

West Devon Development Management and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 12th October, 2021								
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="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Hipsey</td> <td style="width: 33%;">Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Southcott</td> </tr> <tr> <td>Cllr Moyse</td> <td>Cllr Vachon</td> </tr> </table>	Cllr Hipsey	Cllr Ratcliffe	Cllr Leech	Cllr Renders	Cllr Mott	Cllr Southcott	Cllr Moyse	Cllr Vachon
Cllr Hipsey	Cllr Ratcliffe								
Cllr Leech	Cllr Renders								
Cllr Mott	Cllr Southcott								
Cllr Moyse	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 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 - 6

Meeting held on 14 September 2021

5. Planning Applications

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

(a) 1324/21/FUL

7 - 20

WARD NAME	Okehampton North
APPLICATION NUMBER	1324/21/FUL
LOCATION	"St James Church Of England Primary School", Fort Road, Okehampton
DEVELOPMENT	New artificial turf pitch with fencing

(b) 1766/21/OPA

21 - 44

WARD NAME	Milton Ford
APPLICATION NUMBER	1766/21/OPA
LOCATION	"Land At Sx 445 766", Lamerton

DEVELOPMENT

Outline application with some matters reserved for residential development of up to 20 dwellings, formation of new access and associated works

(c) 1355/19/FUL

45 - 68

WARD NAME
APPLICATION NUMBER
LOCATION

Tavistock North
1355/19/FUL
10 Ford Street, Tavistock,
Devon

DEVELOPMENT

READVERTISEMENT (Revised plans received) Erection of 6 flats, 1 cottage and associated car parking (Resubmission of 2147/17/FUL)

TO BE HEARD AT 1.45PM

(d) 3581/21/VPO

69 - 74

WARD
APPLICATION NUMBER
LOCATION

Okehampton Hamlets
3581/21/VPO
Parcels 3, 4a and 4b, land
Crediton Road

DEVELOPMENT

Application for modification of Section 106 agreement on 2731/15/OPA

(e) 1391/21/ARM

75 - 92

WARD
APPLICATION NUMBER
LOCATION

Okehampton North
1391/21/ARM
Parcel 4A", West of Crediton
Road, Okehampton

DEVELOPMENT

READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline application 2731/15/OPA for the construction of 89 dwellings, public open space, landscape planting, pedestrian, cycle and

vehicular links and associated
infrastructure

- | | | |
|-----------|--|----------------|
| 6. | Planning Appeals Update | 93 - 94 |
| 7. | Update on Undetermined Major Applications | 95 - 96 |

Agenda Item 4

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **14th** day of **SEPTEMBER 2021** at **10.00am** at the **CHAMBER, KILWORTHY PARK**

Present: Cllr J Yelland – Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipsey	Cllr T Leech
Cllr C Mott	Cllr D E Moyse
Cllr B Ratcliffe	Cllr P Vachon

Senior Development Management Officer (AHS)
Highways Officer, Devon County Council (PT)
Solicitor (DF)
Heritage Officer (GL)
Democratic Services Officer (JY)

***DM&L.8 APOLOGIES FOR ABSENCE**

There were apologies received from Cllr Renders.

***DM&L.9 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered. Cllr T Leech declared a disclosable pecuniary interest in application 0136/21/ARM due to his long term involvement with, and cited objection to, this proposal. Cllr Leech left the Committee Room for this application and did not vote thereon.

Cllrs T Pearce and B Ratcliffe declared a personal interest in all applications by virtue of being Members of the Devon Building Control Partnership. They remained in the meeting and took part in the debate and vote thereon.

Cllr J Yelland declared an interest in application 0136/21/ARM as she had been contacted, as Ward Member, by an objector to the application, to clarify the speaking process. However she remained of an open mind and prepared to listen to all views, therefore she remained in the meeting and took part in the debate and vote thereon.

***DM&L.10 URGENT BUSINESS**

There was no urgent business brought forward to this Meeting.

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

The Minutes of the Development Management and Licensing Committee Meeting held on 15th June 2021 were confirmed as a correct record.

***DM&L.12 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the application(s) 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: 0136/21/ARM Ward: Okehampton South

Site Address: "Land at SX 603 953", Exeter Road, Okehampton

**Development: READVERTISEMENT (revised plans received)
Application for approval of reserved matters following outline approval 0032/18/OPA for 50 No. dwellings, including 40% affordable**

Speakers included:

Objector – Mr Simon Thomas
Agent – Ms Eve Somerville, Persimmon Homes
Ward Member – Cllrs Yelland and Vachon

RECOMMENDATION: Conditional Approval

Conditions list in brief:

- 1. Standard Reserved Matters time limit**
- 2. Adherence to plans list**
- 3. Gates to be 1.8m high and lockable from both sides**
- 4. Delivery of landscape scheme**
- 5. Electric Vehicle Charging Points (EVCP) provided prior to occupation of plot**
- 6. Solar panels prior to occupation of plot**
- 7. Natural stone specification and construction**
- 8. Obscure glazing to bathrooms facing Moorcroft**
- 9. The render units shall be treated with a biocide water-based masonry wash prior to their first occupation unless otherwise agreed in writing by the LPA.**

Reason: To ensure the quality and appearance of the development in the future.

The Planning Officer gave the Committee Members an update on the application and confirmed that appearance, layout, and scale were the only areas to be decided at this Committee meeting. An additional condition had been proposed which required an additive to be added to the render to minimise render-streak.

Devon County Council Highways Officer clarified that access to the site had already been granted and that the layout within the site was for consideration at this Committee. He confirmed that Section 106 monies would be used to review the speed limit in the surrounding areas and, should this application be approved, the review would be carried out before construction commenced. In keeping with current practice, the estate would have no pavements within but serviced by grass verges

instead. This would help maintain an appearance of ruralisation in this sensitive location. The issue of who would maintain the verges was not yet determined as the road would not necessarily be offered for adoption to Devon County Council.

Further to questions from Members it was confirmed that the roof tiles would be plain concrete and that the Supplementary Planning Document's reference to slate tiles was a guidance and not a requirement. The Case Officer confirmed that the only Permitted Development to have been removed at outline was with regards to windows facing Moorcroft Close.

Following a question to the applicant's agent, it was confirmed that the applicant would be willing to review the number of properties with solar panels and the application, if approved, would be subject to receiving an amended plan showing additional PV on rooves.

If approved, the responsibility for the bins around the play area would be determined at a later stage. The Case Officer confirmed that the well would be capped and was at a distance from any building, with several trees around the area.

Following a Member's question to the agent, it was confirmed that the site was currently due to be supplied with gas central heating but the applicant would be willing to look at a community energy system.

During discussion the percentage of affordable housing and the layout of the site was commended.

COMMITTEE DECISION: Revised recommendation members voted on was: 'Delegated to Head of Practice to conditionally approve subject to additional condition to secure render additive and subject to the receipt of an acceptable roof plan showing additional solar PV panels'

(b) Application No. 1355/19/FUL Ward: Tavistock North

Site Address: 10 Ford Street, Tavistock.

**Development: READVERTISEMENT (Revised plans received)
Erection of 6 flats, 1 cottage and associated car parking
(Resubmission of 2147/17/FUL)**

Speakers included:

Objector- Dr Iain Ogilvie
Agent – Ms Kate Price
Ward Member – Cllr Steve Hipsey

RECOMMENDATION: Delegate to Head of Development Management for Conditional approval subject to completion of an acceptable S106 agreement

Pre-commencement conditions:

- 4 – highways**
- 5 – CMP**
- 6 – WSI**
- 20 – flood protection**

Conditions:

- 1. Standard Time Limit**
- 2. Accordance with plans**
- 3. Drainage**
- 4. Highways**
- 5. CMP highways**
- 6. WSI Archaeology**
- 7. Unexpected contamination condition**
- 8. DEV32 condition re green energy/sustainability**
- 9. Electric Vehicle Charging Pints (EVCP)**
- 10. Landscaping condition (hard and soft including boundaries). Notwithstanding the information provided full details of the materials, design and installation of all lintols, voussoirs and sills shall be agreed in writing with the LPA. These items shall be installed and retained as agreed.
Reason: In order to ensure that the development complements the special character of the conservation area and world heritage site.**
- 11. South eastern and north eastern windows serving bathrooms to be top hung and obscure glazed prior to occupation and remain as such in perpetuity.**
- 12. South eastern side bay windows to be obscurely glazed as shown in plan 2163 (PL-)11 Rev G**
- 13. Submission of a plan showing the integration of bat and bird boxes to be installed prior to occupation and retained thereafter**
- 14. Stonework sample panel**
- 15. Full details of the materials, design and installation of all lintols, voussoirs and sills.**
- 16. Installation full details of the oriel windows and balustrades,**
- 17. Materials samples**
- 18. Window and door details and materials**
- 19. Slate sample and fixing**
- 20. Flood protection**

Section 106 Agreement –

- Tamar Valley EMS contribution
- OSSR monies: £12,137 towards improvements to and on-going maintenance of open space and play facilities at The Meadows, Tavistock
- £9,858 towards improvements to and on-going maintenance of sports facilities in Tavistock

The Planning Officer gave the committee members an update on the application's siting in flood zone three but the reasons why this application mitigated building in flood zone three; ie rebuild, sustainable location, regeneration, prominent location in Tavistock. There remained

an outstanding objection from the Environmental Agency but officers felt this was mitigated by lifting internal floor area as high as possible.

The Highways Officer confirmed that the visibility for access was good and he felt that traffic volume would be lower with the new use of the area.

The Case Officer clarified that it was revision g) that was being reviewed for approval, and not revision f) as shown in the presentation.

It was confirmed that the cottage being built was a replacement of a cottage which was historically there. The cottage at No.9 would lose some natural lighting, but the case officer confirmed that No.9 had access to other light and the two little windows on the side of No.9 would be subject to party wall considerations.

The Heritage Officer confirmed that the new cottage would be stone and would fit with the extant cottage and that the reinstatement of this cottage was seen as a positive.

During the debate, the following points were made:

- Members disagreed whether there would be an increase or decrease in vehicular movements with the new scheme, with one Member stating that they would like to have seen a study by an acoustic engineer to evaluate vehicular noise in the area and whether a condition would be needed to negate the noise.
- Several Members commented on the block shape of the building, and its massing, with concern regarding the balconies overlooking the road.
- It was commented that six parking spaces for seven properties was against recommendations in the Supplementary Planning Document

Following a close decision, the Committee passed the application for conditional approval. However, following a complaint from the residents of 9 Ford Street, Tavistock, that the building of 10 Ford Street would remove their access to natural light, the decision was held in abeyance for the Case Officer to visit No. 9 Ford Street to review the window and light situation.

COMMITTEE DECISION: conditional approval

***DM&L.13 PLANNING PERFORMANCE INDICATORS**

The Senior Officer, Development Management updated the Members on the Planning Performance Indicators, highlighting rising workloads.

***DM&L.14 PLANNING APPEALS UPDATE**

The Senior Officer, Development Management updated the Members on the decided planning appeals.

***DM&L.15 UNDETERMINED MAJOR APPLICATIONS REPORT**

The Senior Officer, Development Management updated the Members on each of the undetermined Major applications.

(The Meeting terminated at 12:32pm, with a five minute break at 11:18am)

Chairman

PLANNING APPLICATION REPORT

Case Officer: Elizabeth Arnold
Okehampton North

Parish: Okehampton Hamlets **Ward:**

Application No: 1324/21/FUL

Agent/Applicant:

Tim Capps - Oxenham Consult
Oxenham Manor
South Tawton
Devon
EX20 2RQ

Applicant:

Tim Capps
St James C Of E Primary
Okehampton
EX20 1GJ

Site Address: St James Church Of England Primary School, Fort Road,
Okehampton, EX20 1GJ

Development: New artificial turf pitch with fencing

Reason item is being put before Committee Potential impact on the neighbouring occupiers and the character of the area.



Recommendation: Refusal

Reason for refusal:

- 1) The proposal would introduce a built form of development that due to its scale, height and proximity will result in a harmful impact on the character and appearance of the area. The proposed development is therefore contrary to Policies Dev10 and DEV20 of the Plymouth and South West Devon Joint Local Plan.

- 2) The proposed development by reason of loss of outlook, over dominance and loss of privacy will result in a form of development that is harmful to the amenity of neighbouring residents. As such the proposal would fail to comply with the requirements of Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The main issue for consideration in the assessment of this application, are the implications of the increase in land level and the change in surface materials.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The site is currently partially completed and is a junior sports pitch, approved as a grass pitch as part of a previous County Matter application by Devon County Council which included this pitch and surrounding area alongside the provision of a new 420 place primary school. The School is now open.

The site is adjacent to Crediton Road to the South and the new Redrow residential properties to the North, with school land to the East and West. It is not in any designated area but is within a Critical Drainage Area (CDA) and is close to the Scheduled monument of the Roman Fort in Okehampton.

The Proposal:

The proposal is a resubmission to change the surface from the approved grass pitch (which was as previously approved by DCC as a County Matters application but not completed), to an artificial turf surface. This submission seeks to regularise the raised height of the pitch by 0.8m to that previously approved and the enclosure with a 3m high fence.

Consultations:

- County Highways Authority
No Highways implications
- Drainage
I am happy with the principle of their drainage scheme however they have proposed discharge to land drain, which cannot be supported because it can increase flood risk. The discharge should be to the watercourse instead of land drains.

The application site is located within CDA therefore offsite discharge needs to be limited to 1:10 year greenfield runoff rate but in this case it is greater than 1:10 which cannot be supported.

The applicant will need to provide revised drainage scheme to address all of the above concerns. This can be conditioned.

- County Minerals
No objection

- Sport England

Given the nature of the proposals as it relates to the provision of a new outdoor sports pitch on playing field land at the above site. It therefore needs to be considered against exception E5 of the above policy, which states:

- *E5 - The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

The proposal if implemented would see the loss of an existing natural turf playing pitch that could accommodate match play to a synthetic turf pitch / artificial grass pitch (AGP) with no sports lighting. And potentially not enable match play unless constructed to a specification and successful regular testing.

Some sports require a grass surface and once grass is lost the chances of the land ever returning to grass are extremely remote. Artificial surfaces do not necessarily provide a direct replacement for grass pitch use as they only make a limited contribution to competitive grass pitch sports use. They are expensive to provide and require a significant revenue support. It is necessary to allocate significant budgets for on-going maintenance requirements. In addition a year on year sinking fund is required to ensure facilities are replaced when they are worn out.

The Football Foundation (FF) on behalf of the FA advise that the emerging South Hams and West Devon Playing Pitch Strategy does highlight a general need for 3G provision in the Okehampton area. The extent of the provision required is not yet clear along with the impact that any new 3G provision would have on displacing football users from the existing Sand based AGP located at the secondary school/Leisure Centre and any subsequent impact on the business case. This St James school site has not been identified as a location to provide a new 3G.

There is limited information supplied on the technical detail within the application. The FF would expect the following to be addressed:

Construction Quality

- The pitch is constructed to FIFA Quality Programme for Football Turf FIFA Quality standard or equivalent International Match Standards (IMS) as a minimum.
 - Smaller pitches should be constructed to this quality standard and tested to BS EN 15330-1:2013 standard.

Testing

- Any 3G pitch to be used for FA affiliated football in England must be listed on the FA 3G pitch register. Teams hosting matches on a pitch that is not on the register are at risk of the league or competition imposing sanctions. There are three types of tests that can be completed and used to add a pitch on to the 3G pitch register. These are as follows.

1. FIFA Quality Programme for Football Turf Quality or Quality Pro
2. BS EN 15330-1:2013
3. FA Register Test

Design guidance:

- **General** The 3G AGP design should follow The FA Guide to Football Turf Pitch Design Principles and Layouts for the relevant pitch size. This guide can be provided on request.
- **Recessed fencing** We recommend that the fencing is recessed to allow for safe and easy goal storage.
- **Fence height** The FA recommend the perimeter fence height on all sides of the 3G AGP is 4.5m.
- **Safety run-off area** - A minimum safety run off 3m should be provided from all pitch perimeter lines that must be free from obstructions at all times.
- **Spectator area** A dedicated hard standing area for spectators should be provided within the perimeter fence. A 1.1m high spectator barrier should be installed to ensure that spectators can view the 3G playing area from this hard standing area which is separate from the 3G area.
- **Line marking** We recommend that over-marking is made to allow for different formats of football (e.g. 5v5, 7v7). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts.
- **Infill retention** - Measures should be taken to ensure that the rubber infill does not leave the playing surface such as, low level kick boards on the pitch perimeter fencing and rubber catch grills at the player entry and exit points of the pitch.

Floodlighting:

- To maximise community use, the 3G AGP should be floodlit with an average maintained level of 200lux being required. For LED systems, the ability to dim can be considered but should not dim to any lower level than an average maintained 120lux.

Community Use:

- A community use agreement (CUA) is agreed with Sport England and Devon County FA in line with the intended usage levels of the facility.
- The CUA should detail an affordable pricing policy for the local area and should distinguish the difference from training to match play by having a dedicated match play pricing structure broken down for the different match options - i.e. 5v5, 7v7 etc. The match prices should be comparable to grass pitches in order to encourage the use of 3Gs for matches.

The FF would require more information to be provided in order to provide more detailed comments on the suitability of this proposal.

In summary the specification highlighted within the planning application does not meet football standards (design, testing, pricing, maintenance, sinking fund, fencing etc). Also, note there are no flood lights to maximise community use, the facility should be floodlit.

