

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda														
Date:	Tuesday, 30th June, 2020														
Time:	9.30 am														
Venue:	Remote- Skype Meeting														
Full Members:	<p>Chairman Cllr Yelland Vice Chairman Cllr Pearce</p> <table> <tr> <td><i>Members:</i></td> <td>Cllr Cheadle</td> <td>Cllr Moyse</td> </tr> <tr> <td></td> <td>Cllr Crozier</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td></td> <td>Cllr Hipsey</td> <td>Cllr Renders</td> </tr> <tr> <td></td> <td>Cllr Mott</td> <td>Cllr Vachon</td> </tr> </table>			<i>Members:</i>	Cllr Cheadle	Cllr Moyse		Cllr Crozier	Cllr Ratcliffe		Cllr Hipsey	Cllr Renders		Cllr Mott	Cllr Vachon
<i>Members:</i>	Cllr Cheadle	Cllr Moyse													
	Cllr Crozier	Cllr Ratcliffe													
	Cllr Hipsey	Cllr Renders													
	Cllr Mott	Cllr Vachon													
Interests – Declaration and Restriction on Participation:	<p>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.</p>														
Committee administrator:	Kathy Hoare Senior Case Manager - Democratic Services														

1. Apologies for Absence

2. Declarations of Interest

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

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

3. Items Requiring Urgent Attention

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

4. Confirmation of Minutes

1 - 2

Meeting held on 3 March 2020

5. Planning Applications

3 - 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>

9.30am

WARD NAME	Okehampton North
APPLICATION NUMBER	2232/19/FUL
LOCATION	Vicarage Gardens, Broadmoor Lane, Okehampton
DEVELOPMENT	Replacement of existing agricultural buildings with single residential dwelling

Not before 10.45am

WARD NAME	Okehampton South
APPLICATION NUMBER	3472/19/FUL
LOCATION	129 Station Road, Okehampton, Devon
DEVELOPMENT	Retrospective application for the construction of holiday accommodation

Not before 11.45am

WARD NAME	Tavistock North
APPLICATION NUMBER	4092/19/FUL
LOCATION	Hurdwick Golf Club House, Hurdwick, Tavistock
DEVELOPMENT	Construction of new dwelling on site of redundant golf house

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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 3rd day of **March 2020** at **10.00am**

Present:

Cllr J Yelland – Chairman
Cllr T G Pearce – Vice Chairman

Cllr P Crozier
Cllr S Hipsey
Cllr D E Moyse
Cllr M Renders

Cllr M Ewings
Cllr C Mott
Cllr B Ratcliffe
Cllr P Vachon

Head of Development Management Practice (PW)
Specialist Project Officer Development
Management (IL)
Urban Fringe Project Officer (GS)
Solicitor (BF)
Senior Case Officer, Democratic Services (KH)

Apologies from Cllr R Cheadle – Cllr M Ewings substituted

Other Members also in attendance:

Cllrs T Leech, N Heyworth

***DM&L 35 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 36 URGENT BUSINESS**

There was no urgent business.

***DM&L 37 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 4 February 2020 were confirmed and signed by the Chairman as a correct record.

***DM&L 38 CONSULTATION ON PLANNING APPLICATIONS – WOOLWELL, SOUTH HAMS**

Application number: 4185/19/OPA – Land at Woolwell, part of the land at Woolwell JLP Allocation (Policy PLY44)

DEVELOPMENT

Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new

access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except access.

Application Number: 4181/19/OPA – Land off Towerfield Drive, Woolwell, part of the Land at Woolwell, JLP Allocation (Policy PLY44)

DEVELOPMENT

Outline application for up to 360 dwellings and associated landscaping, new access points from Towerfield Drive and Pick Pie Drive and site infrastructure. All matters reserved except for access.

