

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 3rd September, 2019								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Yelland Vice Chairman Cllr Pearce</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Cheadle</td> <td>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								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes

Meeting held on 30 July 2019

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5. Planning Performance Indicators

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6. Planning Applications

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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>

WARD NAME	Tavistock North
APPLICATION NUMBER	2199/19/FUL
LOCATION	Land at SX479750, North of Buddle Close, Butcher Park Hill, Tavistock
DEVELOPMENT	Construction of single dwelling on disused former agricultural land (resubmission of 2851/18/FUL)
APPLICANT	Mr R Moule

WARD NAME	Okehampton North
APPLICATION NUMBER	3910/18/OPA
LOCATION	Land at SX2551948 near Southcott Cross, Yelland Farm EX20 4NB

DEVELOPMENT	Re-advertisement – Revised site address) Outline application with all matters reserved for construction of Farm Managers Dwelling
APPLICANT	W J L Heard
WARD NAME	TAVISTOCK NORTH
APPLICATION NUMBER	2518/18/NMM
LOCATION	22 West Street, Tavistock
DEVELOPMENT	Demolition of existing single storey/garage storage building and erection of 3x 2-bedroom dwelling.
APPLICANT	Mr McDowall

7. 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 **30th** day of **JULY 2019** at **10.00am**

Present:

Cllr J Yelland – Chairman

Cllr T G Pearce – Vice Chairman

Cllr P Crozier

Cllr C Mott

Cllr B Ratcliffe

Cllr P Vachon

Cllr S Hipsey

Cllr D E Moyse

Cllr M Renders

Development Management Senior Specialist (AHS)
Development Management Specialists (CS and RM)

Devon County Council Highways Authority
Representative (PT)

Legal Advisor (BF)

Senior Specialist Democratic Services (DW)

Other Members also in attendance: Cllrs L Daniel, M Ewings, N Heyworth, T Leech, R Musgrave and T Southcott

***DM&L 09 APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr R Cheadle.

***DM&L 10 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.

***DM&L 11 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 4 June 2019 were confirmed and signed by the Chairman as a correct record.

***DM&L 12 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: 1684/19/ARM

Ward: Bere Ferrers

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

Application for approval of Reserved Matters following outline approval 4043/17/OPA for erection of one dwelling.

Case Officer Update: one additional letter of support had been received and one additional condition proposed in relation to the parking and turning space being laid out and made available prior to the dwelling being occupied.

Speakers included: local Ward Members – Cllrs Crozier and Musgrave.

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: 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; and
7. The parking and turning space (as shown on the approved plans) be laid out and made available prior to the dwelling being occupied.

(b) Application No: 1074/19/FUL

Ward: Tavistock South West

Site Address: 83 Plymouth Road, Tavistock PL19 8BZ

Form new dwelling by subdivision of existing dwelling

Case Officer Update: one additional condition proposed in relation to the removal of the conservatory and shed to ensure that the amenity space was provided.

Speakers included: Supporter – Mr Jeremy Maddock; and local Ward Member – Cllr Ewings.

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: 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; and
7. Removal of the conservatory and shed and erection of boundary fence to ensure amenity space provided.

***DM&L 13 PLANNING APPEALS UPDATE**

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

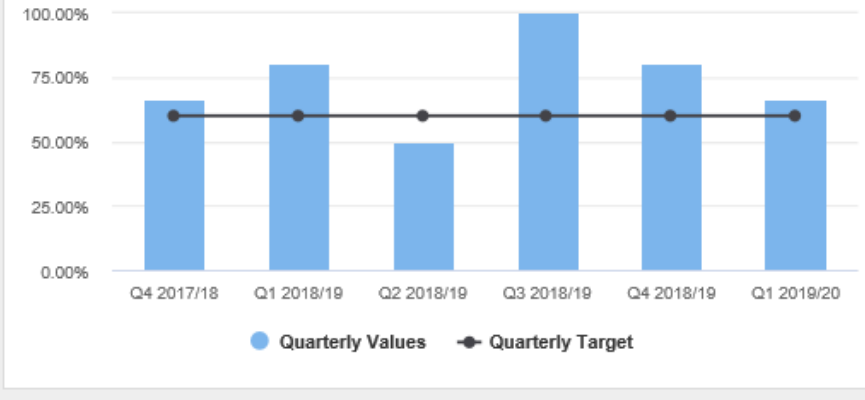
In so doing, the Senior Specialist Development Management made reference to the recent planning appeal decision at the Milking Parlour, Higher Wilminstone and felt that this was a particularly interesting outcome that Committee Members should read.

(The Meeting terminated at 11.15 am)

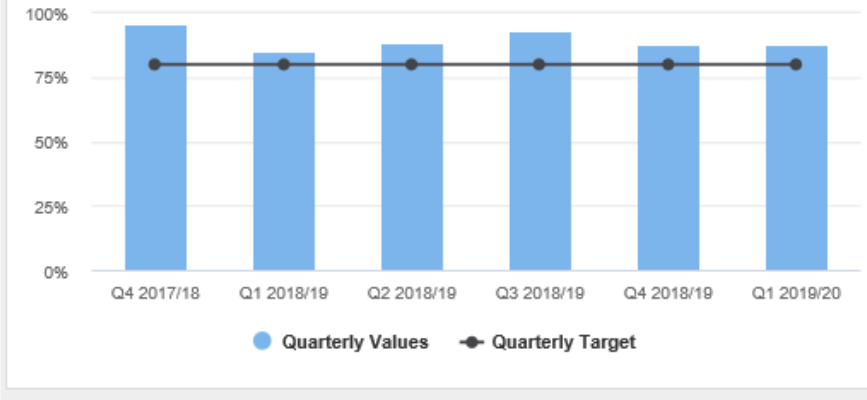
Chairman

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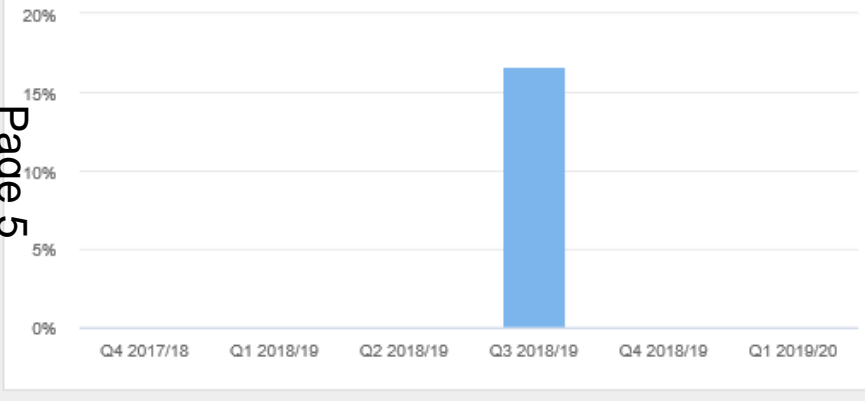
WD-P1 Major Apps on target



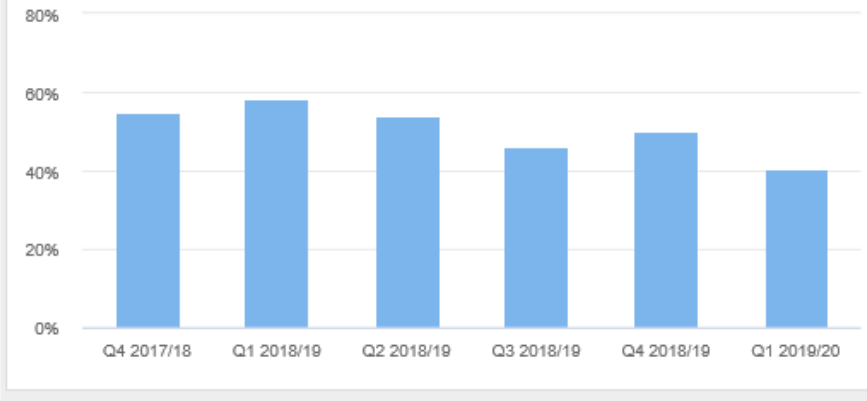
WD-P2 Non-Major apps on target



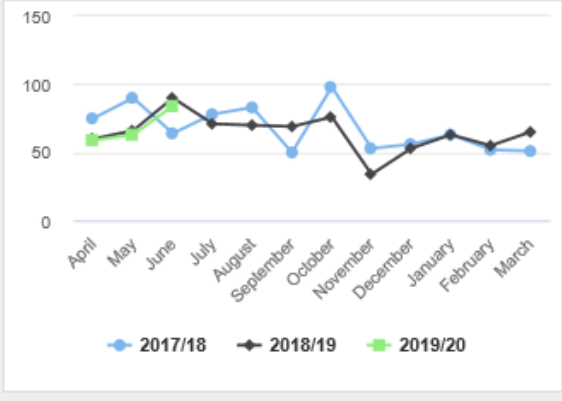
WD-P4 Major applications on target without eot