Community Access

Making better use of existing resources contributes to sustainable development objectives by reducing the need for additional facilities and the potential loss of scarce resources such as open space. The practice of making school sports facilities available to wider community use is already well established and has been government policy for many years, but there are further opportunities to extend this principle within the education sector through programmes such as Academies and to other privately owned sports

facilities, to help meet the growing demand for more and better places for sport in convenient locations.

Sport England promotes the wider use of existing and new sports facilities to serve more than one group of users. Sport England will encourage potential providers to consider opportunities for joint provision and dual use of facilities in appropriate locations.

Use Our School is a resource to support schools in opening their facilities to the community and keeping them open. It provides tried and tested solutions, real life practice, tips from people making it happen, and a range of downloadable resources.

<https://www.sportengland.org/facilities-planning/use-our-school/>

We strongly recommend the following condition regarding community use being attached to a decision notice should the local planning authority be minded to approve a future application:

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of pricing policy, hours of use, access by non-[educational establishment] users, users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

Technical Guidance

Any new facilities should be built in accordance with Sport England's technical guidance notes, copies of which can be found at:

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

For football, artificial playing pitches/football turf pitches should be constructed in line with the Governing Body's standards.

Conclusion

Therefore the proposal for an artificial grass pitch with no lights and potentially not suitable for affiliated community football has limited potential to meet E5. A new AGP would need to be fit for purpose and meet the requirements for football match play, generate an income for operation including sinking fund and be open to community use to meet the identified strategic need.

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

- Town/Parish Council Support

- South West Water
Please contact if any development is within 3m of a public sewer

Representations:

45 letter of representation were submitted

35 in support advising:

- Important to provide playing facilities for our children
- The school needs a playing field
- Allow for PE lessons
- To address concerns over parking, suggest a staggered pick up and drop off from parents, which would be helped by a larger after school club
- The fencing is mesh, which would allow light through
- The mesh would not allow bats through but they presumably got used to the new houses getting in their way
- The colour of the mesh fences blends well with the environment
- The mesh fences stop people from looking through without obscuring the view
- People bought their properties knowing the school and its play areas would be there
- Support but would like to see some additional school parking
- The rumours of floodlights and public use are nonsense so there won't be any noise or light pollution in the evenings or weekends

10 objections raising the following issues:

- Whilst there is a lot of support mostly from parents who want their children to have good outside space, ground levels must be lowered as per the original plan
- The comments advising there would be potential for community use during school holidays, evenings and weekend are untrue. Where will the money come from to maintain the all-weather pitch
- There is no parking provision within the plan. If the pitch is for the school only then no additional parking is needed. However parking is already an issue for residents
- Loss of privacy
- Noise impact
- I want to make clear that approval has already been granted for a pitch, which was the right decision. The spin from the school is they need this new application for the Astro turf. This is incorrect. The purpose of this application is to cover contractor negligence by putting the drainage wrong. The cost implications should not be at the detriment of the adjoining occupiers
- School is already causing parking issues
- The finished height of the proposed pitch would make our rear living areas including bedrooms and garden almost impossible to live in privately
- The proposed fence being another 3m higher would make it an overbearing, obtrusive and dominating structure
- Loss of sunlight
- Impact of the fence on local bird and bat populations
- Localised flood risk
- The original application said the nearest residential properties are 30-40 metres away. The current application states they are 25 metres away. This is taken from the rear of the properties, as a result the pitch is less than 13 metres away from the garden boundaries
- Potential for increased noise and antisocial behaviour
- Sport England objected to the original proposal stating the supply of artificial pitches is very good in the locality currently and might be improved further in the future. This might affect income from community use due to oversupply?
- Astro turf kills the soil beneath, has a big carbon footprint, needs cleaning and maintaining, can cause surface water runoff and has no wildlife benefit
- The area would be better suited as a natural green space with wildlife zones, with natural hedges providing privacy. This could be used as an educational space for gardening and forest school activities

- Location adjacent to the residential properties is inappropriate
- Proliferation of all-weather pitches in this location. There is a significant pitch provided by Okehampton College that could be utilised by the school
- Potential to attract a proliferation of sports equipment and children's play apparatus to be retained on the pitch permanently
- The close proximity of the pitch to the neighbouring properties will permit potential intrusion by projectiles, with potential damage to plants and garden furniture

Relevant Planning History

2342/19/FUL	St James Church of England Primary School	Change of approved grass pitch to artificial turf	Approved	26/11/20
2891/18/ARC	Land North Of Crediton Road", Crediton Road, Okehampton	Application for approval of details reserved by conditions 2, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 19, 20 and 24 following grant of planning consent 4059/16/VAR	Pending	Pending
2355/19/ARC	"Land North Of Crediton Road", Crediton Road, Okehampton	Application for approval of details reserved by conditions 22 (Part D) and 23 of planning consent 01089/2013	Discharge of condition Approved	6/ 9/2019
1574/19/NMM	Land North Of Crediton Road", Crediton Road, Okehampton	Application for a non-material amendment (Switching of plots 15 and 16) following grant of planning permission 4394/17/ARM	Conditional Approval	11/06/2019
0266/18/ARC	Land North of Crediton Road, Okehampton	Application for approval of details reserved by conditions 2, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 19, 20, 22 and 24 following grant of planning consent 4059/16/VAR	Discharge of condition Approved	5/ 3/2019
4394/17/ARM	Land North of Crediton Road, Okehampton	Reserved Matters application for approval of appearance, landscaping, layout and scale for development of 73no. dwellings following grant of planning consent 4059/16/VAR	Conditional Approval	2/ 5/2018

4059/16/VAR	"Land North Of Crediton Road", Crediton Road, Okehampton	Variation of conditions 3 (approved plans) and 21 (to allow phase 1 to start from joint school access and provision of roundabout as part of phase 2) following grant of planning consent 01089/2013	Conditional Approval	15/11/2017
2829/17/DCC	"Land North Of Crediton Road", Crediton Road, Okehampton	County Matters application for new 420 place primary school (built in two phases), together with Foundation Stage Unit (including a nursery) and children's centre	Conditional Approval	1/11/2017
1493/16/VAR	"Land North Of Crediton Road", Crediton Road, Okehampton	Variation of conditions 3 & 21 following grant of outline application 01089/2013 to allow the development to be delivered in a phased manner	Conditional Approval	13/ 6/2017
01089/2013: OPA	Land North Of Crediton Road, Crediton Road, Okehampton	**Revised description and additional plans**: Outline application to include layout to identify the specific primary school site and the provision of access. Scheme for residential development (up to 375 dwellings) primary school and retail unit.	Conditional Consent: 30 Oct 15	Conditional Consent: 30 Oct 15
00490/2013: SCR	Land Adjacent Chichacott Road, Okehampton	Screening opinion for mixed use development of 250 homes and a primary school	Environmental Statement under EIA Regs Not Required: 05 Jun 13	Environmental Statement under EIA Regs Not Required: 05 Jun 13
00192/2013: SCR	Land Adjacent To Chichacott Road Okehampton	Screening Opinion request for mixed use development	Environmental Statement under EIA Regs Not	Environmental Statement under EIA Regs Not

			Required: 25 Mar 13	Required: 25 Mar 13
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ANALYSIS

Principle of Development/Sustainability:

The principle of the pitch has already been established by the previous County Matters approval in November 2017. The pitch is associated primarily for use by the primary school pupils and is clearly a necessary part of the infrastructure needed to serve the school facility.

The principle for a change of the pitch from grass to an all-weather Astro turf pitch was further established with the approval of the previous consent 2342/19/FUL in November 2020. This application is to consider an increase in the land level of the pitch, to that previously approved. As there would be no material change to the facility provided the principle for the development would be acceptable.

It is noted that, as with the previous application, Sport England have objected on the grounds that they consider it to be the loss of a grass pitch and, when assessed it does not meet their criteria for support of such a change/loss. There appears to be differing information on whether the pitch was ever taken to the point of being seeded before its hand over, or whether it has never yet been completed as a grass pitch. Either way though it is not an established used grass pitch. It is not a grass pitch which has seen pupil or community use, it was approved as a grass pitch for the school but has not yet been brought into use for this purpose.

Another reason for objection by Sport England has been the size of the pitch as it is slightly undersized when compared against their standards for this form of pitch, however this is the size which was previously approved and there is not the room nor appetite to increase the size of the pitch, merely a desire to resurface it in order to extend the seasonality of its use. It is appreciated by officers that it does not meet the specification of Sports England's pitch sizes, however it remains the same size approved previously by Devon County Council for use by the primary school. They are the County Education providers and as such if they considered the size fit for purpose in 2017, officer now would maintain that it remains so.

Sport England have also raised concern that community use is not being sought not was previously secured on this pitch. The LPA would agree that this is unfortunate and was an opportunity missed at the stage at which the scheme was proposed by and approved by DCC. At that point the permission neither precluded nor secured any form of community use and the building does not appear to have been adapted to allow for toilet or changing access direct from the pitch outside of main school opening hours which is regrettable. However this planning application does not seek to change the use of the pitch and such a change would have implications for neighbour amenity with possible extended hours of use and a desire for lighting etc. As such then the LPA do not consider it is appropriate to explore the community use or not of the pitch. At present it can be used for such a use if it is so wished by DCC/School operators and the LPA would seek here to leave this as the *Status quo* and consider that altering this under this permission is outside the remit of the permission sought.

Sport England's final area of concern is regarding the long term management and maintenance of the pitch, specifically its ongoing costs. According to the sport and recreation needs data and information for the Town, there is no identified need for an additional all

weather pitch in addition to those the town already has, as such SE are reluctant to support such a change in material as its upkeep and repair is costly and this cost in the future often falls to them. They have limited resources and as such can't readily support such a material change to surfacing when the data does not demonstrate it is actually needed to provide sport infrastructure to a town. Officers understand this issue and as a result discussed this with the applicant in detail. The applicant has provided updated information regarding pitches which the applicant has previously funded and currently maintains and manages. The information provided sets out that future management and repairs are accounted for and that it is not expected that this cost would be borne by SE.

Although Officers appreciate that Sport England is an expert body on sport and pitches, there was never a functioning grass pitch on site and as such no such pitch is being lost. There is space on the wider primary school site for another grass pitch and permission for this was granted by DCC at the outset. In addition, there are several grass pitches in the town such as in and around Simmons Park and at the Rugby Club and Football club.

The weather in Okehampton is generally very wet due to its SW location and proximity to the moor and as such, particularly given the school's aspirations as an 'outdoor' based school with a heavy emphasis on environment an all-weather pitch would seem to better serve the pupils as a more functional and widely useable facility that a more seasonal grass pitch which is likely to encounter issues in periods of wet weather as we have experienced at other pitches sites in town where drainage has failed and needed improving.

DEV3 states that the LPA will support the enhancement of existing sports facilities where a need has been identified. Although no formal need is identified, as long term funding is not proposed to fall to the public purse, then this change in surfacing is considered to be an enhancement. As such the proposal accords with policy DEV3 and DEV4, which seeks to protect and improve the stock and capacity of playing pitch facilities and improve the quality of existing playing pitches and ancillary facilities.

Therefore despite the maintained objection from Sport England, officers consider the proposal to be acceptable in principle, policy compliant and beneficial to the sport provision for the school and town.

Design/Landscape:

It is not considered that any additional planted landscaping is required for this pitch as landscaping and boundaries were considered as part of the previous DCC approval and are not contained within the site area for this scheme. The previously approved scheme incorporate a 1.8m high fence in order to protect the integrity of the pitch surface which was to be secured by condition and to be in situ prior to first use.

This proposal is to regularise the raised height of the pitch by 0.8m and includes the provision of a 3m high fence, incorporating privacy mesh below 2.2m. This increases the overall height of the proposal, when viewed from the adjacent properties and surrounding roads by 2m, making the development far more imposing and noticeable, than previously approved. Whilst noting that the site is located within an existing school facility and is characteristic of this type of development the excessive height of the fence incorporated on a high raised bank, particularly when viewed from Fossa Court would significantly harm the character of the area and in terms of design would be unacceptable.

Neighbour Amenity:

There have been objections received to this proposal, raising concerns over the increased height of the pitch combined with the 3m high fencing resulting in an over-bearing, obtrusive and dominating structure in close proximity to the properties to the north, along Fossa Court. These properties are set at a lower land level, (approximately 2m), resulting in a 5.05m high enclosure, set back approximately 18.9m from the rear of the nearest property. It is noted that no details showing the relationship of the proposal to the neighbouring properties have been included within this proposal. The measurements have been taken from the submitted site plan, which shows the position of the fencing in relation to the boundary and from the approved plans for the properties showing their relationship to the boundary. At a height of 5.05m this would be comparable to the height of the eaves of the adjacent dwellings. In considering the potential overbearing impact, the JLP Supplementary Planning Document advises 'an extension should not be constructed in close proximity to either a habitable room window of a neighbouring property or its private garden where it would have an unacceptable overbearing effect on a household's outlook. In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m. Where there is a difference in ground levels these should be taken into account and the distance increased, normally by an extra 3 metres for every 2 metres increase in height. This would indicate a distance of 19.5m would be required between the fencing and the rear wall of the adjacent properties. Although the proposal is not an 'extension', the height of the fencing on the raised bank is comparable to the provision of a 'wall' and at a distance of 18.9m, it is considered that the proposal would result in a significant overbearing impact.

Concerns have also been raised over the potential loss of privacy with the finished height of the proposed pitch making the rear living areas including living rooms, bedrooms and garden almost impossible to live in privately. In order to try and address this, revised plans have been submitted which include the provision of a 2m high privacy mesh installed over the rebound fence, set at 0.2m above the ground level. This would ensure that there would be no overlooking from the users of the pitch to the neighbouring properties. However there is no restriction on access to the raised bank from outside of the pitch and having regard to the need to maintain the bank or gain access to the proposed grass pitch to the west it is considered that the increased height of the bank would result in a significant loss of privacy to the neighbouring occupiers contrary to the requirements of policy DEV1.

Highways/Access:

The proposal is as previously considered, with the exception of the change in ground levels of the sports pitch. Consideration of the appropriateness and implications of a pitch in this location near to Crediton Road was considered previously by DCC during their assessment of the scheme and was found to be acceptable, therefore the principle of this relationship is not changing as a result of the proposed alternative scheme and thus is considered to continue to be acceptable.

Drainage:

The Drainage Specialist has advised that they are happy with the principle of the drainage system however the proposed discharge to land drain cannot be supported because it can increase flood risk. The discharge should be to the watercourse instead of land drains.

The application site is located within CDA therefore offsite discharge needs to be limited to 1:10 year greenfield runoff rate but in this case it is greater than 1:10 which cannot be supported.

The applicant will need to provide revised drainage scheme to address all of the above concerns which can be conditioned for submission.

Archaeology:

As previously advised by DCC Archaeology, this site is close to the Scheduled Roman Fort, however this site, Parcel 2 of TTV14, was explored and conditioned extensively re archaeology as part of the original outline permission 01089/2015 and DCC Archaeology would have been consulted on the DCC school detailed application. The results of previous Archaeological work on this site by Redrow on the area adjacent do show that much of the remains were ploughed up and disappear in this area and that the main remains are to the North of the site and where the Roman road remains lie which are outside this application site.

The majority of the ground works for this pitch have also already been undertaken and as such even were there an issue re archaeology (which officers consider there is not as it has already been covered and explored as above) then any ground works affecting archaeology would have been undertaken already.

Biodiversity:

This proposal does not include within its site area any of the adjacent hedges and it is currently bare, recently worked/engineered soil. Similarly it does not contain any proposal for lighting and as such it is not considered that there are any biodiversity issues.

Conclusion

Although noting that the site has approval for use as a pitch and there is no alteration to the approved use or surfacing material, it is considered that the raised height of the pitch to that approved and the provision of a higher and more substantial means of enclosure would have a detrimental impact on the character of the area and the amenity of the neighbouring occupiers.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also

confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon’s joint HDT measurement as 139% and the consequences are “None”.

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities’ Housing Position Statement 2020 (published 22nd December 2020).

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
- SPT11 Strategic approach to the Historic environment
- SPT12 Strategic approach to the natural environment
- SPT13 Strategic infrastructure measures to deliver the spatial strategy
- TTV14 East of Okehampton
- DEV1 Protecting health and amenity
- DEV2 Air, water, soil, noise, land and light
- DEV3 Sport and recreation
- DEV4 Playing pitches
- DEV28 Trees, woodlands and hedgerows
- DEV30 Meeting the community infrastructure needs of new homes
- DEV31 Waste management

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: the recently adopted SPD

Neighbourhood Plan – none for this area as yet.

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.

<p>Ward Member - Cllr Leech</p> <p>Date cleared - 16/9/21</p> <p>Comments made - I think that if the main contractor had removed the topsoil, and a grass playing field was installed, then I don't think anyone would have worried.</p>	<p>Ward Member –</p> <p>Date cleared</p> <p>Comments made -</p>
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<p>I would have liked this to go through delegated powers, but the fact that the heights is not going to be lowered, I think that even with a mesh fence, there will still be concerns, especially from the residents in Chichacott Road. So, I guess that it will have to go to the full committee.</p>	
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PLANNING APPLICATION REPORT

Case Officer: Bryn Kitching

Parish: Lamerton **Ward:** Milton Ford

Application No: 1766/21/OPA

Agent/Applicant:

Simon Collier - Collier Planning
2 Chartfield House
Castle Street
Taunton
TA1 4AS

Applicant:

Baker Estates Ltd
Green Tree House
Silverhills Road
Newton Abbot
TQ12 5LZ

Site Address: Land At Sx 445 766, Lamerton

Development: Outline application with some matters reserved for residential development of up to 20 dwellings, formation of new access and associated works



Reason item is being put before Committee – Called in by Cllr Neil Jory:

I would like to refer the application to the DM&L Committee on the following grounds:

- The site is on the edge of not within the settlement, and does therefore comply with Joint Local Plan Policy TTV25.
- The site is a greenfield site in countryside and should be assessed against policy TTV26. It does not comply with TTV26.