Members concluded that the consultation response from the Council to South Hams District Council, the Planning Authority for the application, identified the following points as needing to be addressed prior to determining the application:

- Phasing of development, preference for improvements of A386 to take place before development starts
- Provision of and improvements to cycleways to be incorporated alongside the A386 for benefits of commuters
- Impact on secondary education, Tavistock College as in the catchment area
- Provision of infrastructure with Railway link
- Consideration of location of waste and recycling centres
- NHS provision

***DM&L 39 PLANNING APPEALS UPDATE**

The Head of Development Management took members through the Planning Appeals update.

(The Meeting terminated at 11.30am)

Chairman

Agenda Item 5

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins
North

Parish: Okehampton **Ward:** Okehampton

Application No: 2232/19/FUL

Agent:
Mr Rob Constant
Modbox Spaces Ltd
40 Normandy Way
Walker Lines Ind. Est.
Bodmin
Cornwall
PL31 1EX

Applicant:
Mr P Newberry
3 West View Road
EX20 1NF

Site Address: Vicarage Gardens, Broadmoor Lane, Okehampton, EX20 1SH

Development: Replacement of existing agricultural buildings with single residential dwelling

Reason item is being put before Committee

Cllr Leech:

Having read the Officers report, I believe that this application should be determined by the full Planning committee. I feel that due to the fact that the application is for one dwelling, on private land that will be a self-build, makes it fit well with West Devon's current policies. The dwelling is for the landowner to live in, and by going down the self-build road, it will be affordable, where purchasing a new house within the area would not be.

Although the report states that it is in a flood zone, the Environment Agency has now agreed that there is no risk of flooding. The report also shows that the lane has potholes, which makes it unsuitable for any more traffic, where the Highways Department have no issues with the proposed development.

The land already has old buildings on it, and I believe a new property would actually enhance the area and not harm the special characteristic and role of the countryside in this area.

The proposed development is within easy access to the town centre, and development to the west of the town has to be more sustainable than the large developments that are over a mile to the east of the town centre.

The design of the property is seen as an issue, but the materials used can be conditioned to allow the building to blend in better with its surroundings.

Please note that Cllr Davies has seen this and has also agreed to call this in.



Recommendation: Refusal

Reasons for refusal:

The proposed dwelling in this location would result in harm to the special characteristics and role of the countryside in this area. As a result the development is contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan as well as Paragraph 170 of the NPPF 2019.

The proposed development will introduce an urban form of development that will be harmful to the character and appearance of the area and fails to conserve and enhance the historic environment. As a result the proposed development is contrary to Policies DEV10, DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

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

Site Description:

The application site refers to a parcel of land located on the southern side of Broadmoor Lane. It is laid out as a small holding with a collection of poor quality outbuildings located within the southern part.

The site falls from the north to the south and identified by the Environment Agency as being partly with a Flood Zone 3.

The area has a rural character with the Grade II* listed Church of All Saints and the Conservation Area prominently within the landscape.

The Proposal:

This application is to replace the buildings with a new detached dwelling which will be positioned on the southern part of the site. The dwelling will be two stories in height.

Car parking is provided on site and the access is via Broadmoor Lane.

Consultations:

- County Highways Authority – No objection – Standing Advice.
- Environment Agency - We have reviewed the revised Flood Risk Assessment which demonstrates that the dwelling and its access/egress are located in flood zone 1 and a suitable elevation above any predicted flood level.
- Environmental Health Section - Recommend the use of an unsuspected contamination condition.
- Town/Parish Council – Support.
- Drainage – Conditions to accommodate drainage would be required.

Representations:

4 Letters of support identifying:

Good to remove existing buildings;
Development supports local need;
Supports employment;

1 neutral letter reporting:

Concerns about construction, ecology, and services.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 identifies a settlement hierarchy. Okehampton is identified as a Main Town where growth will be prioritised.

The plan does not identify settlement boundaries. In this case, given the character of the site as a small holding and part of the rural edge of the settlement with field patterns, rolling hills and sporadic development it has a greater affinity with the rural surroundings rather than the built form of Okehampton, the site lies in the countryside for planning purposes. This is because it is physically separate from the urban form of Okehampton and whilst there are other dwellings to the north the site retains its rural undeveloped character which helps forms the rural northern edge of the settlement.