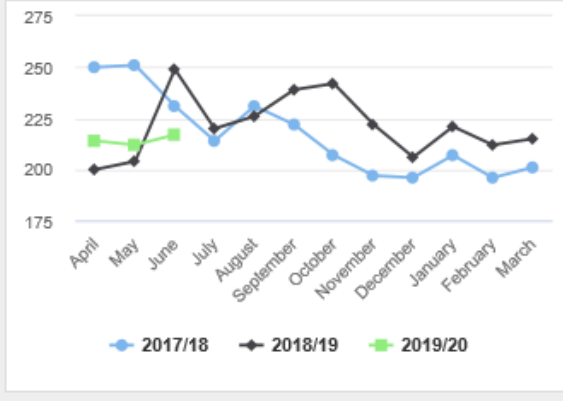
WD-P5 Non-Major apps on target without eot



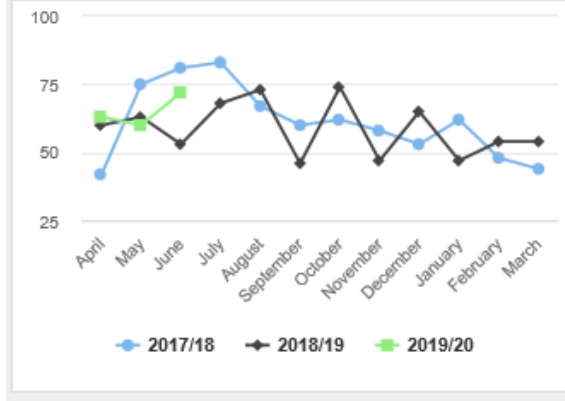
WD-P7 No of planning applications registered



WD-P8 Planning Workload



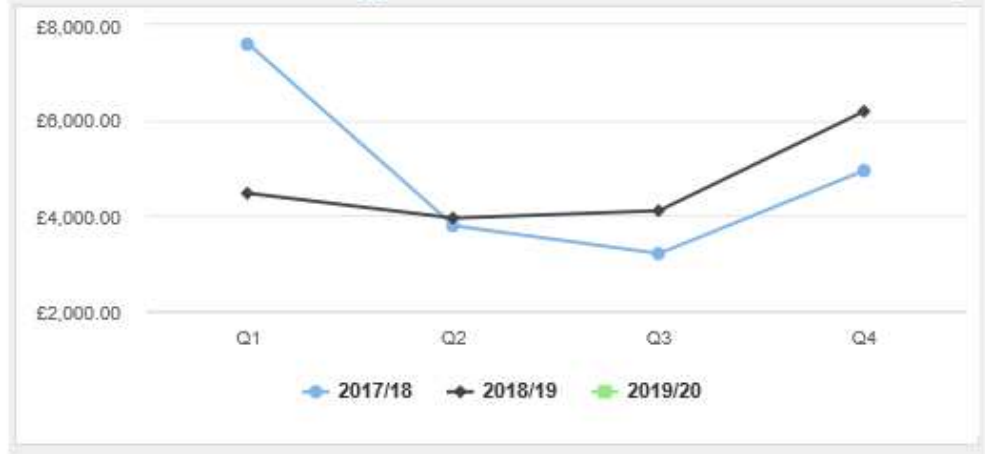
WD-P9 Applications determined



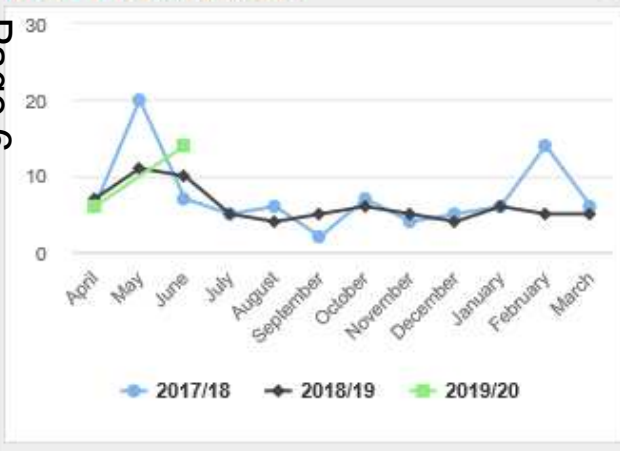
WD-P10 Fee Income from Planning Applications



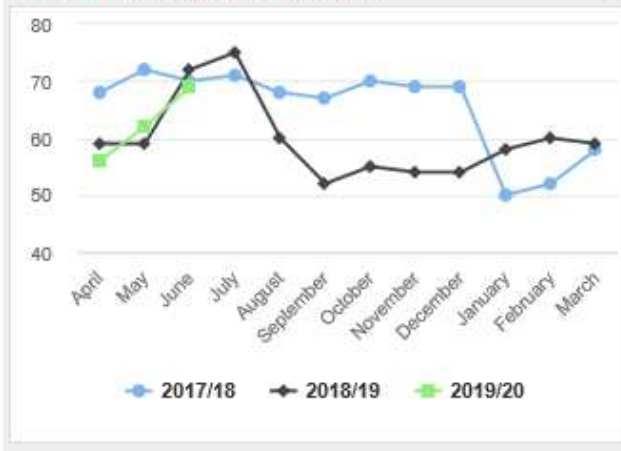
WD-P11 Fee Income from Pre-Apps



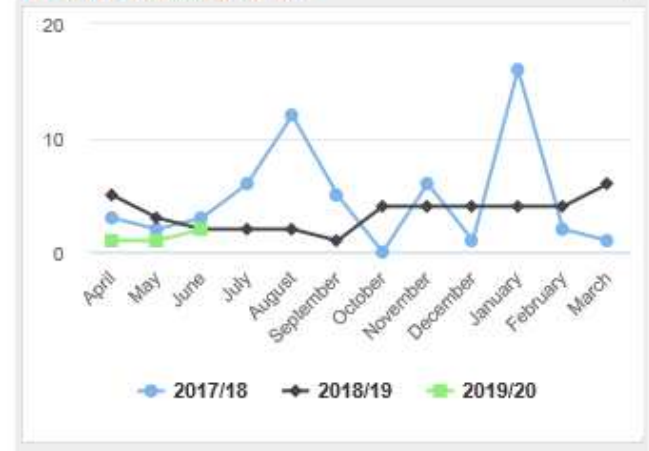
WD-P12 Pre-Apps Received

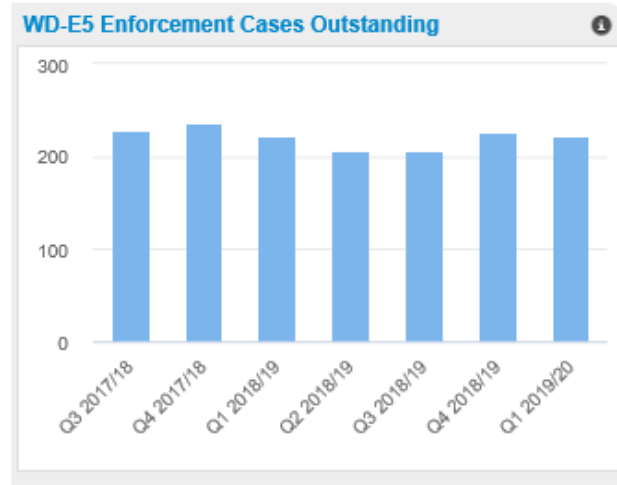
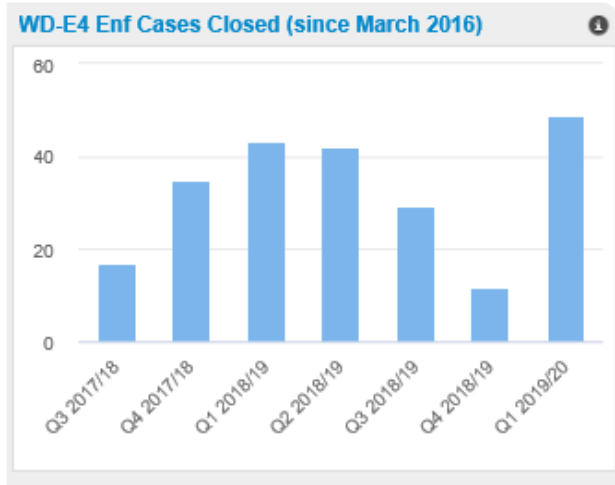
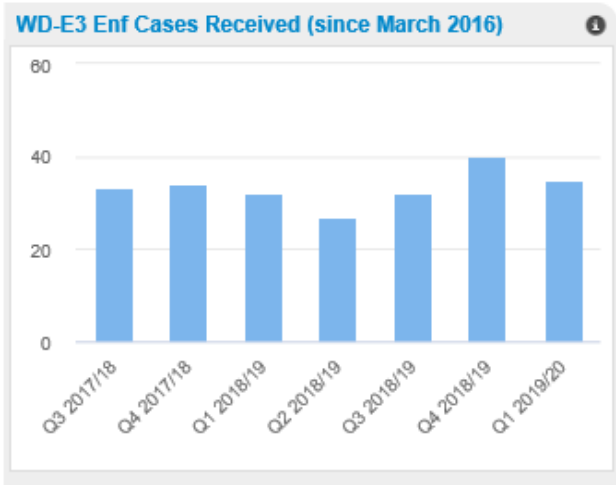