- The exception for sites adjoining the settlement provided by policy TTV 27 does not apply, not least because the proposal does not provide a minimum of 60% Affordable Housing as required.
- The proposal that is in conflict with the Joint Local Plan – the local planning authority has a 5 year supply of housing land – and the emerging Neighbourhood Plan and the requirement for ‘around 20’ homes in Lamerton by 2034 is already being satisfied by ‘infil’ sites within the built-up area such as Ashton Court (5), Kooshti Bok (5) and Court Barton Farm (likely to be 6 or more).

Recommendation: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant outline planning permission, subject to a Section 106 legal obligation for the following:

Affordable Housing

30% of the dwellings to be Affordable Housing Units (65% Social Rents and 35% Intermediate)

No more than 50% of the Market Housing Units can be Occupied until 50% of the Affordable Housing Units have been completed and are ready for Occupation.

No more than 75% of the Market Housing Units can be Occupied until all of the Affordable Housing Units have been completed and are ready for Occupation.

Open Space/Accessible Natural Greenspace

To provide a policy compliant area of Accessible Natural Greenspace (“Open Space”). As the application is in outline only, the area is to be calculated with reference to a formula. Based on a development of 20 average sized dwellings, this would amount to a minimum area of 902 m².

The Open Space will be delivered and managed in accordance with an Open Space Specification, long-term management mechanism and completed before more than 75% Dwellings can be occupied. It shall be kept available for public use (free of charge) in perpetuity.

Equipped Play and Sports Facilities

The Development must pay a financial contribution towards improving equipped play and sports facilities provision at the Lamerton Sports and Community Centre (or such other play and sports) projects as may be agreed between the Owner and the Council.

The equipped play contribution will be calculated in accordance with the Plymouth and South West Devon JLP Developer Contributions Evidence Base. 20 average-sized dwellings would result in a contribution of £12,178 capital together with a commuted sum of £22,667 towards the long-term maintenance costs of the improvements.

The sports facilities contribution will be calculated in accordance with the JLP Evidence Base. 20 average-sized dwellings would result in a contribution of £17,889 capital together with a commuted sum of £20,884 towards the long-term maintenance costs of the improvements.

The contribution is payable prior to the Occupation of 50% of the Dwellings.

Allotments

The Development must pay a financial contribution towards the delivery of Allotments before more than 50% of the Dwellings have been occupied.

The Allotments Contribution will be calculated in accordance with the JLP evidence base. Based on 20 average dwellings, this would amount to a contribution of £1351.

Highways

The Development must pay a financial contribution of £5,000 toward the investigation, consideration and, if approved, the installation of a means to prevent the passage of vehicular traffic between the site access to the un-named road and the crossroads by the Blacksmith's Arms.

The provision of a footway including crossing points, all as generally shown on plan 21.03.067 / 1002C forming part of the application drawings at the applicant's expense.

Education

The Development must pay a financial contribution of £8,379.00 towards secondary school transport in accordance with the Devon County Council Education Infrastructure Plan (2016-2033), and the Education Section 106 Infrastructure Approach (February 2020).

Plymouth Sound and Estuaries European Marine Sites (EMS) Contribution

The Development must pay a financial contribution towards the Plymouth Sound and Estuaries European Marine Sites (EMS) Recreation Mitigation and Management Scheme.

The contribution will be calculated in accordance with the Plymouth and South West Devon JLP Developer Contributions Evidence Base. 20 average-sized dwellings would result in a contribution of £7,427

The contribution is payable prior to the Occupation of any of the Dwellings.

Conditions (list not in full)

1. Submission of reserved matters.
2. Reserved matters to be submitted within 3 years.
3. Commencement of development within 2 years following approval of last of the reserved matters.
4. Access to be constructed in accordance with approved plan.
5. Reserved matters to include replacement hedgerows and hedgebank at access points.
6. Main access to be constructed prior to other works commencing.
7. Construction Management Plan.
8. Estate roads condition.
9. Internal roads to be provided prior to occupation.
10. Waste audit statement.
11. Unexpected contamination.

12. Electric vehicle charging points.
13. Low carbon development in accordance with DEV32.
14. Open market housing mix.
15. Surface Water drainage details
16. Landscape and Ecological Management Plan (LEMP)
17. Construction and Environmental Management Plan (CEMP)
18. Adhere to the tree protection plan

Key issues for consideration: Principle of Development/Sustainability, Highways/Access, Ecology, Local Infrastructure and Other Matters:

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The application site is located on the south western side of Lamerton, to the side and rear of the small residential cul-de-sac named The Farriers and close to The Blacksmiths Arms. The application site is a field that has previously been referred to as 'Land behind the Farriers' in the emerging Neighbourhood Plan Site Options and Assessment Report.

The field is approximately 1.1 hectares and slopes downward from the north east towards a large oak tree and field hedge on the south west boundary. Part of the north east boundary (between the Farriers and Woodbine Cottage and new dwellings on the former village hall) fronts onto the main road between Tavistock and Milton Abbot. This boundary comprises a hedgebank with an overgrown field gate access that appears to have little use in recent years. The north west boundary faces on to an unnamed lane the runs from crossroads junction with the Green at the Blacksmiths Arms to the B3257 and Tamar Valley AONB. This boundary comprises a 2m high hedgebank with field gate access that appears to be the principal access into the field.

The AONB is approximately 900m to the west of the site, although there is little or no intervisibility between the two due to the topography. A public right of way runs through the site from a stile at north (next to a property named Tradewinds) and leads to Ottery Park about 1.4km to the south.

The Proposal:

This application is for outline planning permission for up to 20 dwellings with access the only detailed matter being considered. Other matters which are reserved include appearance, landscaping, layout and scale and are therefore not for consideration as part of this application.

Two points of vehicle access are proposed with the main access to the site being off the main road to the north east, in a position approximately one third along the site frontage and where the existing overgrown field gate is located. Visibility splays of 2.4m x 43m are proposed in each direction and a new pedestrian footway would be constructed from the junction to link to the existing footway to the front of the Farriers. The detailed access plans show dropped kerbs would be constructed on the footway opposite the Blacksmiths Arms and the existing hardstanding in front of the pub would be made good and a kerb installed so that it can be utilised as a footway and crossing point.

The second point of access would be constructed on to the lane to the north west which would require removing up to 50m of the hedgebank to create the access and visibility splays of 2.4m x 25m in each direction. The purpose of creating two access points for the proposed development is so that a link road can be constructed between the two which would give an alternative route for vehicles which currently use the crossroads junction with the main road at the Blacksmiths Arms.

Indicative plans have been submitted which show a suggested layout of development comprising mainly detached dwellings but also including a pair of semi-detached and a short terrace of three dwellings. The indicative plans also show potential building height being 1 storey next to the dwellings at the Farriers, 1.5 storey on some of the lower parts to the south and 2 storey by Woodbine Cottage and the recently constructed dwellings at Old Lamerton Hall. It is suggested that the large oak tree is to be retained with development kept away from this area, and the indicative plans also show a surface water attenuation feature in the western corner of the site.

At the request of the case officer, additional plans have been submitted to show the detail design of the access points with vehicle tracking overlaid on the access onto the lane. An indicative Access Planting Plan has also been submitted which shows where hedgebanks need to be removed to construct the accesses, visibility spaces and new footway. Although landscaping is a reserved matter, this plan shows where new hedgerows and hedgebanks could be constructed as the back edge to the access works.

The application proposes onsite delivery of affordable housing at 30%.

Consultations:

Please note that full responses of all consultees can be found at <https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/211766>

Lamerton Parish Council – object

Unsustainable development were 100% reliance of vehicles required. Inadequate public transport and additional traffic will discourage walkers, cyclists and horse riders. Proposal does not reduce the need to travel. Development would be seen from a number of places and have adverse impact on countryside character of a rural village. The regulation 14 Neighbourhood plan has housing allocations which exceed the indicative development level for sustainable villages.

Development fails to acknowledge local context which is road frontage and linear patterns. Impact on landscape through loss of hedgerow with oak trees in it. Development is outside

the settlement boundary and will encroach into landscape with unsympathetic modern properties.

Proposals are contrary to policies SPT1, SPT2, SO6, SO10,TTV25, TTV26, DEV20 and DEV23

Education – no objection. 20 family dwellings will generate an additional 5 primary pupils and 3 secondary pupils. The primary school within a 1.5 mile radius of the development is Lamerton C of E Primary School and has sufficient forecast capacity. The local Secondary School is Tavistock College and has sufficient capacity to mitigate the impact of this development. So no request is made for primary or secondary education infrastructure.

A request is made for secondary education transport as there is an entitlement to transport to Tavistock College from this location. School transport currently costs £2.94 per pupil per day from Lamerton to Tavistock. Request £8,379.00 towards secondary school transport (being £2.94 x 190 days in the academic year x 5 years at secondary school x 3 secondary pupils).

South West Water – no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.

County Highways Authority – no objections subject to conditions and S106.

From a highway point of view it would be preferable if the unnamed road running from the north-east to the south-west were to be closed to vehicles at some point (to be agreed) between the site access and the crossroads junction with The Green at the Blacksmith's Arms. Recommend a £5000 financial contribution to the legal process to achieve this.

Proposal to provide a footway link from the site up to the Blacksmith's Arms to provide satisfactory pedestrian provision to be secured by legal agreement.

County Waste Authority – recommend condition. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage.

Waste Specialist – would need to see more reference to domestic waste collection considerations to be able to comment further at this stage

NHS Devon Clinical Commissioning Group (CCG) – No response received

Historic Environment Team (DCC) – no objection and no recommendations to make regarding archaeology or the historic environment. The submitted Heritage Statement indicates that the development will not have any significant impact on any heritage assets or their settings

Tree Specialist – Following submission of a tree protection plan, no objection subject to the document being made an approved plan.

Police Designing out Crime Officer – No reference in submission to designing out crime or crime prevention. Support illustrative layout which appears to show that the section of the

Lamerton Footpath 2 will be well overlooked by dwelling frontages. Where the footpath enters the site on the southern edge, this should be designed so it is as wide and open to view as possible. It must be well maintained so that it remains attractive and safe to encourage its legitimate use.

Rear boundaries should be 1.8m high and robust with lockable gates to the same height. Cycle storage to meet Secure By Design standards. Tandem parking should be avoided as it can encourage unplanned parking elsewhere

Natural England – Comment:

This development falls within the 'zone of influence' for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, as set out in the Local Plan. It is anticipated that new housing development in this area is 'likely to have a significant effect' when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development. Specific measures will be required to prevent such harmful effects from occurring as a result of this development. Recommend that permission should not be granted until such time as the implementation of these measures has been secured.

The proposed development is for a site within or close to a nationally designated landscape namely Tamar Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal

Environment Agency – no response received.

Environmental Health Team – No objection subject to conditions.

We have considered the Stage 1 contaminated land report submitted with application. Site has been in agricultural use and there is some evidence of made ground in small areas, but no indication of significant contamination. An intrusive geotechnical investigation will be required in order to determine foundation design etc. Consider that only the "unexpected contamination" condition would be required as the likelihood is that any materials of concern will be in surface layers and removed during oversite works. The condition would enable appropriate action to be taken if the made ground is more extensive and deeper than expected. A Construction Environment Management Plan will need to be submitted with any reserved matters application.

Open Space, Sport and Recreation (OSSR) – No objections subject to conditions and S106. Illustrative plans appear to show required amount of accessible natural greenspace which should be secured by S106. Contributions towards off-site provision of allotments, equipped play and pitch/sports required.

Landscape Specialist – No Landscape objection to the proposed development as presented for Outline Planning Approval, but note that considerable work is needed to secure an appropriate layout, and the detailed design of the layout, buildings and landscape, to ensure that development respects scenic quality and maintains the area's distinctive sense of place and reinforces local distinctiveness.

Affordable Housing Specialist – No objection. Latest data shows 9 households registered who have local connection to Lamerton. Application meets JLP policy requirement of 30%

affordable housing. This should be 65% social rent and 35% intermediate home ownership tenure.

Local Lead Flood Authority – Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Following submission of additional information: concerns that one property owner will be responsible for maintaining a soakaway which serves multiple properties. If the layout is not being decided at this stage, then I will recommend that the layout is reconsidered to allow the soakaway to be moved into a publicly accessible location for a management company to access. Further infiltration testing may indicate that on-plot soakaway's are suitable within that area, but as a worst case, I think the applicant should confirm that the soakaway can be moved into a publicly accessible location for a management company to maintain.

Ecology - No objection subject to all avoidance/mitigation/compensation/net gain requirements being secured by conditions.

Devon County Council Public Rights of Way Team – No objection but applicant should be aware that a Public Right of Way crosses the site. Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.

Representations:

32 individual letters of objection received which raise the following issues:

- The site is not within the settlement and therefore should not be considered under policy TTV25.
- The site is in the countryside and should be considered against policy TTV26. It does not comply with TTV26
- The proposals do not provide a minimum of 60% housing and therefore can not be considered against TTV27 (exceptions site policy).
- There is no need for the development as the council already has a five year supply and 'around 20' dwellings is also being met by infill sites in Lamerton.
- The developments of 5 dwellings each at Ashton Court and Koosti Bok already deliver 10 dwellings that should be counted against the 'around 20' figure in TTV25
- Noise pollution during construction.
- Overshadowing and loss of light to neighbouring dwellings.
- Increase in traffic on an already busy road.
- Increase in vehicles exiting the farm lane on a dangerous junction.
- Crossing the very busy main road on foot to access local services is dangerous.
- Vehicles already speed despite the 30mph limit.
- The Duckspool Farm Lane is narrow with few passing places.
- Villagers have already been campaigning for measures to limit the speed of traffic.
- The new dwellings have already added to the problem with cars being parked on the main road.

- The suggestion to divert traffic from the lane and junction, through the site would be dangerous for children playing within the development.
- It is dangerous to walk around the corner at the Blacksmiths Arms into Greenhill.
- Residents would still have to drive to some facilities.
- New access on to the main road would be dangerous.
- Lack of public transport in the village.
- No surveys of traffic speeds and volumes have been undertaken.
- New access opposite driveway to 2 Greenfield Cottages will make it dangerous to use that drive.
- Traffic speeds on the main road have been measured at up to 70mph and the majority break the speed limit.
- Proposed crossing point is the stopping point for community and schools buses and will be blocked when larger vehicles are stopped.
- The proposals do not show how the new road scheme would work or how it will affect existing accesses near the junction.
- The site is outside of the settlement area for the village and would result in urban sprawl.
- Loss of agricultural land.
- Not in accordance with emerging neighbourhood plan which identifies two other sites.
- The 14 open market homes would not be affordable for local people and the elderly who want to stay in the village.
- 17 houses have already been built in the village since 2017.
- Other applications are currently being considered for 15 houses in the village. That would result in 35 additional houses over the 17 already built.
- There are already large development sites nearby that will supply a large number of homes and smaller developments should meet the needs of the rural community.
- Application only contributes a little to the villages' requirement for affordable housing.
- Plans are out of date and do not show the new houses that exist on the Old Lamerton Hall site.
- Close to the Tamar Valley AONB.
- Lack of amenities and services to support a large development in a small village.
- Proposal is not for agricultural or forestry purposes and therefore not in accordance with Policy TTV26.
- Lack of a regular bus service means that people will have to drive and create additional traffic.
- Approval would create a precedent meaning it would be difficult to object to similar proposals.
- It is a greenfield site and other identified brownfield sites should be developed instead.
- Recent local elections show that people do not want large scale developments.
- No justification to develop this greenfield site.
- No change since the Parish Council previously rejected this proposal.
- Application does not address the age demographic challenge of the village by encouraging young families. The price of new homes will be out of reach of young families.
- Development is not required and would not be affordable housing.
- The Lamerton Neighbourhood Plan has already discounted this site. The plan is at an advanced stage and is already meeting the need for Lamerton.
- Loss of open space and well used footpath.
- Loss of outlook for users of the public footpath which would be ruined.
- It would be visually intrusive in the landscape.
- Loss of tranquillity.

- Village has already seen a huge amount of development that has changed its character.
- Field had lots of wildlife including foxes, sheep, badgers and bats.
- The only group in need of specific housing requirements in Lamerton is young couples with or without families, who are truly in need of low- cost affordable housing and this need is being met by the proposals for the Court Barton field site (The old dairy).
- The size/position of the development will move the centre of the village to the other side of the main road and is an example of urban sprawl.
- The main road at the development site is a fast road despite the 30-mph speed limit and further increases of traffic to this site will make it even more dangerous.
- The blind junction opposite the Blacksmith's arms pub is incredibly dangerous and further increase of usage of this junction (pedestrian and car) will increase the danger.
- The loss of a Green Field and the loss of the Wildlife therein, ruination of an established ecosystem.
- Loss of amenity to the residents of the Farriers and ourselves in enjoyment of our homes.
- Loss of agricultural farming land.
- Lack of adequate safety provision for children from the development crossing the main road other than dropping the kerb. A blatant lack of research has been carried out by Baker estates in this regard.
- Adequate consideration given by Baker Estates to our emerging neighbourhood plan being on hold due to covid and its current restrictions.
- The size of the houses will have no net gain to the village just large profits to the developer.
- No continuation of the footpath to the west side of The Blacksmith's arms into the village once the developments inhabitants have crossed the main road leading to the public amenities and village school. This seems to be a standard consideration with developments in the nearby town of Tavistock.
- It would be backland development that could set a dangerous precedent for the village.

