary wall is to remain unchanged at the rear (east) and the wall to the south is to be raised by topping off with trellis. The new rear shared boundary wall shown on the proposed plans will be similar, consisting of a block built dwarf wall topped off with boarded fencing. The front boundary will be marked up with masonry setts, laid into the ground.

It is considered that the proposed landscaping is sufficient and suitable for a suburban residential dwelling.

#### Neighbour Amenity:

It is noted that the current scheme would utilise the approved, existing extension as a separate dwelling. The approved extension is not being altered beyond what has already been approved under application 3493/17/HHO and the subsequent non-material amendment (1032/18/NMM) for an additional door.

There will be new parking to the front of the proposed dwelling, but it was noted that space already exists to facilitate this. In addition the use of the garden area will not perceptibly change however in the interests of amenity boarded fencing is proposed between neighbouring properties.

The existing and proposed floor plans show that there is no proposed alteration to the room layouts and therefore the overlooking from the windows serving these rooms to surrounding neighbouring properties will not alter and have therefore also been assessed as being acceptable as they would have been assessed under application 3493/17/HHO.

With the creation of a separate garden areas it could be considered that there will be overlooking issues created affecting the garden of the existing property (83A) however this is currently under the applicants ownership and there would be a degree of 'buyer beware' consideration to any future occupants therefore it is the case officers opinion that this is not sufficient grounds to refuse the application.

Overall, the limited impact upon neighbouring resident's amenity is considered acceptable.

#### Highways/Access:

The Devon County Highways Officer has not objected to this current scheme.

It is also noted that in dismissing the previous appeal the Inspector stated the following;

*Paragraph 17 – “Due to the distance from the Conservation Area and the listed cottages the development would not result in harm to the setting of either. Adequate access and parking could be provided and there would be no significant effects on biodiversity or the living conditions of other neighbouring residents.”*

Evidently and despite dismissing the previous appeal, the Inspector did not feel that a new dwelling would lead to harmful highways impacts or harm to the heritage assets nearby.

## Other Matters:

The Parish Council have objected as there is less parking and no turning area provided however there is no policy or guidance to advise that any minimum parking standards are required. A parking space is provided for the proposed dwelling and with regard to a turning circle it is understood that the access land within this cul de sac is utilised by all the properties as a turning circle when required.

It should be noted that the requested condition in relation to drainage has been worded as being required prior to development commencing. Obviously in this instance the development already exists as the extension is already in situ. The condition would therefore need to be modified so as to require the details prior to the occupancy of the dwelling or the setting out and use of the car parking areas, whichever is the sooner. This would ensure that the requested drainage details are received for approval by the LPA.

Finally, it is also noted that further extension to the proposed dwelling or buildings within its curtilage would have the potential to erode the amenities enjoyed by existing neighbouring residents and lower the amount of outdoor space available to future occupiers. Any planning approval would need to include a condition removing permitted development rights accordingly so as to ensure such development could not take place without the approval of the LPA.

## Planning Balance:

The current scheme differs to the previous planning application submitted in that it has increased the amenity areas to allow both properties to have fairly equal amenity.

There is the same amount of parking provided in that two cars are able to park outside both properties.

The internal configuration of the dwelling would not alter from that as exists in the current extension and so any overlooking would remain the same given the occupancy levels of the rooms would not alter.

The curtilage arrangements and boundary treatments seek to overcome previous issues in terms of privacy and amount of space afforded to the new dwelling and No. 83. These provisions, whilst not overly generous, are considered to be adequate and certainly improve upon those as proposed under the previous scheme.

In light of the above, the development will not lead to a loss of amenity that would warrant refusal. The dwelling as proposed utilises the extension, which is an approved design in terms of materials, room layout and location. The development will not result in harm either by way of highways impacts or to the setting of the nearby heritage assets, a matter as has already been confirmed in a previous appeal decision.

Overall the site is located in a sustainable location and has overcome the issues that resulted in the refusal of the detached dwelling as was proposed under application 2461/16/FUL and 2243/18/FUL

The development is therefore considered to be acceptable in planning terms being both compliant with the Joint Local Plan policies and not resulting in such harm to the amenities of the site or surrounding area that would warrant refusal of the scheme. The application is therefore recommended for approval.