WD-P13 Pre-Application workload



WD-P14 Pre-Apps closed





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PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock North

Application No: 2199/19/FUL

Agent/Applicant:

Mr Stephen Whettem
The Works
3 Dolvin Road
Tavistock
PL19 8EA

Applicant:

Mr R. Moule
Everest
Tavistock
PL19 8LH

Site Address: Land at SX479750, North of Buddle Close, Butcher Park Hill, Tavistock

Development: Construction of single dwelling on disused former agricultural land (resubmission of 2851/18/FUL)

Reason item is being put before Committee

The Head of Development Management has requested that this application is determined by the Committee because there was pre application advice providing conflicting advice.



Recommendation: Refusal;

Reasons for refusal

1. The proposed development lies outside the built up area of Tavistock and is therefore development in the countryside. No exceptional circumstances have been put forward to show that the proposed development is to meet a proven agricultural, forestry or other occupational need that requires a countryside location and so the proposed

development fails to protect the special characteristics and role of the countryside contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan.

2. The proposed development is located in the countryside and is separated from Tavistock by topography, landscape character and a substandard access track which is poorly surfaced, unlit and distant from the adopted highway. The development is therefore an unsustainable form of development and is contrary to policies SPT1, SPT2, TTV1 and TTV2 of the Plymouth and South West Devon Joint Local Plan.
3. The provision of a new dwelling in this location, which is characterised by a largely undeveloped valley, will appear as an urban form of development and will have a harmful impact on the character of the area and fail to conserve and enhance the landscape character. The development is therefore contrary to Policies DEV10, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issues relate to the principle of development and the impact on the character and appearance of the area.

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

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The application site refers to a piece of land located to the north of Buddle Close. The site is currently in equine use and there is an existing outbuilding which was a barn located close to the entrance of the site and a number of field shelters on the site.

The site is accessed via a lane which provides access to Butcher Park Road. This is a poorly surfaced single lane with no pavement or street lighting.

The site has a rural character and is separate from the more suburban form of residential development at Buddle Close.

The site is close to the Buddle Quarry.

The site is not located within the Tavistock Conservation Area or the Cornwall or West Devon Mining World Heritage Site.

The Proposal:

This application is for planning permission for a detached dwelling and garage located to the north of Buddle Close but accessed would be from a private drive from Butcher Park Hill.

The new dwelling would provide 4 bedrooms with a design that uses the natural changes in ground level to provide for a two storey house with 1 storey above ground level.

The building would be constructed from render random rubble facings, vertical timber cladding, and a standing seam zinc roof. Glazing and doors would be constructed from powder coated aluminium. Solar panels would be provided on the roof.

Consultations:

- County Highways Authority – No comments – standing advice.
- Strategic Planning – Objection, the site is located outside of the built up area of Tavistock.
- Environmental Health Section - Objection there is an unacceptable risk from potential contaminated land.
- Town/Parish Council – Objection based on impact on minerals; isolated location outside the settlement; poorly integrated with the existing development.
- Devon County Council Minerals Authority – No objection.
- Tree Specialist – No objection subject to conditions.
- Drainage Engineer – No objection subject to conditions.
- Landscape Officer – Object to the proposal will expand the town into the rural setting, the proposal would fail to preserve and enhance the landscape character and visual amenity.

Representations:

2 letters of representation was received objecting and identifying the following material planning considerations:

Increase in traffic and inadequate access;
Over development.
Impact on bio-diversity.

Relevant Planning History

2851/18/FUL - Construction of single dwelling on un-used former agricultural land – Withdrawn.

0337/17/PRE – Pre app for removal of two redundant barns and construction of a new dwelling – Officer support given, subject to further information.

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements. This is identified as follows:

- 1) The Main Towns, which will be prioritised for growth to enable them to continue to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area;
- 2) Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
- 3) Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;
- 4) Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The settlements identified as Smaller Towns and Key Villages within paragraph 5.9 of the development plan are: Bere Alston, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokeham,/Chillington and Yealmpton.

The Sustainable Villages are identified as: Berry Pomeroy, Blackawton, Bratton Clovelly, Bridestowe, Broadwoodkelly, East Allington, Emrington, Exbourne, Folly Gate, Halwell, Harberton, Harbertonford, Highampton, Inwardleigh, Lamerton, Lee Mill, Lee Moor, Lewdown, Marldon, Milton Abbot, Monkokehampton, Morleigh, Northlew, Rattery, Sampford Courtenay, Sparkwell, Spreyton, Staverton, Stowford, Ugborough, Woolston Green and Wotter.

Paragraph 5.5 of the JLP identifies that the plan does not define settlement boundaries. However it does identify that development outside of built up areas will be considered in the context of TTV26 (development in the countryside).

The proposed site is separated from existing residential areas of Tavistock by topography which results in the site appearing distant from the built form of the town. The access to the site is also provided by a substandard access track which is narrow, unlit, poorly surfaced and the site is also 230m from the adopted highway.

The site is also located in a valley which is neighboured by equine uses and the side of the valley where the site is located is undeveloped. As a result it is considered that the site is not within the built up area of Tavistock and consequentially in the countryside, where consideration needs to be given to Policy TTV1 TTV2 and TTV26. This is the policy framework that needs to be assessed in order to establish the principle of development.

Policy TTV1(4) identifies that in the Countryside, development will only be permitted where it can be demonstrated that the development will support the principles of sustainable development and communities.

In terms of the broad principles identified within Policy SPT1 the constrained access to the site through poor surfacing without a pavement, lack of street lighting, incline and distance from Butcher Park Hill results in the site scoring poorly.

Again the fact that the site is distant and poor access from the facilities of Tavistock results in the site scoring poorly against the criteria of Policy SPT2. For example the site will not have an acceptable level of access to facilities to meet the daily needs, and does not provide good

access to public transport, walking or cycling opportunities, and will undermine the protection and enhancement of the natural environment.

As a result it is considered that this site is located in the Countryside and will not provide a sustainable form of development and would therefore be contrary to the principles in Policies SPT1, SPT2 and TTV1.

Before any conclusions can be drawn it is also important to consider Policy TTV26. This policy regulates development in the Countryside and identifies that development in the Countryside will only be permitted in exceptional circumstances. The site visit identified that the site is being used for the equine purposes this is not considered to constitute a brownfield use. This will be an open market dwelling and will not provide the exceptional circumstances identified within the Policy and is therefore contrary to Policy TTV26.

Overall it is concluded that this is an unsustainable form of development in the Countryside without the special circumstances demonstrated to permit development and is therefore contrary to Policies TTV1, SPT1 and SPT2 and TTV26 of the Plymouth and South West Devon Joint Local Plan.

Design/Landscape:

The proposed dwelling has been designed to minimise its visual impact on the landscape. This has been achieved through using the natural changes in levels so that the gradient accommodates the lower ground floor and the development being limited to a single storey above ground level. The design has also used a modern pallet of materials, such as zinc roofing and vertical Red Cedar Cladding, and the level of design detailing and articulation of the elevations is good. This results in a coherent and visually interesting design.

However the location is characterised by a largely undeveloped valley, particularly on the western side of the valley. There are equine and agricultural field shelters. The undeveloped character is a key feature of this part of the landscape and the introduction of an urban form of development, albeit well designed, will undermine and introduce a form of development that is harmful to the character and appearance of the area.

As a result it is concluded that the development will appear as an unrelated dwelling in the landscape and will fail to have regard to the pattern of local development and the wider development context and have a harmful impact on the landscape and character of the area. The development is therefore contrary to Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan.