2 individual letters of support/comment received which raise the following issues:

- Village needs to attract young families and affordable housing should do that.
- More families will help the school stay open.
- Proposed footpath/footway along the main road would be a benefit to villagers.
- Proposed crossing point would help reduce vehicle speeds of cars travelling through the village.
- What consideration has been given to improving visibility on the Blacksmiths junction?
- Keen for the properties to be in keeping with the aesthetic of the village.
- I would like to support the above application. This would also take away the very dangerous junction with Duckspool Lane.

Relevant Planning History

There is no relevant planning history relating to this site.

ANALYSIS

Principle of Development/Sustainability:

In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications have to be determined in accordance with the development plan unless there are material considerations that indicate otherwise. For the purpose of decision making for this application, the development plan comprises the Plymouth & South West Devon Joint Local Plan 2014 – 2034 (JLP) and the Devon Waste Plan 2011 – 2031.

JLP Policy TTV1 – Prioritising growth through a hierarchy of sustainable settlements, sets out the principles to be used to distribute new employment and housing across the Thriving Towns and Villages Policy Area. It identifies four categories of settlement type where development will be distributed as part of that hierarchy.

- The Main Towns
- Smaller Towns and Key Villages
- Sustainable Villages
- Smaller Villages, Hamlets and the Countryside

Lamerton is identified as being in the sustainable villages category where development to meet locally identified needs and to sustain limited services and amenities will be supported.

The village has a number of local facilities that provide a number of local services including the Village Hall and Community Centre which has two function rooms, kitchen facilities, and changing room. The hall is next to playing fields that have a full size football pitch, as well as an equipped childrens playground. Lamerton Primary School is located approximately 600m walking distance from the edge of the site with St Peter's Church a further 170m away. The Blacksmiths Arms public house is within close proximity to the site. Tavistock is approximately 3 miles away and has a much greater level of facilities and services but the bus routes are infrequent and do not run on a daily basis. Overall, the site has reasonable access to facilities and services for daily community needs.

The JLP does not specifically allocate sites for development in in the sustainable villages and it is anticipates that housing will be provided for in the following ways:

- through neighbourhood plans which come forward throughout the plan period
- through the application of development management policies where there is no neighbourhood plan;
- through the possibility of separate planning studies which identify new sites, and which will be an evidence base input to the next review of the JLP.

TTV25 – Development in the Sustainable Villages, supports the delivery in the order of 550 homes with Lamerton identified as being suitable for accommodating around 20 dwellings. The policy identifies that neighbourhood plans as being a way to identify local housing needs in the sustainable villages. Within villages without neighbourhood plans, development which meets the identified local needs of local communities and development which responds positively to the indicative housing figures will also be supported. The plan does not define settlement boundaries for sustainable villages and therefore the decision taker needs to consider whether the proposed development is considered to fall within the village.

Paragraph 5.5 clarifies that development outside built-up areas will be considered in the context of Policy TTV26 (development in the countryside), which seeks to protect the special characteristics and role of the countryside, and to avoid isolated development. In this case, it is considered that in the context of the site, its surroundings and the settlement pattern, (with residential development either side on the main road and close proximity to other facilities), it is within the village and can be considered against TTV25. It is certainly not considered to be isolated development in the countryside which policy TTV26 seeks to avoid.

Lamerton has a Neighbourhood Plan Group (NPG) and the emerging plan has been through the Regulation 14 consultation stage (pre-submission consultation). However, following substantial objections to the Reg 14 plan a Regulation 15 submission has not followed. It is understood that the Parish Council have formed a new NPG and a new Housing Needs Survey will be commissioned. It is considered unlikely that the plan will be progressed in its existing Reg 14 form and given the level of objection, no weight (or extremely limited weight) should be attached to the housing allocation element of the emerging plan. Some very limited weight should be attached in certain aspects of the plan which were not objected to.

In the absence of an adopted (or significantly progressed) Neighbourhood Plan, the application will need to be judged against any identified local needs of the local community as set out in TTV25. The 2020 Plymouth and South West Devon Supplementary Planning Document (SPD) states that “Policy compliant development proposals of 5 or more dwellings within or adjoining a sustainable village that are not allocated for residential development within a made neighbourhood plan, may be considered to be making a positive contribution to the housing supply figure in Policy TTV25”.

The 2016 Housing Needs Report commission by the former NPG suggested a need for 2 affordable dwellings within the next 5 years. However, the latest information from Devon Home Choice shows that 9 households are registered who have a local connection to Lamerton with the following table showing Housing need by Band and number of bedrooms.

	1 Bed	2 Bed	3 Bed	4 Bed	Total
Band B			1	1	2
Band C			1		1
Band D		3	1		4
Band E	1	1			2
Total	1	4	3	1	9

The application proposed up to 20 dwellings of which 30% (6 units) would be delivered as affordable housing. This can be secured by legal agreement and the provision of affordable housing that would meet local housing needs would weigh in favour of the application. Policy DEV8 of the JLP requires that all schemes of 11 or more dwellings delivers at least 30 % affordable housing on site.

The existing housing mix in Lamerton shows an over provision of 4 bedroom dwellings and under provision of 2 bedroom dwelling when compared to West Devon as a whole. Although this is an outline application where the housing mix is not proposed to be set at this stage, it would be possible to use a planning condition to control this at reserved matters to ensure that an appropriate mix would be delivered that helped to redress any imbalance in the housing stock. This is supported by Policy DEV8 of the JLP and the detailed design of the proposals would need to further demonstrate how the proposed mix would meet local housing need.

Highways/Access:

The proposals include two points of access. The primary access is off the main road and would incorporate the necessary visibility splays for a 30mph road and is acceptable to the highway authority. A new footway would be provided from the site to link with the existing footway by the Farriers. A new pedestrian dropped kerb crossing point is proposed opposite The Blacksmith Arms and the partially surfaced verge in front of the public house is to be resurfaced to provide a raised kerb edging up to the junction with Green Hill. A dropped kerb crossing point is also proposed here which would provide for residents of the new development as well as the Farriers and is considered to be a wider improvement in terms of crossing the highway to access local services. This minor improvement weighs in favour of the application.

A second access is proposed off the unnamed lane that links to the B3362 to the south. The lane is narrow at this point and the new access would require the removal of hedgebank to provide the necessary visibility splays of 2.4 x 25m in each direction. Indicative access planting plans have been submitted which show that a new hedgebank could be constructed on the inside edge of the visibility splays to ensure that the character of the lane is not significantly altered or urbanised. A development of 20 dwellings would not normally require a second access point but this has been proposed in response to a request from the Highway Authority to provide an alternative route for vehicles using the lane that avoids the junction with the main road.

The existing crossroads junction at The Blacksmiths Arms has very poor visibility when exiting the unnamed lane due to a high hedgebank to the west and dwelling to the right. The visibility distances are 2.4m x 5.5m looking left and 2.4m x 4m looking right. On a 30mph stretch of road, splays of 2.4m x 43m would normally be expected and as such the existing junction is constrained. At the request of the highway authority, the application proposes to include a vehicle access off the lane and to provide an alternative route through the development to the proposed main access off the road. This would mean that any vehicle using the lane has the option to bypass the constrained junction and exit onto the main road with clear visibility in both directions. This is considered to be a significant benefit of the development which would result in improvements for all users of the lane. The Highway Authority have requested a financial contribution of £5,000 toward the investigation, consideration and, if approved, the installation of a means to prevent the passage of vehicular traffic between the site access to the un-named road and the crossroads by the Blacksmith's Arms. This could be secured by legal agreement.

Design/Landscape:

Although this is an application for outline consent an indicative layout plan which includes two areas of open space has been provided. One of these areas is shown to be a potential location for the highway surface water attenuation, while the other is surrounding the mature oak tree at the south of the site. The indicative plans also provide enough certainty that the site is a sufficient size to accommodate up to 20 dwellings and that building heights can be kept lower (to 1 storey) on some of the higher parts of the site next to the Farriers. These matters are reserved for subsequent consideration but it is necessary that where an application indicates an upper limit of development, the local planning authority is satisfied that the level could be accommodated within the site.

The layout and design is reserved and therefore the detailed consideration on residential amenity can not take place at this stage. However, given the size of the site, there is no reason to believe that a suitable design can not be put forward that would have an acceptable impact on neighbouring properties.

A Landscape and Visual Appraisal has been submitted that is based upon the illustrative masterplan. Although the site is outside of the Tamar Valley AONB, it is located within the 3G River Valley Slopes and Combes landscape character type (LCT) as given in the West Devon Landscape Character Assessment. The Landscape Specialist has identified that the landscape guidelines for the 3G River Valley Slopes and Combes include, amongst other things, the retention of pastoral fields, the management of Devon banks and the introduction of new sections, and the protection of the perceived levels of tranquillity in the LCT.

Landscaping is a reserved matter but the indicative plans and associated documents show the retention of the field boundary hedges at the south of the site. Hedgebanks would need to be removed to allow for both of the access points to be constructed. An indicative access planting plan shows that these hedgebanks could be reconstructed on the inside edge of the footway and visibility splays. As the site would be at a low density of less than 20 dwellings per hectare, there is scope for large areas of landscaping to be provided throughout the proposals, particularly in the areas of open space and boundaries.

When viewed from the south and west, the development site is seen in the context of a low density residential backdrop that has mature planting throughout. Development of the field would not break the sky line and there is sufficient space for planting to help integrate the proposals into the surrounding area. This level of detail would need to be provided at the reserved matters stage, not only to mitigate, but to also enhance the landscape. The landscape specialist has no objection to the proposals as presented for outline planning consent, but notes that considerable work is needed to secure an appropriate layout, and the detailed design of the layout, buildings and landscape, to ensure that development respects scenic quality and maintains the area's distinctive sense of place and reinforces local distinctiveness.

Ecology

The application is accompanied by an Ecological Assessment produced by Tyler Grange which has been assessed by the Devon County Council Ecologist. The ecologist notes that the site comprises of improved grassland, tall ruderal habitat and external hedgerows. The improved grassland habitat is deemed ecologically poor, but the tall ruderal and hedgerows have potential to support protected species.

The hedgerows are likely to be used by commuting bats, although the surveys recorded low numbers and light sensitive species were found on the southern boundary away from existing street lighting. The potential for roosting bats is limited to the large mature oak tree due to presence of broken branches and splits within the bark. This feature is to be retained and bat boxes could be include on suitable buildings to provide additional roosting places.

No Dormice were recorded during the survey work undertaken in June 2019 and August 2020 despite the onsite habitat being suitable. The ecologist recommends that future survey work may have to be undertaken to confirm continued absence, but it is unlikely to have any significant impact on future scheme design. The hedgerows provide suitable terrestrial

habitat for the Great Crested Newts but given the lack of waterbodies in the vicinity of the site it is deemed unlikely that they utilise the site.

Other protected species include nesting birds and the removal of hedgerow could result loss of nesting places. This would need to be undertaken outside of the nesting season (or under the supervision of a qualified ecologist) and replacement hedgerows would need to be provided. Bird boxes should also be provided on suitable buildings. A potential outlier badger sett was recorded in the southern boundary hedgerow in 2019 but this was confirmed as being disused in 2020. Badgers are assumed to occasionally forage and commute across site and it is recommended that any reserved matters application is accompanied by a Construction and Environmental Management Plan (CEMP) to avoid any harm during construction and trenches/pits are either covered or have a means of escape. It is also recommended that repeat badger survey work is undertaken prior to commencement.

Biodiversity Net Gain (BNG) is a requirement of policy DEV26 and the Council expects a 10% increase in biodiversity units when applying the Defra Biodiversity Metric to be policy compliant. The application is accompanied by BNG matrix which identifies the likely habitat loss and creation. This would need to be updated as part of a detailed design and reserved matters application but it is considered that the development could provide a 10% net gain. The reserved matters would need to be accompanied by a Landscape and Ecological Management Plan (LEMP) which would include habitat creation in both the open space, and on buildings through the provision of bee bricks, bird and bat boxes. It is considered that it has been demonstrated that the ecological impacts of development can be suitably mitigated as part of a detailed design.

Local Infrastructure

JLP policy DEV30 (Meeting the community infrastructure need of new homes) requires that the development of new homes should contribute to the delivery of sustainable communities with an appropriate range of community infrastructure, such as schools, primary health care infrastructure, sports / recreation and community facilities / village halls.

The Education Authority have calculated that the proposed increase of up to 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Lamerton C of E Primary School and Tavistock College. They have forecast that there is enough spare capacity at both the local primary and secondary schools for the number of pupils likely to be generated by the proposed development and therefore a contribution towards primary and secondary education infrastructure is not being sought. A request is made for secondary education transport as there is an entitlement to transport to Tavistock College from this location. School transport currently costs £2.94 per pupil per day from Lamerton to Tavistock. They are therefore requesting £8,379.00 towards secondary school transport (being £2.94 x 190 days in the academic year x 5 years at secondary school x 3 secondary pupils). This should be secured through a section 106 legal agreement.

The potential for 5 additional primary pupils as a result of a development of this scale would help to sustain the local school.

Childrens play or sports is not proposed to be delivered on the site although there may be some opportunities for informal play to be provided in the open space. The nearest equipped play area is at the nearby Lamerton Sports and Community Centre which also includes a playing field, adult football pitch, public open space and community centre. It is likely that residents would use this area due to its proximity to the site with, placing greater demands on

its use. A Multi Use Games Area (MUGA) received planning permission in May 2021 and it is understood that other projects are being looked at including a cycle pump track. It is therefore considered that if the development would not provide for on-site delivery of play and sports, that it would be appropriate to secure financial contribution to the delivery and enhancement of off-site facilities to meet the needs of additional residents. This would have additional benefit to existing residents who would also have access to improved facilities and accord with the provisions of TTV25. The contributions would be based on the JLP Supplementary Planning Document and associated Developer Contributions Evidence Base. Assuming 20 dwellings and an average household size of 2.36, this would amount to the following:

- Equipped play - £12,178 capital and £22,676 twenty year maintenance costs
- Sports - £17,889 capital and £20,884 twenty year maintenance costs

Provision for allotments should also be made to accord with the requirements of DEV5 and due to the scale of development, off-site provision would be appropriate. Financial contribution of £1351 would need to be secured through the section 106 agreement.

Other Matters:

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 Section 106, and this approach has been agreed by Natural England.

Conclusion:

Lamerton is identified in the Joint Local Plan (JLP) as a sustainable village that includes a number of local services and facilities and has reasonable access to wider facilities in nearby Tavistock. The proposals would result in the delivery of up to 20 new homes, of which 6 would be affordable housing, which would go some way to meeting the housing need identified by Devon Home Choice. The site is in a location that is close to the facilities at the Lamerton Sports and Community Centre, and public house. It is also within reasonable walking distance of the primary school and church.

The development of the site with two access points and through route would provide an alternative and safer route for vehicles using the lane to the constrained crossroads junction with the Blacksmith's Arms. This weighs in favour of the development. Improved pedestrian accessibility to cross the main road through the provision of dropped kerb crossing points would be provided and the extension of the existing footpath would ensure that residents have suitable walking access to local facilities.

Contributions towards local infrastructure including play, sports, allotments and secondary education transport would be secured through the proposals and any enhancement of existing or provision of new facilities would have wider benefits to the local community.

Subject to mitigation, the proposals would not result in any significant harm to the landscape character of the area or to ecological features identified in the submitted ecological assessment. Conditions can secure the 10% biodiversity net gain, delivery of an appropriate

housing mix that meets the need of the area, low carbon development and electric vehicle charging points as part of the reserved matters. Overall, the proposals are considered to be in accordance with the provisions of the Joint Local Plan and it is recommended that outline planning consent be granted.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements
 TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
 TTV25 Development in the Sustainable Villages
 DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV3 Sport and recreation
 DEV4 Playing pitches
 DEV5 Community food growing and allotments
 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
 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
 DEV35 Managing flood risk and Water Quality Impacts
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Lamerton Neighbourhood Plan remains at an early stage of development and although it has been through the pre-submission consultation (Regulation 14) stage, there has been substantial objection to some parts of it. It is understood that a new steering group has been set up to progress the plan and are considering whether the evidence base requires updating and also reviewing whether there are weaknesses and omissions in the draft policies and draft plan.

Paragraph 48 of the National Planning Policy Framework states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As such, some very limited weight could be given to aspects where clear community support can be demonstrated and there is a likelihood of it progressing in that form. The decision maker will have to assess the quality of consultation, level of support and the general conformity of proposed policies with the NPPF and JLP.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to sections 5, 8, 9, 11, 12, 14, and 15 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020
- SPD Developer Contributions Evidence Base (June 2020)
- Devon County Council (DCC) Waste Management and Infrastructure Supplementary Planning Document (July 2015)
- Plymouth Sound and Estuaries European Marine Site - Recreation Mitigation and Management Scheme (November 2019)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called ‘the reserved matters’) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

4. The two vehicle access points hereby permitted shall be carried out in accordance with the Proposed Access Plan ref 21.03.067 / 1002C.

Reason - For the avoidance of doubt and in the interests of highway safety.

5. The application for approval of landscaping as a reserved matter shall include replacement hedgerows and hedgebanks in the positions indicated at the rear edge of the visibility splays on the indicative Access Planting Plan Drawing Number 12483/P14 rev B

Reason – In the interests of visual amenity, ecology and to preserve the character of the area.

6. Other than site clearance and the highway access works hereby permitted, no part of the development shall be commenced until:

- (a) The access road from has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- (b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- (c) The footway on the public highway frontage required by this permission has been constructed up to base course level
- (d) A site compound and car park have been constructed in accordance with the details contained in the Construction Management Plan (CMP)

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

7. Prior to commencement of works on any part of the site a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) hours of working
- (g) dust suppression measures
- (h) details of wheel washing facilities and obligations

Only the approved details shall be implemented during the construction period.