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

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV3 Strategic infrastructure measures for the Main Towns  
TTV20 Spatial priorities for development in Tavistock.  
TTV17 Plymouth Road, Tavistock  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

### **Neighbourhood Plan**

The Tavistock Neighbourhood plan area was approved by delegated authority on 27 September 2017 and follows the parish boundary of Tavistock. The plan has not progressed to the next formal stage in the process.

### **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.

### **Proposed Conditions**

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawing and documents:
  - Site Location Plan, scale 1:1250@A4. Supplied by Stanfords, 01 December 2016. Received by the Local Planning Authority on 03/04/2019.
  - Block Plan, scale 1:200 at A3, Drawing Number 410/09 dated July 2018. Received by the Local Planning Authority on 03/04/2019
  - Proposed Elevations, scale 1:100 at A3, Drawing Number 410/07 Rev A, dated 26/03/2019. Received by the Local Planning Authority on 03/04/2019
  - Proposed Floor Plans, scale 1:100 at A3, Drawing Number 410/06 Rev A, dated 26/03/2019. Received by the Local Planning Authority on 03/04/2019
  - Design & Access Statement, by Elford Maddock Architectural Practice, dated 27/03/2019. Received by the Local Planning Authority on 03/04/2019

- o Proposed Site Plan, scale 1:100 at A3, Drawing Number 410/08 Rev F, dated 03/07/2019. Received by the Local Planning Authority on 03/07/2019

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

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class B (roof addition)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (e) Part 1, Class G (chimney, flue or soil and vent pipe)
- (f) Part 2, Class A (means of enclosure)

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

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

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

5. Notwithstanding the submitted information, and prior to the occupation of the dwelling:

1. Drainage details of the car park and access shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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.

2. 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. Designated Site Mitigation:

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

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA)

where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14, DEV25 and DEV26 of the adopted JLP.

**Agenda Item 6**

**West Devon Borough Council**  
**PLANNING AND LICENSING COMMITTEE 30-Jul-19**  
**Appeals Update from 25-May-19 to 11-Jul-19**

**Ward Buckland Monachorum**

APPLICATION NUMBER : **3451/18/FUL** APP/Q1153/W/19/3228301  
APPELLANT NAME: Charles Gray Ltd  
PROPOSAL : Development of 3 No detached four bedroom dwellings with integral garages, new access road and external works (Resubmission of 1697/18/FUL)  
LOCATION : Challoch Bungalow The Crescent Crapstone PL20 7PS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 12-June-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Milton Ford**

APPLICATION NUMBER : **1116/18/FUL** APP/Q1153/W/18/3215226  
APPELLANT NAME: Mrs D Faircloth  
PROPOSAL : Change of use of existing barn to dwelling  
LOCATION : Lower Hill Farm Lamerton Devon PL19 8RR  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 30-January-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 11-June-2019

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**Ward Okehampton North**

APPLICATION NUMBER : **0448/19/PIP** APP/Q1153/W/19/3226726  
APPELLANT NAME: Mrs Carol Quelch  
PROPOSAL : Application for Permission in Principle for construction of 1no. 2 bedchalet to the rear of 69B Exeter Road  
LOCATION : Land to the rear of 69B Exeter Road Okehampton Devon EX20 1QF  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 28-May-2019  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Tavistock North**

APPLICATION NUMBER : **1503/18/FUL** APP/Q1153/W/18/3216693  
APPELLANT NAME: Ms I Chambers  
PROPOSAL : Swap the residential use of the Roundhouse to the holiday let and the holiday use to the Roundhouse and extend the current holiday let  
LOCATION : The Round House and the Annexe Old Launceston Road Tavistock Devon PL19 8NA  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 10-April-2019  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 27-June-2019

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APPLICATION NUMBER : **2206/18/FUL** APP/Q1153/W/19/3223930  
APPELLANT NAME: Ms I Chambers  
PROPOSAL : Change of use of agricultural land to residential garden  
LOCATION : The Milking Parlour Higher Wilminstone Wilminstone Devon PL19 0JT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 16-April-2019  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 11-July-2019

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