The position of the proposed development will result in expansion into the rural setting of Tavistock which is recognised as being important to the character and setting of the town, with the pastoral fields a valued attribute. A new dwelling in this location would erode that character, and whilst the building design and form is sympathetic to the local sensitivity of the landscape, a residential property with associated garden and paraphernalia would still fail to conserve or enhance the landscape character and visual amenity. This is contrary to JLP Policy DEV23 and therefore cannot be supported.

In terms of internal space standard Policy DEV10 of the development plan identifies that new dwellings are required to meet the National Described Space Standards. This dwelling will exceed the requirements of 124 sq.m dwelling for an 8 person 4 bedroomed house.

Neighbour Amenity:

As the site is located away from existing residential properties and therefore will not result in the significant loss of residential amenity to neighbouring properties.

Highways/Access:

Access to the site is via a private drive which is accessed from Butcher Park Hill. This junction provides a satisfactory level of visibility to accommodate this dwelling.

The access to the site is somewhat constrained owing to the fact that it is poorly surfaced, unlit and narrow in places. The application red line boundary also does not include this access within the application site. However from a highway safety perspective the Highway Authority have raised no concerns.

Minerals:

The site is located within a Minerals Consultation Area (Buddle Quarry) and as such Devon County Council, as Minerals Authority, have been consulted. The submitted Minerals Consultation Area Development Impact Report has demonstrated that the dwelling would not constrain future working of the quarry. As a result there no objection has been raised from the Minerals Authority to this proposal.

Drainage:

This is a small scale minor development for the erection of a new dwelling with associated access and parking, located within a Critical drainage Area (CDA).

The information submitted has demonstrated a workable drainage scheme, with foul sewerage being managed through a private system. The Council's Drainage Engineer has raised no objection to this proposal subject to further information being secured by planning condition.

Trees;

The Council's Tree Specialist has reviewed the plans and raised no objection to the proposal subject to a condition requiring additional information.

Low Carbon:

Policy DEV32 requires new development, of this scale, to identify opportunities to minimise the use of natural resources as well as consider the energy hierarchy.

In this instance the design has incorporated both photo voltaic and thermal solar panels. This will ensure that natural resources are minimised.

In addition to maximising the natural gradient of the site and thereby reducing the energy demand of the dwelling the dwelling is orientated along the east-west axis with significant glazing on the southern elevation to maximise solar gain.

As a result of both the use of solar panels and orientation it is concluded that the proposal will meet with Policy DEV32.

Ecology:

Policy DEV26 identifies that for major development that development will need to provide for a net gain in biodiversity. As this is not a major development this element of the policy is not applicable to this proposal.

Nonetheless the application has been submitted with a Mitigation Method Statement for Bats. This report was produced following a Preliminary Ecological Assessment and has recommended a series of mitigation measures to ensure that the proposal does not significantly adversely impact on protected species. Key to the mitigation is the conversion of an existing building on the site to a bat roost.

This mitigation will be important to ensure that the development can proceed without adversely impacting on a protected species and will assist provide for the long term management of bio diversity in accordance with Policy DEV26.

The site is located within the sphere of influence for the recreational impacts of the Tamar Special Area of Conservation. In line with the Council's approach to mitigating the impacts of the development, if approved a condition and informative will secure an appropriate level of mitigation.

Waste:

The level of access to the highway will result in difficulty for refuse vehicles to access the site and a refuse store may be required closer to the public highway. This would need to be conditioned if the application was approved. This would need to provide a waste management plan with details of how waste would be stored, put out for collection and bins returned after. It is noted that the site is located a long way from the road, but as the applicants do not own the land there limited options to store waste, unless a land transfer could be achieved.

Conclusion:

The site is located in an area that is outside of the built form and will result in a unsustainable location and will have a harmful impact on the character and appearance of the area.

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
SPT3 Provision for new homes
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
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
TTV3 Strategic infrastructure measures for the Main Towns
TTV20 Spatial priorities for development in Tavistock.
TTV16 Callington Road, Tavistock
TTV17 Plymouth Road, Tavistock
TTV23 Pixon Lane Employment Area, Tavistock
TTV19 Other sites allocations in Tavistock
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside

TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The Tavistock Neighbourhood Plan has reached regulation 7 stage. Until adopted it cannot hold significant weight.

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.

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PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins
Okehampton North

Parish: Okehampton Hamlets **Ward:**

Application No: 3910/18/OPA

Agent/Applicant:
Mr WM Bunt - Kivells
7-8 Bay Tree Hill
Liskeard
Cornwall
PL14 4BE

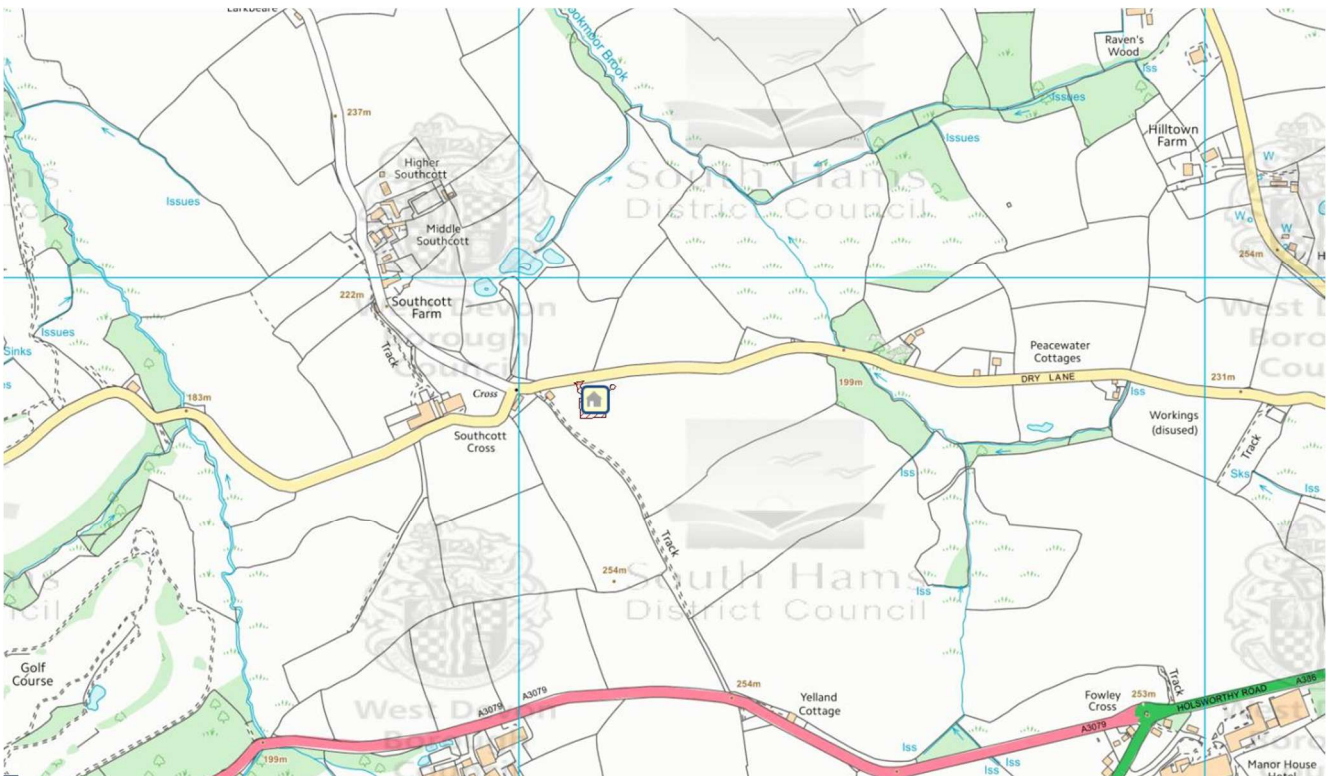
Applicant:
W J L Heard
Yelland Farm
Okehampton
EX20 4NB

Site Address: Land at SX2551 948, Near SouthCott Cross, Yelland Farm, EX20 4NB

Development: (Readvertisement - Revised site address) Outline application with all matters reserved for construction of Farm Managers Dwelling

Reason item is being put before Committee

Cllr Mott has advised she would request that this application is determined by the planning committee to give consideration to the rural workers policy.



Recommendation: Refuse.

Reasons for refusal

1. The proposed location of the new agricultural workers dwellings is located too far away from Yelland Farm to provide effective operational management of the farming business. Therefore the application has not demonstrated the exceptional circumstances required to justify the need for an essential rural worker dwelling in this location and will result in an otherwise unsustainable form of development in the countryside which is contrary to Policy TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan and paragraph 79 of the NPPF 2019.
2. The provision of a new dwelling in this location will result in a harmful impact on the prevailing undeveloped rural character of the area. The development is therefore contrary to Policy TTV26 and DEV23 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issue relates to whether the applicant has demonstrated the special circumstances required to allow for a new dwelling in the Countryside.