Reason - In the interests of highway safety and public amenity.

8. The proposed estate roads, footways, footpaths, verges, junctions, street lighting sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason - In the interests of highway safety and to ensure that the site has a suitable access

9. The occupation of any dwelling of the development shall not take place until the following works have been carried out:

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

- (b) The spine road and cul-de-sac footways and footpaths which provide the dwelling/s with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- (c) The cul-de-sac visibility splays have been laid out to their final level;
- (d) The car parking and any other vehicular access facility required for the dwelling/s by this permission has/have been completed;
- (e) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- (f) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

10. No development shall take place until such time as a Waste Audit Statement has been submitted to and approved in writing by the local planning authority. The Waste Audit Statement shall demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy.

Reason – To minimize and manage waste in accordance with the provisions of Policies DEV31 of the Plymouth and South West Devon Local Plan 2014 – 2034 and W4 of the Devon Waste Plan 2015

11. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

12. The Reserved Matters application/s for layout shall be accompanied by full details of proposed electric vehicle charging points. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of any building approved by this permission, and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes.

13. The Reserved Matters application/s for layout and appearance shall include a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered, the details of which shall be approved in writing by the

Local Planning Authority. These details shall include (but not limited to) a solar master plan to show how access to natural light has been optimised, and incorporation of low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L. Development shall take place in accordance with the approved details prior to the first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

14. The Reserved Matters application(s) for layout and/or scale and/or external appearance shall be accompanied by details of housing mix, type and size across both open market and affordable housing and details of affordable housing tenure shall also be submitted. Development shall take place in accordance with the approved details.

Reason: To ensure the housing delivered on this site meets evidenced local need and accords with JLP policies DEV8 and DEV10.

15. *Surface water drainage condition - Waiting for LLFA so provide detailed wording of condition that requires submission of detailed drainage scheme and management strategy as part of the reserved matters.*

Reason: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

16. The reserved matters application shall include the submission of a Landscape and Ecological Management Plan (LEMP) for the approval of the Local Planning Authority. The LEMP shall include:

- a) Details relating to habitat creation, species specification and management.
- b) The number, specification, design, and position of bird nesting/bat roosting boxes and bee bricks in the design of the buildings.
- c) Details of the design, location and position of boundary features that include 'hedgehog holes' as detailed in the submitted Ecological Assessment
- d) Details relating to securing compensation and 10% biodiversity net gain through habitat creation and enhancement. The Latest Defra/NE metric shall be used along with any Devon LA Net Gain Guidance.
- e) A repeat hazel dormouse survey, along with associated mitigation and/or compensation measures.
- f) A lighting strategy to minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. This will include details such as the following: artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development and internal and external lighting associated with private residence. The purpose

of this lighting strategy is to ensure the retained site boundaries function as bat flight lines.

Reason: In the interests of ecological protection and enhancement.

17. The reserved matters application shall include the submission of a Construction and Environmental Management Plan (CEMP) for the approval of the Local Planning Authority. The CEMP shall include:
 - a) Details of environmental protection throughout the construction phase of development.
 - b) Confirmations that no vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
 - c) How the site and surrounding area will be surveyed for the presence of badgers prior to development commencing and the protection/mitigation and compensation measures that will be put in place.

Reason: In the interests of ecological protection and enhancement.

18. The development hereby permitted shall be carried out in accordance with Tree Protection Plan 05617 TPP dated 9/9/2021

Reason: In the interests of ecological protection.

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PLANNING APPLICATION REPORT

Case Officer: Anna Henderson-Smith

Parish: Tavistock **Ward:** Tavistock North

Application No: 1355/19/FUL

Agent/Applicant:

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

Applicant:

Mr & Mrs Selley
1 Upland Drive
PL6 6BB

Site Address: 10 Ford Street, Tavistock, PL19 8DY

Development: Erection of 6 flats, 1 cottage and associated car parking (Resubmission of 2147/17/FUL)



Reason Item is back before planning committee: At the request of the DM Chair, DM Lead and Legal Specialist for the following reason:

At the last committee meeting members were informed by officers that the two windows to number 9 Ford Street which would be covered by the proposed semi-detached cottage were not the only windows serving their respective rooms. Following the Committee meeting it has become apparent that this is not the case and that the two windows in question are the only ones to their respective rooms. Based on this change it is considered members should have the opportunity to consider this information and revisit this element of the proposal.

Recommendation: Remains as per the September report recommendation – Delegate to the Head of DM to conditionally approve subject to satisfactory completed S106 legal agreement

Analysis

The proposed semi-detached unit would obscure the 2 slim high level west elevation windows in number 9 if the development was granted approved. This would reduce light to the property and remove any direct source of natural light to the current dining area to number 9 and to its ground floor wet room. This would alter the amenity and living conditions of the occupiers. However this must be balanced against the fact that the property did originally have an attached pair to this elevation and that the main cause of the loss of direct windows or light to the dining area was the addition of the current single storey rear extension to number 9 itself, covering the rear elevation and the previous historic rear windows and doorway (4806/2003/TAV).

The final approved 2003 plans for this rear extension do not include a window to this west elevation, either in the dining room or wet room. Were the additional unit to be approved the wet room could be served by a sun pipe, velux or extractor for ventilation. The rear extension contains a significant amount of glazing, a proportion of which does carry through into the dining area and kitchen.

Overall although the loss of these windows would reduce natural light to number 9 and its occupiers, on balance given the history of the site and properties and the desire in the CAMP to see the other half of the pair reinstated for heritage reasons. It is considered that the proposal remains acceptable on amenity grounds.

Reason item is being put before Committee –

Called in by Cllr Coulson - 'I have to say as someone who navigates this route almost every morning that both parking and access (especially during morning and afternoon rush hours) need greater consideration and I think I agree with the Town Council's objections. So to that end I think this needs to be discussed at DM&L.'

Recommendation: Delegate to Head of Development Management for Conditional approval subject to completion of an acceptable S106 agreement

Pre-commencement conditions:

- 4- Highways
- 5 – CMP
- 6-WSI
- 20 – Flood protection

Conditions:

1. Standard Time Limit
2. Accordance with plans
3. Drainage
4. Highways

5. CMP highways
6. WSI Archaeology
7. Unexpected contamination condition
8. DEV32 condition re green energy/sustainability
9. Electric Vehicle Charging Pints (EVCP)
10. Landscaping condition (hard and soft including boundaries)
11. South eastern and north eastern windows serving bathrooms to be top hung and obscure glazed prior to occupation and remain as such in perpetuity.
12. South eastern side bay windows to be obscurely glazed as shown in plan 2163 (PL-)11 Rev G
13. Submission of a plan showing the integration of bat and bird boxes to be installed prior to occupation and retained thereafter
14. Stonework sample panel
15. Full details of the materials, design and installation of all lintols, voussoirs and
16. Installation full details of the oriel windows and balustrades ,
17. Materials samples
18. Window and door details and materials
19. Slate sample and fixing
20. Flood protection

Section 106 Agreement –

- Tamar Valley EMS contribution
- OSSR monies: £12,137 towards improvements to and on-going maintenance of open space and play facilities at The Meadows, Tavistock
- £9,858 towards improvements to and on-going maintenance of sports facilities in Tavistock

Key issues for consideration:

- design and massing
- impact upon heritage assets and the Conservation Area
- neighbour impact and amenity
- access and parking
- land contamination
- drainage and flooding
- ecology

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

None relevant

Site Description:

The site lies within the Tavistock Conservation Area and the World Heritage Site. It is also within the setting of several listed buildings including Grade II Listed Building - 17 Ford Street Tavistock, the Grade II* Church and the Grade II Statue of Sir Francis Drake.

The site is Flood Zones 2 and 3 and Critical Drainage Area (CDA) and within the Tamar Valley European Marine Site EMS zone of influence.

The site is 632 square metres and has a current use as a car sales site (previously a petrol filling station), it occupies a visibly prominent corner plot on a roundabout edge between Ford Street terrace of cottages and the recently developed Churchill residential site on Plymouth Road.

The Proposal:

The proposal is a Full planning application to demolish the small building currently on site and construct a single building containing 6 flats and then an adjacent cottage fronting Ford Street. Totalling 7 new units and associated parking. The application was first submitted and advertised in May 2019 but following objections it was reworked and a revised scheme was submitted and re-consulted upon in January 2021. It is this January 2021 scheme which is for current consideration.

Consultations:

Tavistock Town Council – 22/5/21 - Object due to the following;

- Insufficient car parking provision for the number of units proposed;
- Scale of proposed building is excessive (see English Heritage letter)

Both of the above leading to a concern of overdevelopment of the site

This Council had previously requested that the road be widened from Drake's Statue to the Ford Street roundabout which it is believed is now even more pertinent as development of Fitzford Lodge has commenced. The widening of the road would allow for an improved turning circle for traffic in the area.

Plus;

- Lack of active frontage;
- Possible drainage issues;
- Previously identified contaminated land doesn't appear to have been dealt with;
- Would expect open space, education and highways to receive a S106 contribution'

17/2 -

Object on the following basis;

- That the proposal introduces an incongruous, overbearing building featuring balconies which clash severely with the character and appearance of a Conservation Area and World Heritage Site;
- The applicant has done nothing to respond to Historic England's requirements to protect the view, to and from the Catholic Church, along Chapel Street as also recognised in paragraph 5.1 of the original Heritage Assessment;
- The car parking layout does not facilitate all vehicles entering and leaving in forward gear;
- The proposal will have a harmful impact on residents of the adjoining Fitzford Lodge by virtue of overlooking;
- The proposal contains no contribution towards open space, education or public transport;
- The proposal contains no provision to widen the road fronting the site;
- The proposal removes natural light from side windows of No. 9 Ford Street, causing harm to their residential amenity

N.B. The Local Planning Authority is requested not to determine the Application until the supporting documents have been updated, and to then re-consult with Historic England as this organisation has itself requested.

- Highways England – 9/5/19 No objection. 21/1/21 – no objection
- County Highways Authority - 9/5/19 There are no objections from a highway point of view to the proposed development. The traffic generation potential is likely to be less from the proposed development than the existing use as a second-hand car sales establishment. Across virtually the whole frontage of the site there is currently a low height kerb and footway which will need reinstating to full height across the frontage, except where it is proposed to form the access to the site and the car parking. Appropriate conditions and informative note are recommended to be imposed on any planning permission granted
- Drainage Officer – 16/5 - Objection
'Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.'
8/2/21 – 'We are happy with their surface water drainage scheme however they will need to seek SWW written consent to discharge surface water to their sewer.
For flood risk assessment please consult EA to confirm the mitigation measures are in line with their requirements.'
- South West Water – 3/5/19 South West Water has no objection subject to foul and surface water flows being kept separate and connected to the respective public foul and surface water sewers.21/1/21 no further comments
- Natural England – 13/5 No objection subject to mitigation financial contribution to Tamar Valley EMS.
- Environmental Health Specialist - 18/5/21 "I have now considered the Phase 1 desk study report prepared by Horizon and dated October 2016. It's conclusions are based on a trawl of records and documents. The contaminated land reason on the previous refusal still applies, and this Phase 1 concludes that the condition of the land beneath the whole site is not known. For example underground fuel storage tanks were removed and the voids back filled, and there is at least one area where the fill used is unknown in terms of composition and compaction. Historical records show mineral workings in this general area and it is not known whether these would have the potential to impact on foundation design. Although I agree that buildings with solid floors, and hard standings would break any contaminant pathways, I feel that the more serious concern relates to ground stability and/or the potential for buried pollutants to mobilise and affect the groundwater during and after works.

I therefore recommend that a full intrusive geotechnical and contaminated land investigation is carried out prior to determination, the reason for timing being that the findings might influence the design, layout and density of the development. This would be standard practice in the redevelopment of redundant petrol filling stations. This is also the level of report alluded to in the previous reason for refusal."

26/5

"I have now discussed the various contaminated land reports with the consultant appointed by the applicant. The decontamination works carried out when the petrol station was decommissioned in 1999 were comprehensive, with the underground tanks being removed and backfilled, and all other pipes and infrastructure associated with fuel being removed. For geotechnical purposes the applicant proposes to sink some boreholes if the application is approved in order to inform the foundation and groundworks design. At this time some of the soils removed will be sampled in order to ensure that there are no contaminants of concern remaining. On this occasion we consider that, although a Phase 2 report from the outset would have been helpful to all parties, it is appropriate to include the "unexpected contamination" condition on any approval. In this way if the sampling identifies any contaminants of concern the condition will require appropriate remediation measures to be taken in consultation with the LPA."

- Affordable Housing – 14/6 No comments to add. This does not meet the affordable housing threshold of 10 units in Tavistock. 17/2 This application is below the threshold of which we seek affordable housing contributions as it is in a town not a rural area.
- Tree Specialist Officer – 23/5 No objection on arboricultural merit
 - The submitted information has been reviewed in accordance with the relevant Policies of the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.
 - There are no Arboricultural constraints to the scheme presently on site given the previous land usage.
 - 25/1/21 No objection on arboricultural merit
- County Archaeologist – 24/5 Holding objection—the heritage statement contains insufficient information for an informed decision to be made at this stage ‘The submitted Heritage Statement and Appendix still do not appear to refer to the significance of and potential impacts on the copper lode and shallow workings associated with Wheal Pixon Copper Mine that the proposal site is located above. I would therefore suggest that the applicant be asked to address mitigation of impacts on industrial archaeology by submitting a Written Scheme of Investigation with the application.’

1/3/21 – ‘In my opinion the development will not impact on the Outstanding Universal Value of the World Heritage Site in terms of industrial archaeology. In my opinion impacts on any subsurface mining remains can be mitigated through a programme of recording. I would therefore suggest that the applicant be asked to submit a Written Scheme of Investigation for archaeological recording with the application.

If a Written Scheme of Investigation is not submitted prior to determination I advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034, that any consent your Authority may be minded to issue should carry the condition’
- Historic England 12/8 – Concerns on heritage grounds, offered advice and requested further information and visualisations

13/4 – No Objections – ‘Thank you for negotiating changes to the scheme to resolve those areas of the proposals which caused Historic England concern. We have no further comments to make, and consider that it is for your authority to determine the application in line with the policies and guidelines within the National Planning Policy Framework, the adopted Local Plan and the recently revised CMWHS Management Plan. We recommend that you continue to seek the advice of your own in-house conservation professional and Devon County Council's archaeological team for further heritage input, if required.’

- Conservation Specialist 3/3/21 – no objections subject to conditions for detailing
- Environment Agency 12/7 – object ‘

‘Insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime. It is therefore contrary to the National Planning Policy Framework (NPPF). We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted. Furthermore, we would like the opportunity to review further information regarding contaminated land before the application is determined.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.’

24/3/21 – Object due to lack of information within the FRA based on flood risk due to habitable ground floor levels. Request sight of documents mentioned in Site Decommissioning report in order to comment upon risk to controlled waters.

24/3/21 – maintain our objection on flood risk grounds

- OSSR (Open Space Sport and Recreation) Specialist – no objection but requests monies in line with policy
- DCC Education 20/5/21 – no contributions required towards primary, secondary, transport or early years.

Third Party Representations:

9 objections received on the first design and its consultation covering the following reasons for objection (following is a summary only, full comments are available on the Council's website):

- Insufficient car parking provision
- Highway safety issues
- Local drainage or flooding issues
- Impact on the character or appearance of a conservation area or a Listed Building
- Over dominance
- Overshadowing and loss of light
- It appears that no learning has been undertaken from the previous rejected planning application.

- The Churchill development and size/height does not justify this one, this building is on Ford Street and not Plymouth Rd as the Churchill building is.