Policy TTV1 (4) identifies that development in the Countryside will only be permitted where it can be demonstrated to support the principles of sustainable communities (SPT1 and 2) and provided for in Policies TTV26 and 27.

TTV27 can be discounted as this is a single dwelling and local need can be met in Okehampton.

Policy TTV26 identifies that the LPA will protect the special characteristics and role of the countryside. The site is not isolated so TTV26 (1) does not apply to this development.

Policy TTV26 (2) ii and iv identifies that development will be permitted that reuse traditional buildings that are structurally sound enough for renovation and where there is a proven agricultural, forestry or other occupational need.

This is a new build dwelling that will not reuse traditional buildings and whilst the applicant has noted a local need this is not meeting a specific need that requires a countryside location. It is also noted that the housing need within Okehampton is being met.

As a result it is concluded that this development will not protect the special characteristics and role of the countryside and cannot be supported in principle by TTV26.

Turning to the sustainability of the site whilst it is noted that the site does provide reasonable access to Okehampton as it is within 400m walking distance to the edge of the settlement. However residential development in this location could alter the character of this edge of Okehampton which has several constraints, and have a harmful impact on the character and appearance of the area, including designated heritage assets, notably the grade II* listed Church of All Saints and Conservation Area located to the south-east.

In terms of significance the Grade II* listed church is a designated heritage asset. The listing description identifies that the church as a fine 15th Century west tower with the remainder rebuilt in 1842. The other two entries in the list are grade II listed Churchyard Cross and Beach Court Church House.

Paragraph 189 and 190 identifies that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by any development affecting the setting of a heritage asset).

In this case the elevated positon of the designated heritage asset results in the buildings having a commanding impact on the landscape and they do contribute to the character of the landscape and historical significance of this part of the town. Whilst the proposed building is located approximately 190m from the church it will impact upon the setting of the heritage assets.

Policy DEV21 identifies that great weight should be given to the conservations of the Plans designated heritage assets. Where any harm to the significance of the designated heritage asset they must be fully justified against: the public benefits of the development; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm.

Whilst the development of an individual dwelling will not result in substantial harm the public benefit of providing an individual dwelling, and will provided short term construction employment and a small increase in the housing stock, these are not considered to provide significant public benefits. Furthermore allowing development of a dwelling could put pressure on further sites to come forward which would cumulatively impact on the landscape of this edge of Okehampton. As a result it is considered that the development is contrary to Policy DEV21.

The proposal would not meet with the National Planning Policy Framework (the Framework) requirement that decisions should recognise the intrinsic character and beauty of the countryside. As providing urban development would result in introducing an urban built form which would undermine the character of the rural edge of the settlement.

The applicant has detailed that this is a self-build scheme and will help support local need. Policy DEV9 does support self-build housing schemes, provided that they meet the overarching sustainable development, general amenity and design policies. In this instance there is a conflict with these policies for the reasons identified in this report.

In planning policy terms there has been a decision in the Joint Local Plan process to direct development away from this edge of Okehampton, through the allocation of sites to the east. As allocations for new major development have been identified towards the east where infrastructure has been provided. Whilst the local circumstances identified by the applicant to meet local need are acknowledged there are other housing sites

available in the town. Furthermore allowing piecemeal development on this edge will cumulatively undermine the character of the area, in an location where the quality of the access is limited.

To conclude this development will fail to protect the special characteristics and role of the countryside and as such cannot be supported in principle.

Design/Landscape:

Turning to the individual design the dwelling has been sited sensitively within the site, close to the natural boundaries and in landscape terms in the less visible part of the site. However a dwelling in this location would undermine the rural character of this location.

In addition the existing listed church and Conservation Area are particularly prominent in this part of the town. Part of the significance of this arrangement is the prominence in the landscape and the un-developed rural character which reinforces the significance. Whilst an individual house in this location would be unlikely to have a significant adverse impact on the setting of the church if residential development was to encourage more widely into this area, this certainly would.