Financial Implications

none

Site Description:

The application site refers to an agricultural field which is located to the north of the A3079, the main road towards Holsworthy, and located to the south of Southcott Cross.

The land is farmed by Yelland Farm which is located on the southern side of the A3079 where the main farm house is located together with a second farm cottage and the operational farm buildings.

The site of the proposed dwelling is approximately 900m from the main farmstead and is accessed from the south across a farm track, the site is also accessible from Dry Lane, the road to the north.

The topography of the site falls from the higher ground to the south to lower ground in the north. The farm will be sited in the lower part of the field.

There is an existing farm track running south to north along the western boundary of the field.

There is an existing residential property as well as another farm located adjacent to the site in the north west corner of the field together with an open storage barn.

The site is not located within an AONB, but is characterised by undulating hills with farm buildings sited within the landscape. Further to the west is the large complex of buildings associated with the Ashbury Hotel Gold Course.

Although Dartmoor National Park is located to the South the fact that the dwelling has been sited lower down the slope does not result in the dwelling appearing prominently from the National Park.

The Proposal:

This application is an outline application with all matters reserved for the construction of a farm managers dwelling.

The dwelling is to be sited to the north of the A3079 where Yelland Farm is located.

Although all matters are reserved the applicants have sought to clarify that access will be provided from the south from an existing farm track.

Consultations:

- County Highways Authority - No objection.
- Environmental Health Section - No objection subject to an unexpected contamination condition.
- Town/Parish Council – Support the application.
- Landscape Officer – Objection – Without justification would not be supportive of an isolated dwelling.
- Agricultural Consultant – Object – The functional need for a 3rd dwelling can be accepted but the location of this dwelling will fail to meet the functional need for the farm. The full comments are in italics below:

Brief Background to Application and Applicant's Stated Reasons for Requiring the Proposed Development in Respect of Existing/Proposed Farm Enterprise

I visited the site on Friday 11th January 2019 where I met the applicant together with his agent, Mr Mark Bunt of Kivells.

The details of the farming business are contained within the agent's agricultural appraisal and the main points are as follows:-

The land holding owned by the applicant amounts to a total of approximately 800 acres which comprises the main farm at Yelland Farm together with land at Southcott and other land situated close by. There is a further 400 acres taken on annual grazing licences and the applicant also has extensive common grazing rights.

From my inspection, the main farmstead is situated at Yelland Farm which is the centre of the farming business. At this location there is a main farmhouse and a second cottage situated a short distance along the road from Yelland Farm. This application is for a third on farm dwelling to be situated some distance away from the main farmstead at Yelland

Farm, and situated on land at Southcott where there is presently a single 2-bay Dutch barn with a 2 bay lean-to off. There are no other buildings at this location.

The livestock managed by the applicant includes 300 suckler cows which calve in two batches from April to July and again from September through to November. All calves are weaned and sold as store cattle up to 15 months of age depending on the trade at the time. There are also 3,200 breeding ewes which lamb from early February to late April. Ewe lamb replacements are retained to enter the flock with the remainder being sold as fat stock.

It is stated in the agent's appraisal that both the suckler cows and sheep flock are split for ease of management with approximately 1,000 ewes and 75 cows being kept on the land known as Southcott (the location of the proposed dwelling) and calve and lamb in the 'nursery fields' at this location.

The main farmhouse at Yelland farm is occupied by Mr & Mrs Heard and their family and the additional farm cottage is occupied by Mr Heard's son. It is stated that there are no other further dwellings on the holding either suitable or available for the worker concerned.

The applicant states he needs a permanent dwelling at the site of the Southcott land to manage the animals that are present on that part of the holding throughout the year but more importantly during lambing and calving.

As can be seen from the maps attached to the application it is quite straight forward to see the location of the proposed dwelling just south east of Southcott Cross compared to the position of the main farmstead at Yelland Farm which is just off the main A3079.

The applicant states at the present time there were three full time workers and one part time worker servicing the needs of the business together with some casual labour at peak times.

9. Is this application treated as agricultural or a rural based enterprise? If the latter what is the evidence and justification for treating it as such?

The application is to be treated as an agricultural enterprise.

10. Summary of Principal Consideration/Factors Relevant to this Application in regard to H31, where it also specifically refers to PPS 7, Annex A

(i) Is there a clearly established functional need?

It is my opinion that with the present numbers of livestock and their associated management requirements both on a day to day basis during the year and at peak times of calving and lambing, create a need for a third full time worker to be present on the holding at most times for the proper management of the holding and the livestock present.

(ii) Does the need relate to a full-time or one who is primarily employed in agriculture and does not relate to a part-time requirement?

Having assessed the enterprises in terms of standard labour requirements and mindful of the agent's comments with regard to his standard man hour calculation, I am satisfied that need relates to full time worker and not one that is part time.

(iii) Has the unit and the agricultural activity concerned been established for at least 3 years has it been profitable for at least one of them is currently financially sound and has a clear prospect of remaining so?

The activity has been established for at least three years. I have seen extracts from the business accounts and I am satisfied the business has been profitable for a least one of the

last three years, and is currently financially sound. With all agricultural businesses, profitability can vary depending on market trends but I anticipate such a business as run by the applicant should have a clear prospect of remaining financially sound.

(iv) Can functional need be fulfilled by another existing dwelling on the unit or any other accommodation in the area which is suitable and available for occupation by the workers concerned?

Not that I am aware of but see conclusion.

(v) Are there any buildings on the holding suitable for conversion to a dwelling?

Not that I am aware of as I would consider most of the buildings I inspected on my site visit were fully utilised by the existing farm business.

(vi) Is the proposed dwelling sited to meet the functional need?

No. I do not consider the functional need of the third worker is to be sited at the proposed location which is adjacent to a very small 2-bay Dutch barn and lean-to albeit it is located on land owned by the business which it is stated is used for calving and lambing or as they refer to it as 'nursery fields'. Assuming there is a functional need for a third full time worker to be present on the holding at most times, then I deem that need is located adjacent to the large farmstead at Yelland Farm.

(vii) Has the need for the dwelling arisen due to a recent subdivision of the holding and or recent disposal of a dwelling from the holding?

No.

(viii) Is the dwelling in keeping with the character of the area in terms of scale, design and materials, and is it commensurate with the functional need?

This is an outline application and therefore such issues of scale, design, materials, will be dealt with at the reserved matters stage, should that arise.

(ix) Are there other factors which need to be taken into account?

See conclusion.

In summary, I am satisfied there is a need for a third dwelling on the unit operated by the applicant but I do not deem that need to be at the proposed site. I do not agree that a dwelling should be sited in the middle of or adjacent to 'nursery fields' where cows calve and ewes lamb. If that was the case, there would be no reason why dwellings were sited adjacent to farmsteads. Farmsteads and farm buildings are normally where the detailed and intense management of livestock takes place and that would include routine husbandry requirements as well as the intense need to be present while calving and lambing takes place. The very fact that these animals calve outdoors shows that the system is geared up to have less labour input as opposed to lambing and calving indoors. I do not accept the argument put forward by the applicant that there is a need for a worker to be located in these fields, as opposed to the farmstead at Yelland Farm. So for these reasons I cannot support this application.

(For reference, the circumstances of this case are near identical with the argument of 'nursery fields' in application ref 2802/17/OPA dealt with by SHDC and to which I was consulted. In this case the applicant subsequently revised the siting from the 'nursery fields' to a site adjacent to the main farmstead, and it was then approved)

Representations:

1 letter of representation reported raising the following material planning considerations: raising the following objection:

Impact on the landscape.

Relevant Planning History

None identified.

ANALYSIS

Principle of Development/Sustainability:

This application is for a third agricultural workers dwelling for Yelland Farm.

Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements.

This is identified as follows:

1. The Main Towns, which will be prioritised for growth to enable them to continue to continue to thrive, achieve strong levels of self containment, and provide a broad range of services for the wider area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;
4. *Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities, including and provided for in Policies TTV26 and TTV27.*

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The settlements identified as Smaller Towns and Key Villages within paragraph 5.9 of the development plan are: Bere Alston, Dartington, Hatherleigh, Lifton, Modbury, North Tawton, Salcombe, Stokeham/Chillington and Yealmpton.