1 received confirming no objections subject to obscure glazing facing the Churchill development (South)

Second consultation on revised scheme in Jan 2021:
4 objections raising the following:

- Drainage insufficient
- Parking and turning insufficient
- Line of sight from church to church
- Loss of light to neighbours
- Insufficient visibility splay
- Loss of privacy
- Too tall at 3 storeys
- Appearance, materials, scale and design
- Impact on listed buildings and Conservation Area

Relevant Planning History

Application Ref.	Address	Proposal	Decision	Decision Date
<u>2147/17/FUL</u>	<u>10 Ford Street, Tavistock</u>	<u>Erection of 9 flats and associated car parking</u>	Refusal	30/ 4/2018
02880/2012: ARC	10 Ford Street Tavistock Devon PL19 8DY	Discharge of condition 6 attached to planning permission 02150/2011 for retrospective change of use to car sales (sui generis) for 30 vehicles.		Discharge of condition approved: 10 Aug 12
02150/2011: FUL	10 Ford Street Tavistock Devon PL19 8DY	Retrospective change of use to car sales (sui generis) for 30 vehicles.	Conditional Consent: 23 Jan 12	Conditional Consent: 23 Jan 12

9226/2006/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of service building	Conditional Consent: 11 Sep 06	Conditional Consent: 11 Sep 06
7937/2005/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of workshop/services building	Conditional Consent	11 Oct 05
1992/2001/TAV: FUL	Motor Repair Garage 10 Ford Street Tavistock Devon PL19 8DY	Erection of a motor repair garage	Conditional Consent: 16 Oct 01	Conditional Consent: 16 Oct 01
F/3/50/1500/1988/3: FUL	Stannary Service Station Tavistock	Installation of new 6000 gall. underground tank and new petrol pump.	Granted with Standard Condition: 26 Aug 88	Granted with Standard Condition: 26 Aug 88
U/3/50/436/1982/38: MIS	Stannary Service Station Ford Street Tavistock Devon	Alterations to include new pay kiosk additional pump extension to existing canopy and reduction in existing building size.	Conditional Consent: 26 Apr 82	Conditional Consent: 26 Apr 82
U/3/50/109/1981/38: MIS	Stannary Service Station Ford	Extension to form a workshop.	Granted with Standard Condition: 09 Mar 81	Granted with Standard

	Street Tavistock Devon			Condition: 09 Mar 81
OA/3/50/1131/1980/ OPA	Stannary Service Station Ford Street Tavistock	Extension to form a workshop.	Conditional Consent	06 Oct 80
U/3/50/38/1979/389: MIS	Stannary Service Station Ford Street Tavistock Devon	Erection of a garage forecourt canopy.	Conditional Consent	17 Jul 79
AD/3/50/276/1978/3: ADV	Stannary Service Station Ford Street Tavistock	Display of an internally illuminated Esso identification sign.	Refusal	03 Apr 78

2147/17/FUL was refused on 30/4/18 for the following 6 reasons:

1. By reason of its massing, scale, materials and design, the proposed development presents an incongruous and inappropriate design response which is harmful to the Conservation Area, the World Heritage Site, and the setting of non-designed and designated heritage assets. The proposal is therefore at odds with policies SP1, SP18, SP20, BE1, H28, and H39 of the West Devon Local Plan and paragraphs 17, 58, 60, 61, 64, 128, 131, 134 and 135 of the National Planning Policy Framework
2. By reason of proximity, dominance, overlooking and loss of light, the proposed development will render an unacceptable impact upon the amenity of adjoining neighbouring properties. The proposal is therefore contrary to policy H28 of the West Devon Local Plan and paragraph 17 of the National Planning Policy Framework
3. Insufficient information has been submitted to allow the LPA to conclude that the site is free from land instability issues, from contamination from arsenic and other mineral and mining related sources or that any identified land contamination can be remediated. The scheme is therefore in conflict with policies BE16 and BE19 of the West Devon Local Plan and paragraphs 109, 120 and 121 of the National Planning Policy Framework.

4. In the absence of a proportionate archaeological investigation, it has not been demonstrated to the satisfaction of the Local Planning Authority that the development can be carried out without harm to the identified industrial archaeological significance within the area. This application is therefore in conflict with policies SP1, SP18 and BE7 of the West Devon Local Plan and paragraphs 128 and 135 of the National Planning Policy Framework.
5. It has not been demonstrated to the satisfaction of the Local Planning Authority that SuDS can be provided within the application site. The proposal is therefore in conflict with policies PS2, SP1 and SP21 of the West Devon Local Plan and paragraph 103 of the National Planning Policy Framework
6. It has not been demonstrated to the satisfaction of the Local Planning Authority that there are not sequentially preferable sites outside of the Flood Zone 3 that can accommodate this development, nor has it been demonstrated that there are wider public sustainability benefits which outweigh the location of the site within Flood Zone 3. The scheme is therefore at odds with policy SP1 of the West Devon Local Plan, paragraphs 100, 101 and 102 of the National Planning Policy Framework, and Government Flood Guidance within the PPG.

ANALYSIS

Principle of Development/Sustainability:

There is no in principle issue with this proposed use as residential within this town centre location. It is sustainable re transport links and access to bus links and infrastructure such as educational facilities, workplaces and recreation facilities. It is a suitable location for residential in line with the relevant plan policies re the hierarchy of settlements and the focus for development.

In addition the current use of the site as car sales is also equally as appropriate as a town commercial use, however its loss is not prevented in this location by any policy as it is not a usual town centre retail use and is not within the protected shop frontage. The previous refusal in 2018 did not include any such loss of a use as a reason for refusal and it is not raised as such now.

Design and Heritage:

The previous refusal was based on the previous iteration of the NPPF and the previous West Devon Local Plan, however the policy and guidance changes have not altered so much in these areas as to negate these reasons in themselves.

The Archaeological reason for refusal, 4, has now been overcome by additional information and the inclusion of a Written Scheme of Investigation (WSI) on any approval. Similarly an aspect of this was regarding the mining heritage of the site but DCC Archaeology have now stated that 'In my opinion the development will not impact on the Outstanding Universal Value of the World Heritage Site in terms of industrial archaeology. In my opinion impacts on any subsurface mining remains can be mitigated through a programme of recording'. In

addition the Council's own Heritage specialist has comment on the WHS and the underground works, raising no objection re below ground issues defaulting to DCC ; The site is underlain by works associated with the Wheal Pixon copper mine – this archaeological dimension is covered by comments from DCC Historic Environment Team.'

Overall then reason 4 has been overcome and the proposal is now considered to be compliant re archaeological consideration and the updated guidance of the NPPF and JLP policies (especially DEV22)

With regards to the design of the new proposal in relation to the Town, its surroundings and the neighbouring heritage assets and Conservation Area designation, this has been explored in detail by officers and the Heritage Specialist's analysis is as follows:

The principle and indeed desirability of development on this site has long been established and encouraged via the CA Appraisal and Management Plan. It is a simple fact that there is no wish to preserve the site as it now stands and it follows that the challenge of achieving a level of 'enhancement' is not very hard. Development will only happen once in what is likely to be many generations, so whatever is built will be a permanent feature of the townscape. The question is, therefore, does the proposed development deliver enhancement of a level that can be considered acceptable?

The heritage issues are the effect on the setting of the heritage assets. Of the listed buildings the II* Church of Our Lady and St Mary Magdalene (aka Fitzford church) is the most notable. The former workhouse, almshouses and the Ford St cottages all contribute positively to the locality. The effect on the character and appearance of the Tavistock Conservation Area and the effect on the Outstanding Universal Value of the CWDML World Heritage Site also demand attention. The supporting information provided from a heritage perspective to meet the needs of the NPPF in terms of assessing the heritage assets and their settings is now considered acceptable and sufficient.

Cornwall and West Devon Mining Landscape World Heritage Site

The site is underlain by works associated with the Wheal Pixon copper mine – this archaeological dimension is covered by comments from DCC Historic Environment Team. The site was never developed above ground during the time period of WHS interest, possibly due to ongoing potential mining considerations, but also possibly as the impetus for development along the grand boulevard of Plymouth Road came to an end. The nursery that occupied the site must have provided an attractive foreground to views of the outstanding new church in the second half of the 19th century, but that was blocked by Harewood House (now replaced with the Churchill development 'Fitzford Lodge'). In terms of townscape and built heritage the main concerns are the effect on the setting of the nearby heritage assets, especially the church. The site itself has no intrinsic WHS features which exhibit WHS Attributes above ground.

Tavistock Conservation Area

The adopted CA Management Plan states:- *Management Action 6: • The Borough Council will support the sensitive redevelopment of sites or buildings identified as opportunity sites or buildings on the Designations Map, subject to design details being of such a quality that they make a significant positive contribution.*

The positive qualities of the buildings on Ford St are very evident. Conversely the inter war semi-detached houses on the western side of the road between the Drake statue and the Duke of York pub had a fundamentally harmful impact on the setting of the church. They act

as a considerable buffer between the church and the site. To the south and east of the site the scale and character of the recent developments of Fitzford Lodge and Drakes Meadow provide a wholly modern setting that must inevitably bear some comparison with this application proposal.

The introduction of enclosure to the streetscene will provide focus and the aim must be to turn the corner onto Ford St in a positive manner. The enclosure and planting to the Fitzford Lodge development has presented an enhancement that will mature in years to come and this site must ensure character and quality.

The proposed reinstatement of the lost Ford St cottage is a clear positive element of the development that will enhance the character and appearance of the conservation area.

The proposed development should ensure enhancement of the site in CA terms.

Setting of Fitzford church (II*)

The views from the church towards the site are very much compromised already as I have said above. The roofscape of the proposal may be visible from the churchyard east of the church but there is established planting which restricts views from there and the 'porte cochère' on the south side. A primary concern has been the view along Chapel St and the assessment that this was a conscious townscape composition from St Eustachius to Fitzford church with chapels punctuating the townscape between. As part of discussions with the applicants officers visited the site and witnessed a windsock set at the height of the proposed development ridge. On the basis of this visual assessment it was accepted that the effect on the sequential views of the church would be negligible or very minimal. Evidence for this has not, however, been provided as part of the revised scheme and I note that Historic England considered visualisation from Chapel St essential for their assessment of effect on setting.

Assuming the minimal visibility of the proposed development from Chapel St is clarified I identify no harm to the setting of the church.

Setting of other heritage assets

The proposed reinstatement of the lost Ford St cottage is a clear positive element of the development that will enhance the setting of the designated and non-designated heritage assets along Ford St.

Fitzford gatehouse and Drakes statue (both grade II) are robust townscape features whose setting will not be harmed by the proposed development. The listed buildings of Fitzford and Plymouth Road will not be affected.

The listed buildings on Ford St (17 and 23-26) are all stone built so the proposal can be said to be complementary to their setting provided the quality of stonework delivered is appropriate. On that basis the setting will not be harmed.

Design of the development

The revised proposals follow discussions and input from officers that has improved the scale and form to an extent that it is now considered acceptable. The success of any development will depend a great deal on the quality of materials and detailing of features such as windows, doors etc. The information submitted does present positives in the form of stonework to the main elevations and enclosures. A suite of conditions would be needed on any approval to ensure the best possible outcomes. Some concerns remain which I will itemise in point form:-

- Quality of stonework is key and for it to work well attention is needed to sills and lintols - these should be stone as well. Three storey stone buildings in Tavistock often have a commercial ground floor but where they don't a string course is often provided to punctuate the street elevations. I appreciate that this is not the case on the 3 storey properties on Ford St but these are on narrow plots and their status did not aspire to that sort of detail. In this situation thought must be given to the need for expansion joints in construction as they can be an awkward visual distraction.
- The use of powdercoated sheet cladding has been questioned throughout and concerns remain about the use of a very industrial material in this locality, even if visibility of it is not especially prominent.
- The detailing of balcony design and door canopies could enliven the proposal or could be disappointing and a missed opportunity.
- The treatment of the SE elevation is still very solid which is a missed opportunity both in terms of external appearance and possible views for residents in the units.
- The boundary between the site and the Fitzford Lodge development is not clear. This needs to be a good quality stone wall with associated planting which ought to be agreed with the adjoining property. A timber fence is shown in indicative details but it is not clear where this is intended to be used?

Heritage Specialist Conclusion

Whilst the application would have benefitted from more fine detail being provided the remaining issues are all capable of being covered by conditions or, in the case of materials some small amendments or additional clarification. The proposed development does represent enhancement of the site as a vacant plot within the Conservation Area that is identified as needing development. The amended scheme does demonstrate that development can be delivered without harm to the setting of listed buildings or other heritage assets. The way in which the corner of the site is treated has been significantly improved and the use of stone facing is welcome.

Subject to clarification of materials and detailing or their control via conditions I do not object to the proposed development from a heritage viewpoint.

Further to this conclusion from the Heritage Specialist, Historic England have also concluded that the scheme is acceptable and raise no objections, defaulting to our own Heritage Specialist as above.

The reduction in height has allowed the sequential views of the church to be maintained to an acceptable degree and the other alterations to design, detailing and materials overall is considered by officers to now result in an enhancement to the Conservation Area, no detrimental effect on the settings of any Listed buildings and no impact on the OUV of the WHS. As such it is guidance and policy compliant and overcomes previous reason for refusal number 1 in line with policies DEV21 and DEV22.

In more general terms this proposal is far softer in design terms, the curved corner unit echoing others in the heart of the town centre and providing a gentler return to the street ends. The whole building is less angular than either the refused scheme or the first revision of this proposal, with relief to the elevations whilst still being less angular and busy and overall a more coherent single building. Its rising height from the single cottage on Ford street, through the two storey curve into the three storey fronting the roundabout links the scales of the buildings on Ford Street and Plymouth Road whilst sitting comfortably opposite the high buildings opposite (to the west). Overall then the design is considered to be in line with the NPPF guidance and the policies relating to good quality design and housing in DEV10 and DEV20

Although not a major development proposal, parts of DEV 32 on low carbon development apply to all schemes and the Council has declared a climate change emergency, as such conditions will be applied to ensure EVCPs are placed on site for residents as well as low carbon build and material and energy use being an intrinsic part of the construction and development.

Flood Risk and drainage:

The previous drainage reason for refusal has now been overcome and the drainage specialist has no objections subject to a condition and with the advice that SWW need to agree, which they do and have raised no concerns also. This addresses previous reason for refusal number 5.

Reason 6 was on the basis of Flood risk. The EA maintains and current objection:

'24/3/21 - We have viewed the most up to date Flood Risk Assessment (FRA) ref: J-1358-Rev.01 Dated 16 March 2020. The FRA recommends that finished floor levels on the ground floors of the two residential units abutting Ford Street should be set at a minimum level of 100.415m AOD to protect against flooding. The plans show that the finished floor levels are proposed to be set at 99.75m AOD. This will leave them at risk of flooding. The floor levels should be set at the level recommended in the FRA.

The other residential development is at first floor level and is safe above any predicted flooding. The parking on the ground floor level is acceptable, however, the FRA recommends that the access point into the ground level parking should incorporate a slightly raised hump feature around 130mm high to prevent any surface water flooding in the road from entering the parking area. This should be shown on the drawings/plans.

The applicant can overcome our objection by submitting further information which addresses the above points and demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.'

This site is within flood risk zones 2 and 3, as such a more vulnerable use such as residential should be directed away from such sites towards low risk zones. The sequential test the LPA must undertake looks at whether there are other less vulnerable sites available for the same use (NPPF para 161). The answer here must be a yes, as there are other sites in flood zone 1 within the town, borough and plan area all capable and suitable of residential development such as the allocated sites in Tavistock as just a starter. However there are other material considerations in this case and although the proposal technically does not pass the test for other sequentially preferable sites re flooding, with regards to heritage it is an aspiration of the CAMP that this site be developed and given its location and possible need for remediation and the high quality of the redevelopment that would be supported here due to its sensitive heritage location, residential is likely the best and most viable use. As such the LPA has considered the exceptions test too, as this area of the NPPF does allow other sustainability factors and issues to be considered also and in particular test 1 (para 164 of the NPPF) :

...the development would provide wider sustainability benefits to the community that outweigh the flood risk

It is officer opinion that this is the case and that the heritage benefits outweigh the flood risk. Only one unit has ground floor sleeping and if the FFL (finished floor level) were to be

increased from its level of 100.25 AOD to the flood mitigation required level of 100.415 that would resurrect the previous Historic England and Heritage officer issues and objection re lines of sight and heights along with some amenity issues. The agent and architect have managed to increase the internal floor level from 99.75 to 100.25 without a change to the external ridge heights, but any greater increase can not be accommodated without a change in height. As such overall the risk has been kept as low as possible whilst balancing the building height and arrangements against the many heritage constraints and requirements. Overall then test 1 is considered met and therefore test 2 of the exceptions test requiring flood safety measures etc will be secured via condition – this would include higher level electric cables, subscribing to the EA flood warning alerts and resident awareness and evacuation plan.

It is very rare that officers recommend an approval contrary to an EA objection, however in this exceptional circumstance it is considered that the heritage benefits outweigh the flood risks and as such is acceptable.

Neighbour Amenity:

Reason 2 was previously based upon amenity and the impact the previous proposal would have specifically regarding proximity, dominance, overlooking and loss of light. In particular dominating and overshadowing number 9 Ford Street and Fitzford Lodge. Some neighbouring occupiers have objected to the initial revised proposal and the then later revised scheme (currently for consideration) on these reasons again.

2147/17/FUL was for 9 units and the current scheme is for 7 so the unit numbers have been reduced, similarly the build form, other than the end terrace cottage proposed has been moved off the boundary with number 9 over the length of the site.

The ridges and roof are now more broken up and dropped by ~60cm even at its highest point from 107.19 to 108.60 but there are lower valleys interspersing this and at the rear (east) the roof is hipped away from number 9 and slopes away from Fitzford Lodge to the South reducing dominance. These broken up elevations and rooflines to create relief and gaps in the buildings form prevent this unit from being over dominant and also reduces light and sunlight loss to the west affecting number 9 in particular. The end terrace as proposed is also now of a smaller scale more akin to number 9 and provides separation and a more appropriately designed sized adjacent unit to 9. As such this relationship between the 2 sites is now considered acceptable.

Regarding privacy and overlooking, the only SE facing windows towards Fitzford Lodge on the facing gable are now 2 windows at first and second floors which are top hung, single units only and serve bathrooms so will be conditioned to be top hung and obscurely glazed. The only other windows facing SE are in the projecting bays and these serve bedrooms only but in any case each southern window is shown as obscurely glazed and most face onto the adjacent bay window side (again glazing secured by condition). The non-obscured bay windows facing North have too oblique a view to number 9 to be considered undue overlooking in officer opinion, especially in a town centre location. Similarly the first and second floor windows facing east towards number 9 are small, top hung and serve bathrooms only and will be conditioned as such, thus avoiding any overlooking. The previously approved scheme had multiple bedrooms on both the east and south elevations causing clear overlooking of neighbours to these sides, this has now been adequately overcome in officer opinion by a reduction in unit numbers allowing a more sensitive design and internal layout.

The relationship between the proposed flatted unit and the end terrace unit is also considered acceptable, it is close but provides a level of privacy akin to many situations in the town centre and the courtyard is relatively private with bathrooms only facing. Also this is not an introduced relationship, it is evident from the outset of the relationship between the two and any purchaser would be aware of this.

Overall then the previous issues of privacy, amenity, light and over dominance have, in officer opinion, been overcome and the proposal is now compliant with good design guidance and DEV1 part 1.