As a result the proposal would cause harm to the character and appearance of the area and therefore conflict with Policies DEV10 and DEV20 of the Joint Local Plan.

Neighbour Amenity:

Given the location of the site it is not considered that a significant loss of residential amenity would occur.

Highways/Access:

The access arrangements to the site are satisfactory for a development of this scale.

However it is noted that the lane is in a poor state of repair with large pot holes and it would be difficult for domestic vehicles to use it.

Other Matters:

The site is partial located in a Flood Zone 3. But during the course of the application the applicant submitted a further Flood Risk Assessment. This was reviewed by the Environment Agency which identified that the dwelling had been sited further up the hill and now was no longer a risk to flooding. As a result the objection was withdrawn.

In terms of delivering a net gain in biodiversity the development will involve some site clearance work. It would be important that if approved a condition is used, , to provide a net gain.

Likewise it would be important that the development is demonstrated to comply with Policy DEV32, energy hierarchy.

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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

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
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
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
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
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

Until adopted this 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.

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Okehampton **Ward:** Okehampton South

Application No: 3472/19/FUL

Agent:

Mr Stephen Blakeman
Architecture & Design Technology
1 Rose Cottages
Exbourne
Devon
EX20 3SH

Applicant:

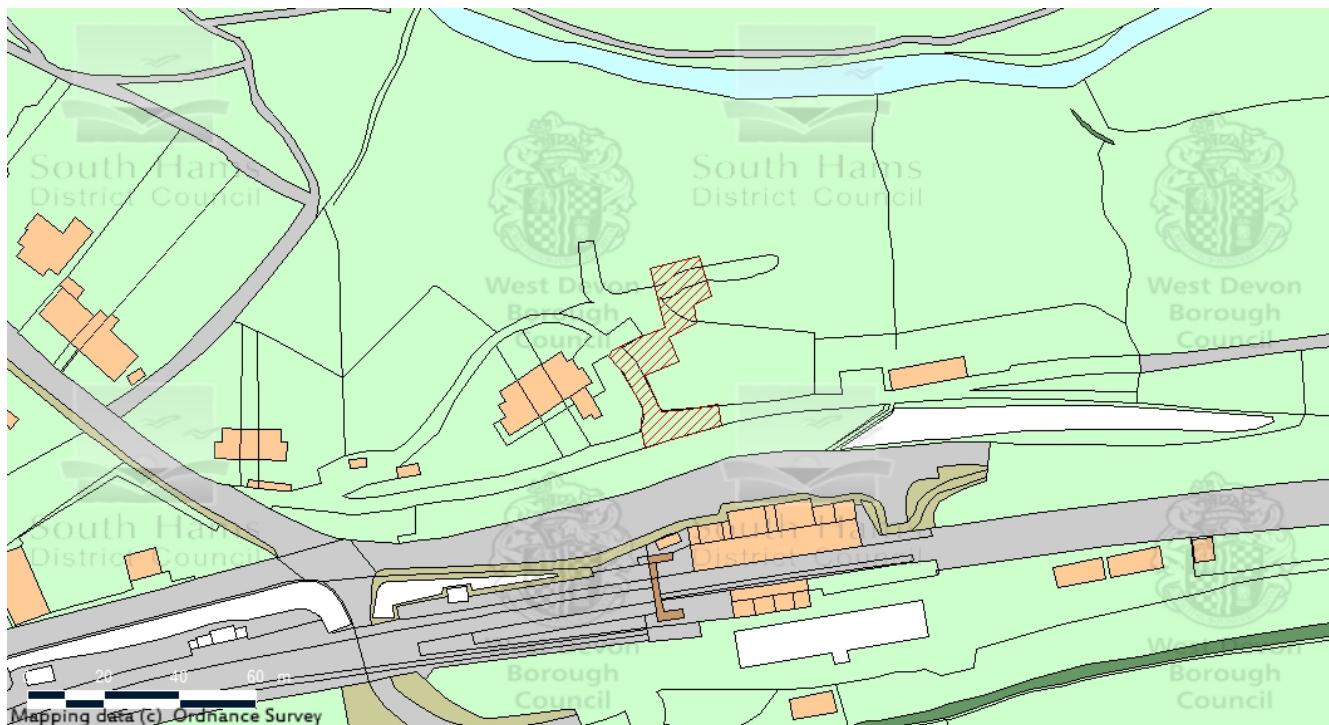
Mrs Anne Martin-Fleming
129 Station Road
Devon
EX20 1EH