The Sustainable Villages are identified as: Berry Pomeroy, Blackawton, Bratton Clovelly, Bridestowe, Broadwoodkelly, East Allington, Emrington, Exbourne, Folly Gate, Halwell, Harberton, Harbertonford, Highampton, Inwardleigh, Lamerton, Lee Mill, Lee Moor, Lewdown, Marldon, Milton Abbot, Monkokehampton, Morleigh, Northlew, Rattery, Sampford Courtenay, Sparkwell, Spreyton, Staverton, Stowford, Ugborough, Woolston Green and Wotter.

This site is not located in one of these settlements and is therefore in the Countryside.

Policy TTV26 identifies that isolated development in the Countryside will be avoided and only permitted in exceptional circumstances. Paragraph 1.i of Policy TTV26 identifies that development would be permitted where it meets an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity.

Furthermore paragraph 2 of Policy TTV26 identifies 6 further criteria. To summarise these are to protect public rights of way; re use traditional buildings; complement agricultural operations; respond to a proven agricultural need; avoid the user of Best and Most Versatile land; enhance the immediate setting to include a management plan and exist strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

As already identified this application is for an agricultural workers dwelling and has been submitted with an Agricultural Appraisal that seeks to demonstrate a proven need. This has been reviewed by the Council's Agricultural Consultant who has reported the following key elements of the justification for an additional dwelling:

- The land holding amounts to 800 acres with the main farm at Yelland Farm. There is a further 400 acres on license with additional common grazing rights;
- Yelland Farm is the centre of the farming business, where there is a main farmhouse and second cottage;
- The livestock managed by the applicant includes 300 suckler cows which calve in 2 batches and 3200 breeding ewes;
- The livestock is split for management with approx 100 ewes and 75 cows kept on the land known as Southcott (the location of the dwelling) in this location.
- The main farmhouse at Yelland Farm is occupied by Mr and Mrs Heard and their family and the additional farm cottage is occupied by Mr Heard's son. The applicants have stated that there are no other further dwellings on the holding that are suitable or available for the worker concerned.

The Council's Agricultural Consultant has advised the following:

- The application is to be treated as an agricultural enterprise;
- With the present numbers of livestock and their associated management requirements both on a day to day basis and at peak times of calving and lambing, create the need for a third full time worker to be present on the holding at most times for the proper management of the holding.
- The activity has been established for at least 3 years and is currently financially sound and has a clear prospect of remaining so;
- He is not aware of the functional need being fulfilled by an existing dwelling or other accommodation in the area;
- He is not aware of other buildings being suitable for conversion as they were utilised by the existing farm business;
- He does not consider the functional need of the third worker to be sited at the proposed location which is adjacent to a small Dutch Barn. Whilst the field is owned by the business the functional agricultural need arises from being located on or adjacent to the large farmstead at Yelland Farm;
- The need has not arisen from sub-division or disposal of a dwelling;
- The application is at outline only so issues of character and scale will be considered at reserved matters;

From the advice of the Agricultural Consultant it is clear there is a need for a 3rd full time worker on the site. Based on this appraisal it is concluded that the principle of this development can be supported as meets an essential need for a rural worker through Policy TTV26 of the Joint Local Plan and will accord with Paragraph 79 of the NPPF 2019.

However the location of the new dwelling has raised an objection from the Agricultural Consultant. This is because the need for a new dwelling arises from being located near to the main farmstead, which would allow for the farm manager to react efficiently to the demands of the business and be within in sight and sound of the barns and farm complex. As the distance between the farm and the dwelling increases the justification for an isolated dwelling diminishes as the need could be met within the existing housing stock within the wider locality and it would fail to meet an essential need.

The applicants have submitted evidence that demonstrates that the locations to the south are constrained through drainage systems and the land to the north is constrained through existing farm buildings. The topography of the land is also steeply sloping towards the road which further constrains the ability of the site to accommodate an additional dwelling.

However both Policy TTV26 and government planning policy guidance requires consideration to be given to the re-use and improvements to existing buildings. There are a number of existing buildings on the site which are located close to the existing farm house. These buildings are in farm use but if they were converted then they could provide a solution for a third dwelling.

The applicant has provided an additional report which seeks to address these points. It has been identified that there are health and safety concerns around the reuse of buildings and that there are no other suitable premises on the market. This information has been reviewed by the Agricultural Consultant and this concern is noted but it is not significantly different from the existing arrangement with the farm house and its relationship with the operational function of the farm. There is sufficient space to allow for the operations of the farm to take place without causing a conflict. In terms of other accommodation this is just a snap shot in time and over the medium to longer term then a wider range of accommodation can be available in the local area. Being proposed distant from the farm increases the locational distance that could accommodate the need.

It is therefore concluded that whilst a need has been demonstrated for a 3rd new dwelling the location of the proposed dwelling located too far away from the operational demands of the business to actually fulfil this demonstrated need. Without the new dwelling being located in a position to meet the operational needs of the farm the justification within Policy TTV26 for an essential need for a rural works falls away and the development becomes an isolated dwelling in the countryside, which is contrary to Policy TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan.

Design/Landscape:

This application is at the outline stage only and matters of scale, design, landscaping and appearance will be considered with a subsequent application. Nonetheless it is important to consider how the development will impact on the character and appearance of the area and the landscape.

Policy DEV10 requires new housing development to be well integrated with its surroundings and be compatible with the character and appearance of the area, as well as requiring minimum internal space standards. As this application is at outline consideration will be given to these issues at detailed design stage.

Policy DEV23 – Landscape character identifies that development will need to conserve and enhance the landscape and avoiding significant and adverse landscape or visual impacts.

The proposal has identified two ways to access the site. The originally proposed location was from Dry Lane to the north. This was subsequently reviewed following the concern raised by the Council's Agricultural Consultant given the greater distances from this access. As a result the access was revised to utilise a shorter access from the south using the existing farm track.

Whilst the proposed dwelling has been positioned sympathetically in the landscape with consideration given to the topography of the site and has resulted in the proposed dwelling being sited close to the northern boundary of the field as the site drops down. This also has the advantage of being sited close to an existing Dutch barn that is positioned in the north west corner of the site and also within the setting of an existing dwelling immediately north west of the field.

However the provision of a dwelling in this location will introduce a built form which will appear out of character with the prevailing rolling landscape. Furthermore the need for additional buildings may come forward if a new farm house is established in this location. Whilst each application will be assessed on its own merits a farm house could provide justification for the establishment of a farm operating independently from the main Yelland Farm. This would cumulatively have greater impact on the landscape in this location, but would be considered under future applications.

It is therefore concluded that the development will have a harmful impact on the landscape character a result in a significant and adverse visual impact in this location and will not be compatible with the character and appearance of the landscape in this locality. This harmful impact is not offset by any other material planning consideration as, as discussed above, officers do not consider that the proposed dwelling would fulfil the rural business need in this location.

Neighbour Amenity:

There is an existing residential dwelling located to the north west of the application site. However given the separation distances this new dwelling would not result in a significant loss of amenity and could be accommodated such as to have an acceptable level; of privacy and amenity space of its own.

Highways/Access:

The application could utilise two accesses. Through providing an access from the north adequate visibility can be provided as not to cause an adverse impact on highway safety. From the south the existing access onto the A3079 which also has good levels of visibility. If approved planning conditions would need to be used to provide a specification of access.

Drainage:

This site would need to use a private drainage system. Details of this combined with an appropriate surface water drainage system would need to be submitted with any subsequent application. It is noted that the size of the site would allow for a system to be accommodated.

Low Carbon:

Policy DEV32 requires development proposals of this scale to consider opportunities to minimise the use of natural resources as well as consider the energy hierarchy in order to reduce the energy load of the development through design measures. This application was submitted prior to this policy being adopted, but it is nonetheless important to consider this development in relation to this policy.

As it is for a single dwelling at outline stage limited information has been provided. It is noted that the site faces north and therefore subsequent applications will need to demonstrate how the design has considered layout, orientation and design to maximise natural heating, cooling and lighting with any subsequent application, this would need to be conditioned.

Conclusion

The function need for a 3rd dwelling has been established and the principle accepted through planning policy. However the location fails to meet this functional need and the impact on the landscape has been identified as unacceptable. As a result this application has been recommended for refusal.

The Local Planning Authority are open to discussing more suitable locations and would encourage the applicants to engage in pre application discussions.