Highways/Access/parking:

DCC Highways have considered the access into the site and are happy that it is compliant and acceptable:

‘There are no objections from a highway point of view to the proposed development. The traffic generation potential is likely to be less from the proposed development than the existing use as a second-hand car sales establishment.

Across virtually the whole frontage of the site there is currently a low height kerb and footway which will need reinstating to full height across the frontage, except where it is proposed to form the access to the site and the car parking. Appropriate conditions and informative note are recommended to be imposed on any planning permission granted’.

It is noted that the Town Council and objectors have stated that they consider the provision of 6 spaces for 6 units to be unacceptable. The SPD would advise that the 2 bed flats have 2 spaces, however this is guidance only and equally applies to a 2 bed unit in a more remote village. The site in question is in the Town centre with access to public transport from the nearby bus station, walking and cycling links and within easy level access of the town centre with its jobs, schools and facilities. As such then it is considered a sustainable suite where 6 spaces for 6 units is considered reasonable and appropriate.

OSSR:

Plymouth and South West Devon Joint Local Plan (JLP) policies DEV4 and DEV27 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions for OSSR are detailed within the Plymouth and South West Devon JLP Developer Contributions Evidence Base.

The application is for 7 dwellings and is unable to provide on-site OSSR facilities.

The nearest open space and play facilities are within walking distance at The Meadows. The equipped play facilities scored 3 (average, needs improvement) out of 5 and the BMX and skate park scored 2 (weaknesses, needs improvement) out of 5 in the 2017 play audit, and thus there is scope for improvement.

With regard to sports facilities, needs include the following:

- Need for additional pitch provision in the town
- Need for improved pavilion for Tavistock Cricket Club
- Need for new clubhouse for Tavistock Hockey Club

- Need for improvements to Athletics Club facilities (track resurfacing and clubhouse)
- Need for resurfacing of all-weather pitch with community use agreement at Tavistock Community College

It is considered highly likely that the new residents would use the existing open space, play and sports facilities in the town. New residents would add pressure to these facilities, which have already been identified as in need of improvement, and the pressure would require mitigating to assist with making the facilities sustainable. A financial contribution would thus be required. Based on the proposed dwelling mix (6 x 2 bed flats and 1 x 1 bed house), and using the occupancy rates in the JLP Developer Contributions Evidence Base, the contributions required would be:

- £12,137 towards improvements to and on-going maintenance of open space and play facilities at The Meadows, Tavistock
- £9,858 towards improvements to and on-going maintenance of sports facilities in Tavistock

Subject to this being secured in a S106 legal agreement this aspect is considered policy compliant.

Biodiversity:

The Preliminary Ecological Appraisal (PEA) undertaken on this site due to the small amount of demolition required, and its addendum, confirmed no bats or birds present and little/no potential. It did however suggest enhancements with bat and bird boxes and the SPD also requires these, as such a condition will secure the submission of a plan showing the integration of these to be installed prior to occupation and retained thereafter in line with the recommendations of the PEA.

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 a S106 agreement, and this approach has been agreed by Natural England.

Contamination:

Concerns around land instability and contamination formed a previous reason for refusal. However additional information has now been provided to support this submission which the Council's Environmental Health consultant has considered in detail. Initially she requested further investigations prior to any approval due to the former uses of the site, however following further discussion with the applicant's consultant and the clarification of certain areas of concern, the Council's consultant has confirmed that:

"I have now discussed the various contaminated land reports with the consultant appointed by the applicant. The decontamination works carried out when the petrol station was decommissioned in 1999 were comprehensive, with the underground tanks being removed and backfilled, and all other pipes and infrastructure associated with fuel being removed. For geotechnical purposes the applicant proposes to sink some boreholes if the application is

approved in order to inform the foundation and groundworks design. At this time some of the soils removed will be sampled in order to ensure that there are no contaminants of concern remaining. On this occasion we consider that, although a Phase 2 report from the outset would have been helpful to all parties, it is appropriate to include the "unexpected contamination" condition on any approval. In this way if the sampling identifies any contaminants of concern the condition will require appropriate remediation measures to be taken in consultation with the LPA."

Providing that the condition requested is applied (as listed above) then the previous concerns re land instability and contamination are suitable and adequately addressed to the satisfaction of Environmental Health and policy DEV2 of the JLP.

Conclusion:

Following the negotiation and revision of the initially submitted 2019 scheme, officers consider that the scheme now proposed and revised in early 2021 is acceptable. It has included additional changes to design, layout, unit numbers and materials and information to address and overcome the previous reasons for refusal and is now considered, with conditions and a S106 to be policy compliant.

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

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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
SPT3 Provision for new homes
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
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
TTV20 Spatial priorities for development in Tavistock.
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
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
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV26 Protecting and enhancing biodiversity and geological conservation
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
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan – no weight at this time

Other material considerations include the policies of the National Planning Policy Framework (NPPF 2021) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

The Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025
Tavistock Conservation Area Character Appraisal 2014
Tavistock Conservation Area Management Plan 2014

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.

Condition wording in full:

1. Standard Time Limit – 3 years for commencement

2. Accord with plans:

Proposed elevations 2163- (PL) 12H
Site plan as proposed 2163 (PL) 10C
Proposed floor plans 2163 (PL) 11G
Location Plan DK GA01

3. 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.

-The attenuation scheme should be installed so as to avoid flood water ingress to keep it functional during the flooding situation.

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

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

4. No part of the development hereby approved shall be brought into its intended use until

the amended access, parking facilities, turning area and reinstated footway to full height kerbs (except at the location of the vehicular access) have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the Site

5. No development shall start until a Method of Construction Statement, to include details

of:

- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: In the interest of highway safety

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

Reason 'To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

- 7. 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.

- 8. Prior to development above slab level, a scheme to demonstrate compliance with the requirements of policy DEV 32 detailing the low carbon credentials of the development shall be submitted to and approved in writing by the LPA and the development carried out in accordance with these details.

Reason: in the interests of the environment

- 9. Prior to development above slab level, a scheme detailing the location and specification of Electric Vehicle Charging Points within the development shall be submitted to and approved in writing by the LPA and the development carried out in accordance with these details.

Reason: in the interests of the environment

- 10. No development shall take place beyond slab level until a hard and soft

Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Plan shall include; proposed new landscape features to include details of levels, layout, plant/tree species, size of stock and densities; hard surfacing materials and boundary treatments.

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed : i) prior to the occupation of the development for its permitted use; or ii) before the end of the current first available planting season following practical completion of the development hereby permitted.

Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given by the LPA to any variation. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of amenity and the character of the Conservation Area.

11. All windows in the south eastern and north eastern elevations serving bathrooms as shown on the approved plans, in the flats, shall be top hung and obscure glazed prior to occupation and remain as such in perpetuity.

Reason: In the interest of privacy and amenity

12. South eastern elevation side bay windows shall be obscurely glazed as shown in plan 2163 (PL-)11 Rev G, prior to occupation and remain as such in perpetuity.

Reason: In the interest of privacy and amenity

13. Prior to first occupation of any unit here by approved, a plan showing the location, detail and integration of bat and bird boxes as per the recommendations of the ecological survey shall be submitted and approved by the LPA and these shall be installed prior to occupation and retained thereafter

Reason: In the interests of biodiversity

14. Prior to any stonework commencing a sample panel shall be prepared for inspection and approval by the Local Planning Authority. Not less than two weeks notice shall be given to the Local Planning Authority when the sample panel is ready for inspection. All stonework shall match the approved panel.

Reason: In order to ensure that the development complements the special character of the conservation area and world heritage site.

15. Notwithstanding the information provided full details of the materials, design and installation of all lintols, voussoirs and sills shall be agreed in writing with the local planning authority. These items shall be installed and retained as agreed.

Reason: In order to ensure that the development complements the special character of the conservation area and world heritage site.

16. Prior to their fabrication or installation full details of the oriel windows and balustrades, with sections and elevations at a minimum 1:20 scale, shall be agreed

in writing with the local planning authority. These items shall be installed and thereafter retained as agreed.

Reason: In the interests of visual amenity on this site within the conservation area and world heritage site.

17. Prior to their installation, samples of the external wall finishes, other than the natural stonework covered in condition 14, shall be submitted to and agreed in writing by the Local Planning Authority and the development carried out in accordance with the approved details

Reason: To allow the Local Planning Authority to assess the detailed aspects of the scheme, and to ensure that local distinctiveness and good design are maintained in the Conservation Area and World Heritage Site.

18. Prior to their installation, details of all new doors and windows, including their Materials, method of opening and proposed finish, shall be submitted to and agreed in writing by the Local Planning Authority. And the development carried out in accordance with the approved details

Reason: To allow the Local Planning Authority to assess the detailed aspects of the scheme, and to ensure that local distinctiveness and good design are maintained in the Conservation Area and World Heritage Site.

19. The roofs hereby approved shall be clad in natural slates, a sample of which and details of the fixing method shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall be carried out in accordance with these details as approved

Reason: To perpetuate the use of vernacular materials so as to retain the character of the Conservation area and World Heritage Site

20. Prior to any development above slab level, a flood protection plan shall be submitted to and approved in writing by the LPA. This plan shall include details of flood warning measures and flood protection measures within and around the buildings. Once approved these measures shall be put in place prior to first occupation of any unit and retained as such.

Reason: in the interests of safety and flood protection

21. The 6 parking spaces shown on the approved plans shall be completed and made available for use by the future residents of the units approved prior to the occupation of any of the units hereby approved,

Reason: In the interests of highway safety

Informative note to applicant:-

The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence or other appropriate consent must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Deed of variation of S106 REPORT

Case Officer: Anna Henderson-Smith
Ward: Okehampton North

Parish: Okehampton Hamlets

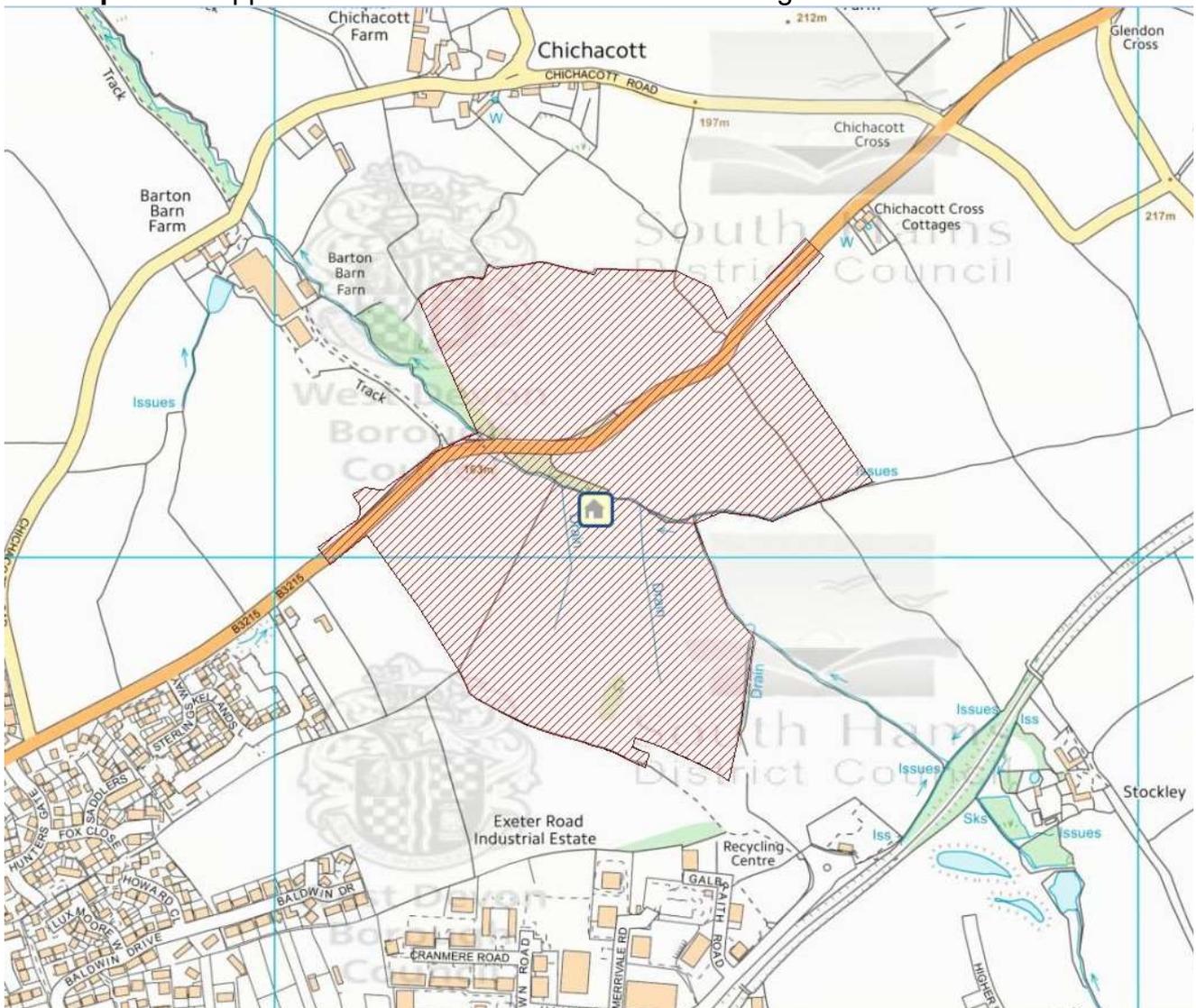
Application No: 3581/21/VPO

Agent/Applicant:
Mr Neil Mantell - LRM Planning
22 Cathedral Road
Cardiff
CF11 9LJ

Applicant:
David Wilson - Barratts

Site Address: Parcels 3, 4a and 4b, land to the North and South of Crediton Road
Okehampton.

Development: Application for modification of Section 106 agreement on 2731/15/OPA



Reason item is being put before Committee – terms of the previously agreed S106 were determined and debated in depth by members at the approval of 2731/15, as such it was considered appropriate for members to decide the proposal before the Council at present.

Recommendation:

Agree variation as proposed

Key issues for consideration:

The main issue for consideration here are whether the removal of the 85% trigger which currently prevents the dwellings being commenced on Phase 4a before 85% of the dwellings on parcel 3 are substantially complete is problematic in terms of the spatial growth of the town and its form.

Site Description:

Parcels 3 and 4 comprising TTV14 allocation of the JLP (Joint Local Plan).

The Proposal:

Variation of the completed S106 agreement which accompanies approval 2731/15/OPA in order to remove the obligations which require 85% of the Open Market Units in Phase 3 to have been completed prior to the commencement of development on Phase 4a and insert new clauses to which would prevent any more than 80% of the market units on Parcel 4a being occupied until 100% of the Affordable Houses on parcel 4b have been transferred to the registered provider.

The variation will also ensure that the requirement that the whole development provides 20% Affordable Housing across the whole site is secured.

This application proposes NO changes to the wording with reference to the Link Road and its trigger points.

Relevant Planning History

2731/15/OPA - Outline application with some matters reserved (access to be considered) for residential development of up to 400 dwellings. Conditional approval 22/1/19

Clause 9.1 and 9.2 of Schedule 4 in relation to Parcel 4 as agreed:

9 PARCEL 4

- 9.1 Not to Commence Development of any Dwelling on Parcel 4 until the practical completion of 85% of Dwellings on Parcel 2 and the practical completion of 85% of Dwellings on Parcel 3 and the completion of the Southern Link Road and the Roundabout Works to an adoptable standard and a Part 2 Certificate has been issued and is open for use by the public at large.
- 9.2 Not to Commence Development or permit or cause or allow the Commencement of Development of any Dwelling on Parcel 4 until the practical completion of 85% Dwellings on Parcel 2 and practical completion of 85% of Dwellings on Parcel 3 and the completion of the Southern Link Road and the Roundabout Work to an adoptable standard and the Part 1 Certificate has been issued and it is open for use by the public at large.

ANALYSIS

Change 1

At the date of the original deed the land was in two parcels of private ownership and the application was not made by a developer. The original trigger preventing commencement of the dwellings on Parcel 4 until 85% of the parcel 3 houses were substantially complete was placed on the outline permission, to ensure that spatially, parcel 4a which is physically an outlier to the main body of the allocation, did not come forward alone without the intervening land being developed and therefore did not appear as an 'island'.

This issue has somewhat fallen away and the risk of this is much reduced. Parcel 3 has the benefit of a reserved matters permission which has been implemented and development is underway. In addition all three parcels have been taken on by the same developer, BDW, and as such the risk of the three not being built out, whilst still a possibility, is a lesser risk than at the time of grant of the outline permission.

It is understandable that as the same developer intends to develop parcels 3 and 4 that they would not want to wait until 85% of units are completed on parcel 3 before starting dwellings on parcel 4a. It makes more commercial sense and enables a more efficient delivery of the development to have both running concurrently.

In addition to this the existing triggers under clause 7.1- 8.8 of schedule 4 of the original S106 remain to ensure that certain sections of the link road are delivered alongside certain numbers of houses. If both sites are delivering alongside one another, then in terms of timescale it would be anticipated that these triggers will come to fruition earlier and as such deliver this key piece of infrastructure earlier than would be the case if the parcels 4a and 3 are delivered consecutively.

Change 2

This incorporates a clause into the S106 which addresses the fact that the current proposal for parcel 4a is for 89 open market units and contains no Affordable Housing. The risk at present is that if parcel 4a is to be approved and parcel 4b for some reason did not come forward then the remaining Affordable Housing required to deliver the obligation of 20% Affordable Housing across the whole site may not be achieved.