Site Address: 129 Station Road, Okehampton, Devon, EX20 1EH

Development: Retrospective application for the construction of holiday accommodation

Reason item is being put before Committee

Cllr Vachon: I have a few concerns regarding this application and would like to call it into committee. The building is situated on a steep slope with another building under construction above it. The foundation pilings are assumed to be sufficient but I would like more details of these. Also, I think the drainage and access needs further re-assurance. I suggest it could be a case of a site visit to satisfy any concerns. I'd be grateful for your guidance on this matter.



Recommendation: Approve

Conditions

Approved plans;
Holiday use;
Details of signage;
Management Plan;
Drainage;

Key issues for consideration:

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

Site Description:

The application site is located to the north of Okehampton train station and the site drops steeply towards the south and the school and leisure centre to the north.

The site is within Okehampton and not within a Conservation Area.

The Proposal:

This is a retrospective application for a timber built holiday cabin which has been built into the slope of the hill and accessed. The building has been designed in the style of a bee hive and constructed from timber with a bridge providing access.

Access to the site is provide via a shared drive. A total of 10 parking spaces are available.

Consultations:

- County Highways Authority - No highway implication.
- Town/Parish Council – Object At a meeting of Okehampton Town Council's Planning Committee on 9th December 2019 it was resolved to OBJECT to a retrospective application for the construction of holiday accommodation at 129 Station Road, Okehampton on the following grounds:
 - Visual impact
 - Ecology and landscape
 - Heritage site - being on the edge of Simmons Park which is Grade II listed
 - Planning history – applicant has previously applied for retrospective applications for holiday property at this location (01486/2011 and 00977/2014 refer)
 - Cumulative impact of holiday dwellings at this location

- Tree Officer – No objection;
- Drainage – Further details required, which have been subsequently reviewed and agreed.
- Landscape Officer - Support

Representations:

3 letters of objection received identifying:

Retrospective nature;

Guests getting lost;

Drainage;

Impact on trees;

Impact on heritage;

Parking;

Noise and disturbance;

Visual impact.

Relevant Planning History

00977/2014 = Retrospective application to retain a yurt for holiday use, change of use of ancillary building and surrounding area to holiday use, construction of decking and associated works – Allowed on appeal.

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the Joint Local Plan identifies that Okehampton is a Main Town where growth will be prioritised and provide a broad range of services for the wider area.

This development will provide fairly individual tourist accommodation in an unusual format of building. Policy TTV2 supports growth of businesses and sustainable rural tourism. This land use is well related to the town and has good links to both the foot and cycle paths and well connected to the train station, although there is a limited service. As a result the location and the development supported can be supported principle by the local plan.

The unit would provide holiday accommodation only and this would be secured through condition.

Design/Landscape:

The development has been built into the side of the hill and it is understood is supported on pile foundations. The construction is timber and the form, scale and massing allows the development to be assimilated into the landscape. Although it will appear visible in the landscape from the school and play areas to the north the form will not appear prominent and it is considered will create an acceptable form of development.

The development is not in a Conservation Area and given the scale it is not considered to impact on other heritage assets.

The Council's Tree Officer has reviewed the plans and raised no objection to the development. Whilst the development is within a wooded hill side the form of construction has allowed the development to not adversely impact on the trees.

Furthermore the Landscape Officer supports this development and has advised: The plans indicate that the Humble Bee accommodation (the subject of the application) is located in the northern part of the application site, and set on a densely wooded slope that falls away to the river valley below. There are no obvious visual effects of the development from locations accessible by the public. The scale and nature of the building has no adverse effects on the landscape character of the area.