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
SPT3 Provision for new homes
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
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
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV28 Horse related developments in the countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV7 Meeting local housing need in the Plymouth Policy Area
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
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
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy

DEV35 Managing flood risk and Water Quality Impacts

DEV36 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

None identified.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock North

Application No: 2518/18/FUL

Agent/Applicant:

Edward Persse - EJFP Planning Ltd
49 Bannawell Street
Tavistock
PL19 0DP

Applicant:

Mr J McDowall
1 Laurel Cottage
PL19 9NN

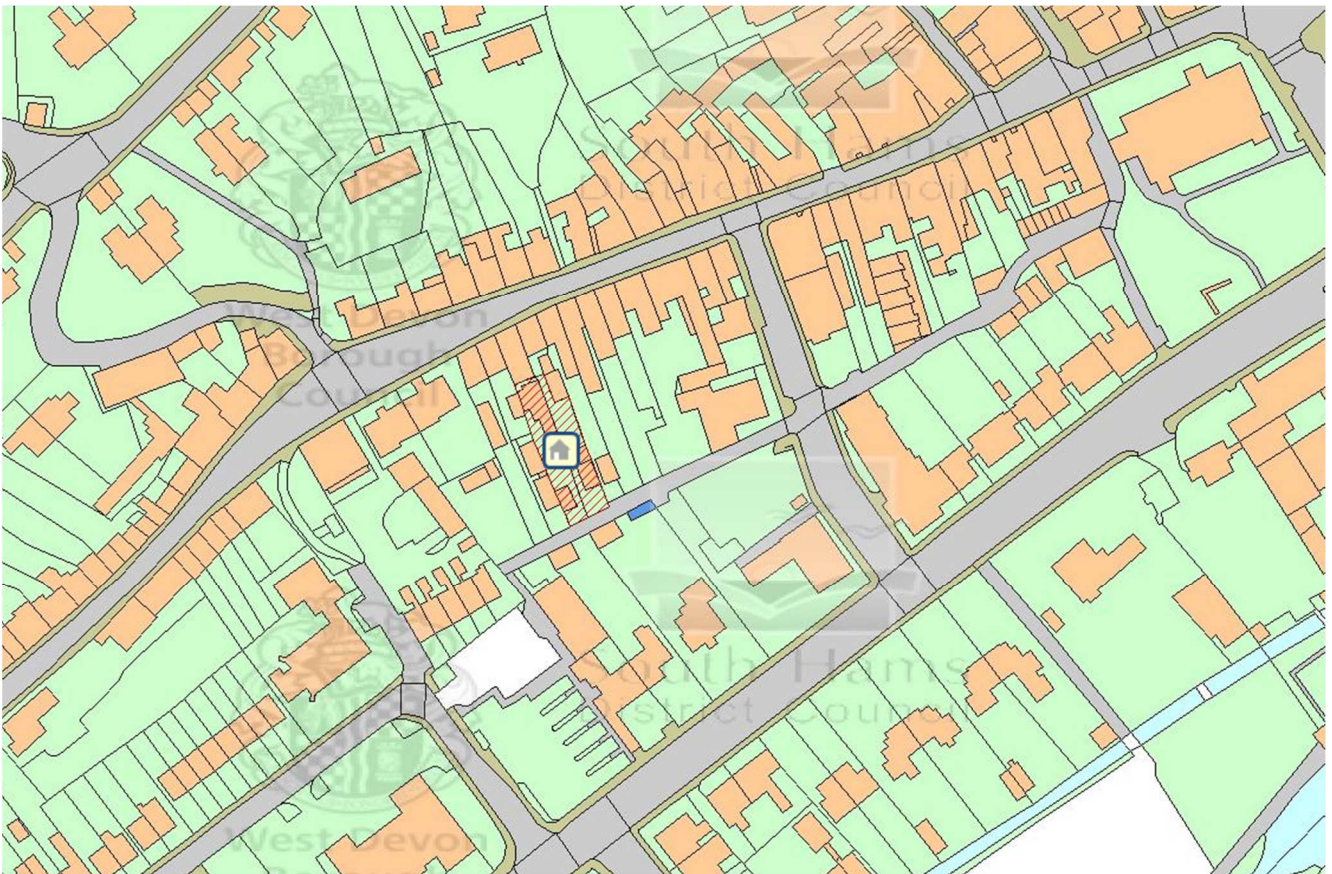
Site Address: 22 West Street, Tavistock, PL19 8AN

Development: Demolition of existing single storey garage/storage building and erection of 3 x 2-bed dwelling

Reason item is being put before Committee

Cllr Hipsey, Cllr Moody and Cllr Coulson have advised that they would like the application to be reported to committee to take into account the following issues:

Vehicular access, highway safety and condition of roadway;
Over development of small site;
Lack of parking;
No housing need.



Recommendation: Approve

Conditions/Reasons for refusal (list not in full)

Commencement;
Approved drawings;
SUDS details;
Cill details;
Window and door/garage door details;
Gable end details;
Stone sample;
Natural slate roof;
Ecology mitigation
HRA Mitigation.
CEMP
PD Removal;
Written Scheme of Investigations;
Landscape Plan.

Key issues for consideration:

The key issues for consideration relate to the impact on the Conservation Area and the impact on amenity and highway safety.

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

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The site is located within the central area of Tavistock and is surrounded in the immediate area with a mix of residential properties typically characterised as mews style houses.

The site is located in the Tavistock Conservation Area and also within the Cornwall and West Devon Mining Landscape World Heritage Site.

The plot sizes indicate that the layout is a historic Burgage Plot.

The Proposal:

This application is to demolish the existing buildings on the site and replace them with 3 new dwellings.

The development will remove the existing buildings on the site, retaining stone to be reused, and replace them with a terrace of three new buildings orientated along the north south access. The buildings will be two storeys in height with slate pitched roofs and finished with natural stone.

Two car parking spaces will be provided to the front of the dwellings, and access is provided from Garden Lane.

Consultations:

- County Highways Authority – Further reviewed the site following concerns from local Ward Member and advised Garden Lane is a private street and is not maintained by Devon County as Highway Authority. The junction with Russell Road is certainly adequate to accommodate the proposed development and the street can accommodate the development adequately in its completed form without prejudice to highway safety. Construction will be a challenge, as with all town centre sites, but the finite construction period can be controlled by a suitable condition for a construction management plan, which you could impose on any permission for amenity reasons. There are certainly no sustainable highway safety grounds to object to the application.
- Town/Parish Council – Objection, based on over development of 4 properties, lack of parking and pedestrian safety.
- Town Council- Re-consultation 26th June 2019 with amended scheme to 3 dwellings – No response received.

- SUDS – No objection subject to condition;
- Conservation Officer – No objection subject to conditions and materials;
- Historic England – Do not comment on application of this scale.
- Environmental Health – No objection subject to unexpected contamination condition.
- DCC Archaeology – Written Scheme of Investigation recommended.

Representations:

None received.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements identifies that growth and development of new homes and jobs will take place within a hierarchy of settlements.

This is identified as follows:

1. The Main Towns, which will be prioritised for growth to enable them to continue to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area;
2. Smaller Towns and Key Villages, which will receive support for growth commensurate with their roles in supporting the small villages and hamlets;
3. Sustainable Villages, where development to meet locally identifies needs and to sustain limited services and amenities will be supported;

Smaller villages, Hamlets and the Countryside, where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

The six Main Towns are identified as Dartmouth, Ivybridge, Kingsbridge, Okehampton, Tavistock and Totnes.

The site is located within walking distance of the town centre of Tavistock and is therefore considered to be sustainable in terms of its location and therefore the principle of residential accommodation can be accepted.

Responding to concerns from both the Conservation Officer and the Town Council the proposal has been reduced in scale from 4 dwellings to 3 dwellings.

The Council are able to demonstrate a 5 year land supply for housing. Whilst this results in the titled balance as outlined within paragraph 11 of the NPPF 2019 not being engaged, the application needs to be considered on its own merits in relation to the overall presumption in

favour of sustainable development and the material planning considerations outlined in this report.

Design/Historic Environment:

The Tavistock Conservation Area Management Plan (MP) was adopted in 2009. Part 7.3 deals with the control of new development. The MP identifies that new development should be sympathetic to the surrounding historic buildings in terms of materials and details. Consideration should be given to existing views in and out of the Conservation Area, the scale and form of development should follow established precedents.

The rear of West Street is characterised by a range of mews style developments which have been constructed over the last few decades. Notably the adjoining sites have both been developed into mews style houses that front onto Garden Lane. This sets an established built form which sets the context for this development.

The proposed development will remove some existing buildings that have a negative impact on the character and appearance of the Conservation Area, including a modern UPVC conservatory and replace it with new dwellings.

The bulk and massing of the proposed units align with the linear nature of the historic Burgage Plots, although unit 1 has a dog leg to provide enclosure to Garden Lane. This is considered acceptable and will relate well to the range of buildings in the locality.