As a result it can be concluded that this development is compatible with the character and appearance of the area.

Neighbour Amenity:

The application site forms part of the fairly extensive curtilage of 129. This extends to the west and is neighboured by the Coach House. There are two accesses to the north and south.

Whilst the increase in comings and goings will increase this is not considered to give rise to a significant loss of residential amenity within a town environment. Concern has been raised about visitors being unable to find the holiday lets on the site and the potential for noise and disturbance. As a result a condition requiring details of small signage to be submitted together with a management plan which will seek to regulate the use and provide a point of contact for residents to raise any complaints.

Highways/Access:

The Council's emerging SPD identifies that C1 hotel uses requires 1 space per guest room plus 1 space for the manager.

The site has a good level of access and sufficient car parking on site to accommodate this use. 10 spaces are provided a total of 4 holiday lets and the main dwelling, this in excess of the standard.

Other Matters:

The proposal is located in a wooded hill side and the Council's Tree Officer has not raised an objection to this development.

The foul drainage to the development is provided via a pumping system with surface water being provided via soakaways. The Council's Drainage Officer supports this approach subject to some further technical detail, which can be conditioned.

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.

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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

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

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 11 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

Until adopted this 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.

Schedule of conditions:

The development hereby approved shall in all respects accord strictly with drawing number(s) 1046 05 r1, 06 r1, received by the Local Planning Authority on 07/11/2019.

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.

The holiday let hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is in an area where there is a presumption against new residential development except where an agricultural or horticultural need has been established.

Within 3 months from the date of this decision details of proposed directional signage 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.

Reason: To minimise the impact on residential amenity.

Within 3 months from the date of this decision a Management Plan which details how the development will be occupied and the control mechanisms to deal with complaints 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: The development is located in a residential area and it is important that the development is operated in a way which protects residential amenity.

Within 3 months from the date of this decision details of the surface water drainage 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 provide adequate drainage.

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock North

Application No: 4092/19/FUL

Agent:

Rowan Edwards Ltd
21 Plymouth Road
Tavistock
PL19 8AU

Applicant:

Mr & Mrs M Wood
Hurdwick House
Hurdwick Golf Course
Devon
PL19 0LL

Site Address: Hurdwick Golf Club House, Hurdwick, Tavistock, PL19 0LL

Development: Construction of new dwelling on site of redundant golf house

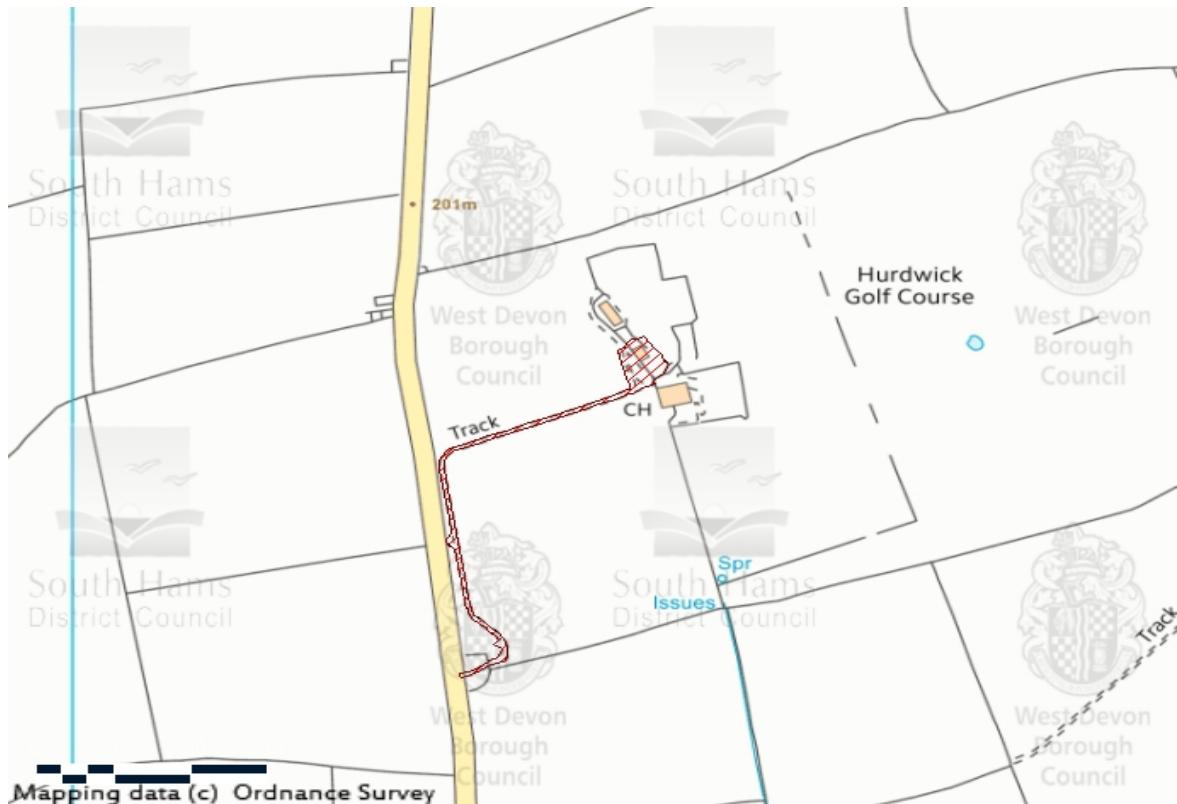
Reason item is being put before Committee

Cllr Moody:

As it is a 'new-build' (not just a renovation/ extending of the existing building which, incidentally, is not a 'residential' building) in an unsustainable position in the open countryside beyond the Tavistock settlement boundary with no public transport, pedestrian or cycle links to Tavistock, surely it could be argued that it fails to accord with the new JLP.

It causes me concern as there is no definition in the JLP of settlement boundaries in Tavistock, I would be very concerned or this would be used as a precedent for other developers wishing to develop in other areas around the outskirts of Tavistock like Violet Lane for example.

I am minded to call this to committee for these reasons of planning uncertainty and to allow the committee to fully debate all the issues in relation to the JLP.



Recommendation: Approval

Conditions

Commencement

Approved plans;

Tree protection;

Landscape plan;

Material sample;

Drainage.

Tamar Valley Mitigation Contribution

Key issues for consideration:

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

Site Description:

The site is located on the eastern side of the Tavistock to Chillaton Road, about 1km north of Tavistock. The site forms part of the redundant Hurdwick Golf Club.

The proposed site is a currently disused clubhouse to the now redundant golf course on the site.

The clubhouse is a single storey, timber clad building situated on an elevated position above the surrounding fields/course.

The site is not within an AONB and set within the collection of buildings on the site.

The Proposal:

This is a planning application for a detached single storey dwelling. The dwelling has a hipped roof and will be finished with render, stone and a slate roof.

Consultations:

- County Highways Authority – No Highway Implications.
- Drainage – No objection.
- Town/Parish Council – Object - >Unjustified loss of a recreational facility, contrary to Policy DEV 3 (JLP);
Unjustified development in the countryside, contrary to Policy TTV 26 (JLP);
Badly located with regard to public services, this will require the inevitable use of a private car, contrary to Policy SPT2 (JLP).
- Natural England - Therefore, we advise that specific measures will be required to prevent such harmful effects from occurring as a result of this development. We recommend that permission should not be granted until such time as the implementation of these measures has been secured.

Representations:

None reported.

Relevant Planning History

1556/19/FUL - Change of use of redundant clubhouse to dwelling
Approved.

ANALYSIS

Principle of Development/Sustainability:

The site is located to the north of Tavistock and in planning policy terms is in the countryside. Policy TTV1 (4) identifies that development in the countryside will only be permitted where it meets the principles of sustainable communities (SPT1 and 2) and provided for in Policies TTV26 and TTV27. TTV27 can be discounted as this development is not providing affordable housing.

In terms of Policy TTV26 this site cannot be considered isolated as is located less than 1km from Tavistock and is part of a group of buildings. This is taking into account the Braintree judgement.

However part 2 of Policy TTV26 can be considered.

As this is an open market dwelling that is replacing an existing building that is a disused clubhouse for a redundant golf course paragraphs ii, and v are not appropriate and can be discounted..

This development will not adversely impact on public rights of way or bridleways (paragraph (i)). The site is a disused club house for a golf course and therefore will not impact upon agricultural operations or other existing viable uses (paragraph (iii)) nor does it use the best and most versatile agricultural land (paragraph (vi))

Therefore the development needs to be considered in relation to how the development will enhance the immediate setting of the site and include a management plan (paragraph (vi)). This will be considered in a Design and Landscape section of this report.

There is a significant material planning consideration that needs to be taken into account.

Planning permission has been granted under application 1556/19/FUL for the conversion of the redundant club house into a detached dwelling. This is a material consideration in the determination of this planning application as the Council have already accepted the principle of residential accommodation in this location and this is a fallback position. A fall-back exists where there is a real prospect, which means no more than a possibility that the landowner will go ahead and implement an alternative permission. Whether a fall-back exists is a matter of planning judgement. In the instant case, it is plainly necessary for members to take account of the fall-back of implementing the earlier permission which is an option available to the landowner. Not to do so would be a failure to have regard to a material consideration.

In this instance the conversion, and therefore the principle, of residential development has been accepted. The applicants have confirmed that the development would be better to be rebuilt with a more thermally efficient building. This does not discount a conversion and therefore there is a clear fall back position.

The Town Council have raised a concern about the loss of leisure facilities. It is understood that the golf course has been closed for over 3 years and is not in use. As a result no objection to the loss of the facilities can be substantiated.

Design/Landscape:

The new dwelling will replace an existing building with a similar scale dwelling and position. The dwelling sits above the ground level and has been designed to reflect local context. The new dwelling will be larger than the existing dwelling, measuring less than 20% bigger than the existing footprint. As a result it can be considered to comply with Policy TTV29.

In design terms the proposed dwelling is a single storey building which has a slate roof, with Hurdwick Stone columns and facing details, with render walls and timber effect uPVC doors and windows. The design is considered to be appropriate for the context of the site and will be compatible with the character and appearance of the area. It therefore helps to enhance the immediate setting of the site in accordance with paragraph (vi) of Policy TTV26(2)

Neighbour Amenity:

It is not considered that this development will result in a significant loss of residential amenity.

Highways/Access:

The Local Highway Officer has confirmed that there are no highway implications as a result of this development. In addition to a garage there are two spaces proposed and this complies with the emerging SPD.

Other Matters:

Sufficient details have been submitted in terms of drainage and as such there is no objection to this from the drainage officer.

There has been some concern about the location near a quarry. It has been confirmed that the site is not within a Devon County Council Minerals Consultation Zone.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. 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.

This development will replace an existing building which has poor thermal efficiency. In this instance the rebuilding of the building with modern materials and insulation will comply with the energy hierarchy and DEV32.

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

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

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

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

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

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 11 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.

Schedule of conditions:

The development to which this permission relates must be begun no 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, Garage Plans, GF Plan, Proposed Elevations and Block Plan received by the Local Planning Authority on 17/12/2019.

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.

The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.
- (ii) No fires shall be lit within the spread of the branches of the trees
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees
- (iv) Any damage to the trees shall be treated with an appropriate preservative.
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

Prior to the installation of the external stone a sample 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 ensure a good quality external finish.

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

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

SuDS to be designed for a 1:100 year event plus 40% for climate change and it should be reliant on gravity rather than any pumping system.

The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.

If the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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. Due to the scale of the development and site being within CDA, pre-commencement conditions are considered necessary to ensure workable drainage solution is in place prior to work commencement.