The positioning on the plot is supported and the removal of the existing buildings will result in some enhancement to the Conservation Area as the modern and out of character uPVC conservatory will be removed which are not heritage assets. Through providing a new frontage onto Garden Lane the development also improves the relationship with the street scene.

The reduction in density, through the removal of a unit also assists in assimilating the development into the established character of the Conservation Area, it will also allow for the quality of the materials to be provided to be of a quality that will conserve and enhance the character of the Conservation Area.

The buildings will be aligned so that they relate well to the existing buildings to the south and will result in a built form that is considered sympathetic to the character in this location.

In terms of detailing and materials the principal elevations will be constructed from natural stone, with a natural slate roof. Further details will be required for windows, cils and lintels as well as a landscaping plan.

The development will not adversely impact upon the Outstanding Universal Value of the World Heritage Site.

The Council's Conservation Officer has reviewed the plans and requested that further details are provided of the materials.

The Devon County Archaeology Officer has recommended a condition requiring a Written Scheme of Investigation as a condition. This is justified as the site is located in a Conservation Area and there could be historic environment assets of interest.

Overall it can be concluded that the development will preserve and enhance the character and appearance of the Conservation Area. The development will follow established precedents in the area and it can therefore be concluded that the development complies with Policies DEV10, DEV22 and DEV23 in terms of character and appearance of the area.

Policy DEV10 also identifies that new development is required to meet the Nationally Described Space Standards. For a new 4 person 2 bedroom development, such as this, 79 sq.m of is required. In comparison this development will provide 3 2 bed room units. The first two will measure 70 sq.m and the third will measure 90 sq.m. This development provides less than the Nationally Described Space Standard and there is a conflict with Policy DEV10.

However, site is located in a Conservation Area where the historic plot layout limits the amount of space available and one of the units is also larger than the minimum. In this instance the scale and massing of the development has been designed to integrate with the historic Burgage Plots, if the width was increased then this would undermine the form of the development on the historic environment. Policy DEV21 requires great weight to be placed on preserving the historic environment and based on this the failure to comply with DEV10 is considered acceptable on balance.

Neighbour Amenity:

There are a number of other mews developments adjoining both sides of the site. The orientation of the proposed flats together with the established urban grain and density results in this development not being considered to give rise to a significant loss of residential amenity.

Although the two of the three new dwellings are slightly undersized the level of outlook and amenity is considered to be adequate for this town centre location.

Highways/Access:

The Council do not have adopted minimum parking standards. Policy DEV29 requires that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system.

The site is located very centrally to Tavistock. There are a wide variety of amenities locally including the bus station within a 3 min walk. As a result a car free development in this location would be potentially acceptable in principle at present. Notwithstanding this 2 spaces have been provided. As a result this development is considered to provide an acceptable level of car parking for this sustainable location.

The Local Highway Authority has advised that Garden Lane is a private drive and not maintained by the County Council. It is noted that the drive is not in optimum condition and does provide access for a number of residential properties located along Garden Lane it also provides access to the existing site with no restrictions on the ability of the applicant to access the site. The condition of the access would be a civil issue with the owners of this lane being responsible for its upkeep and repair.

Furthermore the Highway Authority have advised that the junction with Russell Street is certainly adequate to accommodate the development and that the street can accommodate

the development adequately in its completed form without impacting adversely on highway safety.

Overall it is concluded that the development not considered to give rise to an unacceptable impact on highway safety, compared to the existing level of access the site enjoys. As a result it is concluded that the development will comply with Policy DEV29 of the Joint Local Plan.

Drainage

Full details of the surface water and foul drainage have been provided. And evidence to demonstrate why offsite discharge has been considered and written permission from SWW to discharge surface water to combined sewer have been provided. As a result there is no objection from a drainage perspective subject to a condition.

Ecology

The application has been Ecology Report which has been reviewed. No evidence of roosting birds or bats was identified. Mitigation through provision of bat/bird roosting boxes will be provided. This mitigation ensures that the proposal will comply with Policy DEV26 and deliver a net gain in biodiversity.

As this is within the recreational zone of influence for the SPA a condition will require a mitigation contribution, this will be achieved through a combination of planning condition and informative.

Low Carbon

This application was submitted in September 2018 and prior to the adoption of the JLP and Policy DEV32 therefore an assessment against this policy was not provided. Notwithstanding this the orientation of the properties are restricted by the Conservation Area and the Burgage Plots. As a result it is considered on balance that this proposal will meet with this Policy where applicable.

Contamination

There are no identified sources of contamination locally and as a result an unexpected contamination condition is recommended.

Conclusion

This development will deliver three new dwellings in an town centre sustainable location, the development will conserve and enhance the character of the Conservation Area and will not result in any significant loss of amenity. As a result the application complies with the policies of the development plan and is 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
SPT4 Provision for employment floorspace
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
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
TTV3 Strategic infrastructure measures for the Main Towns
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV7 Meeting local housing need in the Plymouth Policy Area
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 93 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Conservation Area Management Plan.

Neighbourhood Plan

The Tavistock Neighbourhood Plan has reached regulation 7 stage. Until adopted it cannot hold significant weight.

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

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.

The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan received 02/05/19, GA03,04,05,06,07,08 received by the Local Planning Authority on 01/06/19.

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.

The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No. J-488-3001 Rev A), 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.

Prior to the commencement of the development hereby approved full details of the window and door details to include sill and lintels as well as the type and form of glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Justification: Details are required prior to commencement as they need to be agreed before they are ordered.

Reason: To ensure a satisfactory external appearance for the Conservation Area.

PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development hereby approved details of the treatment for the gable ends of the roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Justification: The site is in a Conservation Area and insufficient detail has been provided at application stage.

Reason: To ensure satisfactory quality for a development in the Conservation Area.

PRE-COMMENCEMENT CONDITION

Prior to the commencement of the development hereby approved details of the stone to be used on the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Justification: The site is in a Conservation Area and insufficient detail has been provided at application stage.

Reason: To ensure satisfactory quality for a development in the Conservation Area.

PRE-COMMENCEMENT CONDITION

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 the commencement of development.

Reason.

A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

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: To provide acceptable Mitigation to the Plymouth Sound and Estuaries SAC.

The development hereby approved shall be carried out in accordance with the recommendations from the JL Ecology Report sated Oct 2016.

Reason: To provide ecological mitigation.

Prior to the commencement of the development hereby approved a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Justification: This is required prior to commencement as will be needed to regulate the construction on site.

Reason: To ensure that the construction provides satisfactory access arrangements and minimises the impact on local residents.

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

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

PRE- COMMENCEMENT

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

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Justification: The works need to be recorded prior to works which could result in the loss of historic interest.

Reason

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

Prior to the occupation of the dwellings hereby approved full details of a landscaping plan to detail soft and hard landscaping and boundary treatments shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To assist in the development conserving and enhancing the Conservation Area.

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.

West Devon Borough Council Agenda Item 7
PLANNING AND LICENSING COMMITTEE 3-Sep-19
Appeals Update from 11-Jul-19 to 15-Aug-19

Ward Bridestowe

APPLICATION NUMBER : **0978/18/OPA** APP/Q1153/W/18/3215427
APPELLANT NAME: Mr Heath Weymouth
PROPOSAL : Outline application (all matters reserved) for 1no. live/work unit
LOCATION : Land West of Cannon Barn Cottages Lewdown EX20 4BT
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-January-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 16-July-2019

Ward Drewsteignton

APPLICATION NUMBER : **2542/18/FUL** APP/Q1153/W/19/3232939
APPELLANT NAME: CH & RJ Jordan & son
PROPOSAL : Erection of temporary agricultural workers dwelling and ancillary
access works
LOCATION : Begbeer Farm Spreyton Crediton Devon EX17 5AR
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-August-2019

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **2701/18/FUL** APP/Q1153/W/19/3230781

APPELLANT NAME: JW Mann Ltd
PROPOSAL : Development of new shop and ancillary cafe with supporting secondary areas
consisting of storage, WCs, offices and kitchen space
(resubmission of 1255/18/FUL)
LOCATION : Land North Of A30 Junction Whiddon Down Drewsteignton Devon
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 11-July-2019

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Exbourne

APPLICATION NUMBER : **2694/18/PIP** APP/Q1153/W/19/3224643
APPELLANT NAME: Mr Anthony Morris
PROPOSAL : Permission in principle for development of land for up to 3 houses.
LOCATION : Land at SX 624 101 Sampford Chapple Sampford Courtenay Okehampton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 11-July-2019

APPEAL DECISION:

APPEAL DECISION DATE:

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: Dismissed (Refusal)
APPEAL DECISION DATE: 25-July-2019

Ward Tavistock North

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