The proposed clause shows the developer commitment to developing parcel 4b and delivering the Affordable Housing balance on this site. This clause would prevent any more than 80% of the market units proposed under application 1391/21/ARM being occupied until such time as 100% of the Affordable Housing units on parcel 4b are transferred to a registered provider.

The existing s106 ensures that 20% Affordable Housing is achieved overall three sites (3, 4a and 4b) and the amount of Affordable Housing is not being reduced.

Conclusion:

Overall, Officers consider that the 2 proposed changes are acceptable, the 85% dwellings trigger was necessary and expedient at the time it was included, but is considered excessively restrictive now given the reduction in risk of parcel 4a being built out alone. It is accepted by officers that it makes commercial sense to develop both sites together now that they are in the control of one housebuilder and given the current climate in the construction industry.

The introduction of the Affordable Housing clause gives comfort to officers that Parcel 4b will deliver the remaining Affordable Housing units necessary to meet the obligation across the whole site. Officers do not consider it problematic that parcel 4a proposes no Affordable Housing units in principle as 4b and Parcel 3 are better located to accommodate these dwellings. As such this clause is welcomed and should offer similar comfort to members, if agreed, when considering the current reserved matters application.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the

HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV14 East of Okehampton
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
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
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 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: JLP SPD

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: Anna Henderson-Smith
Okehampton North

Parish: Okehampton Hamlets **Ward:**

Application No: 1391/21/ARM

Agent/Applicant:

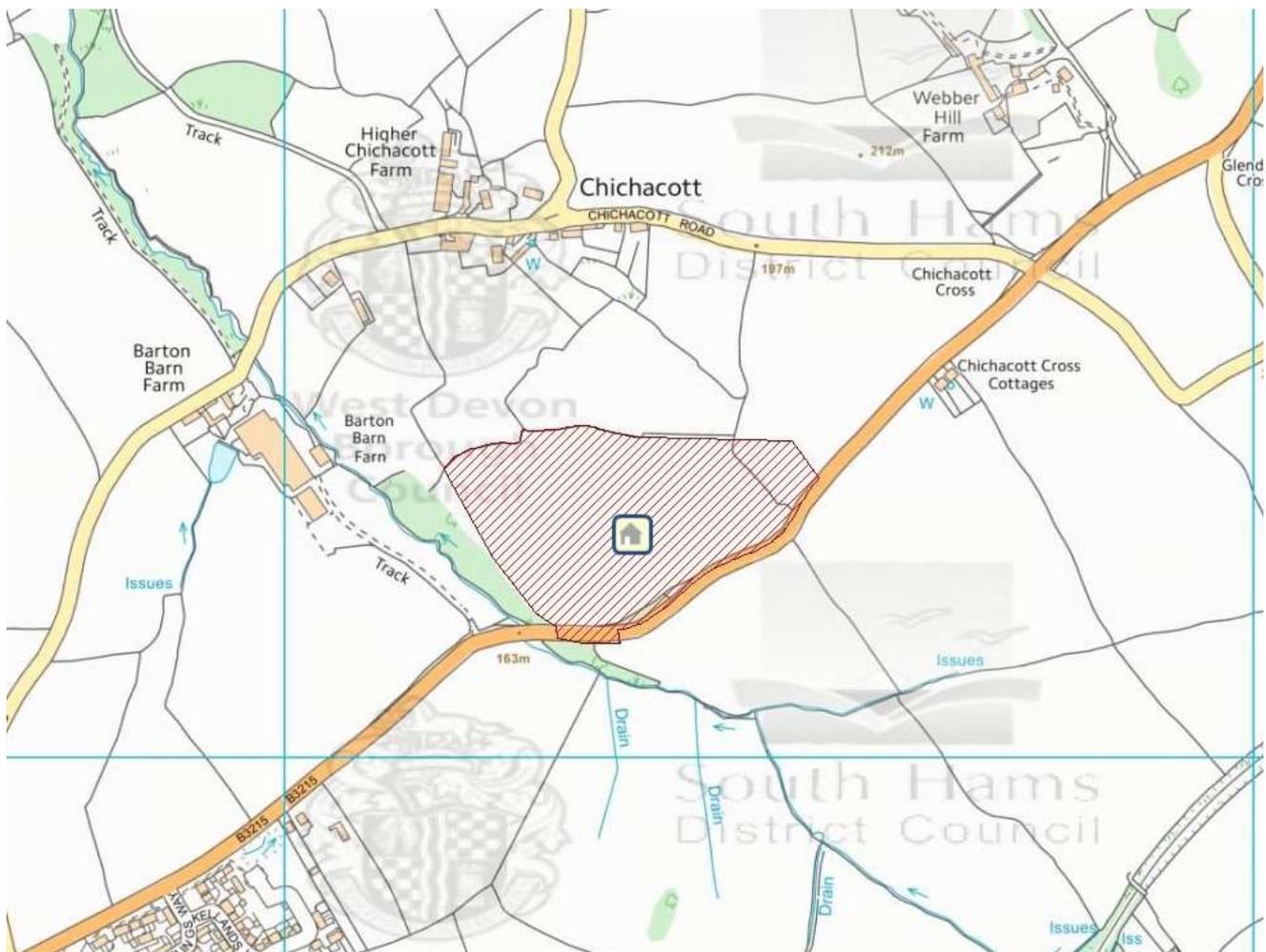
Mr Neil Mantell - LRM Planning Ltd
22 Cathedral Road
Cardiff
CF11 9LJ

Applicant:

David Wilson Homes (Exeter) Ltd
C/O Agent - Vanguard House
Matford Business Park, Exeter
EX2 8HL

Site Address: Parcel 4A, West of Crediton Road, Okehampton

Development: READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline application 2731/15/OPA for the construction of 89 dwellings, public open space, landscape planting, pedestrian, cycle and vehicular links and associated infrastructure



Reason item is being put before Committee – Before Committee at the request of the Head of Development Management due to the scale of the proposal combined with the outstanding objection from the neighbouring Okehampton Town Council.

Recommendation: Delegation to Head of Development Management to Grant conditional consent subject to the completion of the association Deed of variation (providing no new material considerations are raised prior to the current consultation end date of 30th September).

Conditions/Reasons for refusal (list not in full)

1. Time limit for RM reflecting outline time limit
2. Adherence to plans (including revised Landscaping plans and planting strategy)
3. Rear garden gates locking mechanism
4. Noise mitigation compliance
5. Removal of PD/lighting/windows re biodiversity
6. EVCP prior to plot occupation
7. Trigger for pedestrian access to Parcel 3 prior to first occupation
8. Distribution of resident biodiversity pack on occupation
9. Adherence to ecological mitigation measures

Key issues for consideration:

The main issues for consideration relating to this scheme are those relating directly to the 4 remaining reserved matters for consideration: Landscaping, Layout, appearance and scale. Combined with these are the implications of amenity implications for current and future occupiers, sustainability, biodiversity and drainage.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The application site is approximately 5.5ha and is currently greenfield agricultural land. The topography is such that it broadly falls from east down to west to the watercourse.

The site forms a part of the East of Okehampton allocations within the Joint Local Plan (JLP). This portion of the allocation is referred to as Parcel 4a as parcel 4 straddles both the East and West sides of Crediton Road. This current application comprises the whole of Parcel 4a and a very small proportion of 4b in order to include a crossing point from one parcel to the other.

The boundaries of this site are all mature well treed deep mature hedgerows. The south western boundary of the application site fall slightly within the field itself, not taking the site right up to Brightley Stream, but finishing within it. There is a linear copse to the roadside set within the site.

Uses around the site are agricultural to the north and east with Barton Barn Farm, Parcels 2 and 3 of the housing allocation to the west and SW (including the new St James Primary School and a neighbourhood shop), residential currently under construction on Parcel 3 to the South by the applicant and parcel 4b as yet undeveloped and not benefitting from a reserved matters permission to the SE.

Other than the JLP site allocation the site is not in any designated areas but does lie to the east of the Okehampton Roman Fort Scheduled Ancient Monument (SAM).

The Proposal:

This is a reserved matters application (appearance, landscaping, layout and scale) for 89 dwellings of the 'up to 400' approved at the outline stage (which approved access with the outline). The units are all 2 storey open market houses and comprise the following mix:

3 bedroom x 17
4 bedroom x 72

The external materials proposed on this site are render, slate style tiles, reconstituted stone, concrete tiles and brick.

When taking the developable area (3.05 ha), the density proposed is 29/ha, when considering the site in its entirety (5.5ha) it is 16/ha.

Consultations:

- Okehampton Hamlets Parish Council - 25/6/21, Object - councillors resolved to object to the application for the following reasons -
 - too dense to reflect the Hamlets, it is not appropriate to consider Parcel 4a without Parcel 4b as the overall scheme needs to be considered as a whole.
 - drainage issues do not seem to have been resolved.
 - the parking provision is inadequate forcing unnecessary or difficult manoeuvres as outlined by both the police and Highways.
 - there should be a pedestrian crossing between parcels 4A & 4B to the main play area provided for by the developer.

22/9/21:

Okehampton Hamlets PC resolved to submit a neutral view with the below comments

1. Highways – major concern over the access point to the development, it is on a busy, narrow, fast and steep road, access considered inadequate particularly in view of further planned access points onto the road from parcel 4b. Highways are asked to review the situation.
2. Footpath access across the main road – crossing considered dangerous, a potential Health and Safety issue. Similar reasons as point 1 above but also close to an unsighted bend in the road, could an alternative position for this be found?
3. It appears the boundary of the development has changed in that it now crosses the road for a small area where the pedestrian crossing is planned. Is this correct and what are the reasons for it?

4. General appearance of development – Councillors did not think it was of a Hamlets or rural appearance although it was appreciated there was a variety in the design of houses.
 5. Concerns were raised over the levels of the site, reassurance required that retaining walls would be ‘fit for purpose’ bearing in mind current issues with this type of wall on other developments in Okehampton.
 6. Street lighting – what is proposed, would it be wildlife and bat friendly? Recent issues have been raised concerning the effects of LED lighting on wildlife, this development is in a rural area with significant wildlife around.
 7. Parking – there is insufficient visitor parking.
 8. Residents parking – there are too many manoeuvres required for some parking spaces.
- Okehampton Town Council (neighbouring Town Council) – object due to the following comments
 - Density of buildings
 - Highways concern regarding vehicle turning, pinch points and associated traffic.
 - Cumulative impact.
 - South West Water concerned about sewage and flood risk.
 - Lack of infrastructure.
 - Health and safety issues raised by the police.
 - Lack of social housing
 - Play area close to busy road.
 - No public consultation.

17/9/21 – objection

On 13th September 2021 Okehampton Town Council's Planning Committee resolved to OBJECT to the application on the following grounds:

- Density of buildings
 - Highways concern regarding vehicle turning, pinch points and associated traffic, no access to some properties for delivery or waste collection vehicles
 - Cumulative impact of the development on the area
 - South West Water concerned about sewage and flood risk
 - Health and Safety issued raised by the Police in relation to rear gates
 - Lack of Social Housing
 - Play area close to busy road
 - No public consultation
 - No rainwater harvesting or solar systems included
 - Concern that EV charging points are not within the garages
 - Lack of infrastructure - entrance/exit is single vehicle road on brow of hill just past a bend in the main road
 - Pipe located under a tree root protection area, how will this be managed without causing damage?
 - Ecology – trees to be protected – document 836737
 - Construction environmental management plan, concern re hedgerows and the presence of dormice
- Letter to A Henderson Smith about Agricultural Impact Statement and Method statement not included on the document list from LRM Planning
- Woodland and stream corridor of high importance – no ecological appraisal or noise amendment
 - Light pollution effect on resident bats, bat boxes per home advised
 - Green corridor hinterland important for protection

- Species rich grassland and maintained meadow
 - Building design – 3rd bedroom only 2m x 2m
- County Highways Authority 28/5/21 – ‘detailed comments relating to the operation of the internal layout of the site, but the highway authority have some reservations about the suitability of pedestrian cycle access generally to the south through the remainder of Parcel 4 and to the west towards the Parcel 2 development including the shop and the school.’
- 7/9/21 – ‘The four points made in the initial response, have been considered and addressed, with the exception of point 3, but this can be addressed in detail in the event that the road is offered for adoption as a publicly maintained highway.’ Request an informative
- DCC as LLFA 26/5/21 ‘Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.’
- 16/9/21 Objection withdrawn, no objections based on revised scheme and plans.
- Environment Agency 20/7/21 – ‘ I have reviewed the application and note our previous comment relating to another Reserved matters Parcel, however there looks to be no constraints within parcel 4a which relate to our remit and therefore we have no comments to make.’
 - Police Designing out crime officer – 18/5/21, some areas of concern, most concerning is lack of detail re rear locking garden gates and the prevalence of tandem parking in the development,
 - Devon and Somerset Fire and rescue – advice provided, no objections raised.
 - Environmental Services WDBC – 20/5/21 ‘no further comment at this stage of the application’
 - Environmental Health Section - 2/6/21, ‘We have considered the noise reports submitted and have no concerns regarding their recommendations for enhanced noise mitigation in some properties which might be affected by road noise.’
 - DNPA – 21/5/21, ‘the proposed housing development would not be harmful to the setting of Dartmoor National Park and consequently this Authority raises NO OBJECTION.’
 - Affordable housing 24/5/21, ‘The Affordable Housing team have no comments to make on this application. This is because the affordable housing is being provided on Parcel 4B, West of Crediton Road, Okehampton.’
 - SWW – 24/5/21, query re housing numbers. 20/9 SWW confirmed no issues and no objections.
 - Open Space Sport and Recreation Specialist (OSSR) – 13/7/21, raised the need for additional detailed information. 16/9/21 – alterations made acceptable re OSSR

- Landscape Specialist – 13/7/21 – raised several queries and the need for additional information, holding response. 15/9/21 – no objection, most issues addressed
16/9/21 – now acceptable in landscape terms
1/10/31 – agreed to revised plans which replace Griselinia instant hedge with Beech
- Tree Specialist – 30/7/21 no objections, approval
- DCC Ecology – 14/7 – Further information required. Revised comments, no objection, conditions required.
- Natural England – 16/7/21 no comments to make
- DCC Minerals – no requirement for consultation and thus no comment to make

Representations:

1 – undecided:

Concern that adjacent land is used for the grazing of horses close to the border with the proposed dwellings. Horses health can be put at risk by disposal of garden waste and feeding by locals. Would like the council to consider whether the proposed landscaping at the border with our property is sufficient to stop members of the public fly tipping or otherwise accessing the fields in which the horses are kept.

Relevant Planning History and associated applications

2731/15/OPA - Outline application with some matters reserved (access to be considered) for residential development of up to 400 dwellings. Approved by committee and issued 22/1/19

0713/21/NMM - Non material minor amendment to planning consent 2731/15/OPA (in order to allow visibility splay arrangement to be dependent upon the road speed limit at the time of implementation). Approved 18/8/21

1887/21/FUL – New vehicular access from Crediton Road and associated footway, Land at Parcel 4b – application live at the time of writing.

1726/20/ARM - Adjacent site Parcel 3 also pursuant to the same outline permission above was approved for 'the construction of 220 dwellings, public open space, landscape planting, pedestrian, cycle and vehicular links (including a link road between Crediton Road and the Hameldown Spur) and associated infrastructure.' Approved 16/12/20

ANALYSIS

Principle of Development/Sustainability:

The site is sustainably located on the fringe of one of West Devon's 2 largest market towns and centres with employment, retail, education and leisure within the town. The Principle of the development has already been established, both by its inclusion within the JLP housing

allocations as part of TTV14 'East of Okehampton' and by the approval of the extant outline planning permission in 2019 (2731 above).

Design:

The dwelling designs themselves are predominantly gable ended properties which is more vernacular in this location. The majority are detached with some small sections of terrace included to echo the smaller workers type cottages in the Hamlets. The dwellings themselves are relatively simple in design and are appropriate for the area, they are similar to those approved on Parcels 2 and 3 in design terms with some variety across unit types to add interest, but enough adherence through design and the palette of materials to form a cohesive development.

Materials and boundaries:

The materials for this site as proposed are a combination of reconstituted slate roof tiles, grey concrete roof tiles, brick, reconstituted stone cladding in mid grey and 3 differing colours of render in pearl grey, stone grey and mushroom.

With the exception of some of the single garage units, materials are used wholly on all 4 sides of properties, and not just used as a façade 'wrap'. Around half of the units are render (46) with 25 in reconstituted stone and the remaining 18 in brick (lbstock crowborough stock). The reconstituted slates, reconstituted stone and render are positions predominantly around the outside of the site and flanking the main street into the site, with the majority of the brick and concrete tile units positioned within the centre of the site.

It is disappointing not to see natural slate and stone used in this edge of town location which should look more to the Hamlets in design terms, although the variety in render colours from the palette set out in the adopted SPD is welcomed. Similarly the use of render on key buildings along with the reconstituted stone as seen used in the Broadpark Development off Exeter Road and the recent Redrow development on Parcel 2 off Crediton Road is welcomed to punctuate the street layout. This currently proposed palette of material is similar to those approved for the reserved matters for Parcel 3 in December 2020 although parcel 3 looks more to the Town and adjacent Linden scheme for context rather than the more rural setting of 4a.

In relation to the boundaries proposed, all inward facing boundaries are close boarded fencing, whilst those outward facing ones onto the public domain are also close board, but are in combination with instant hedging, this was initially shown as Griselinia, however following member and officer concerns about the liberal use of this non-native in an edge of town rural location, the Griselinia instant hedging was replaced in its entirety by Beech hedging, which is by far preferable and supported by officers. The other ornamental hedging being used is in close proximity to the residential units and native species rich hedgerows have been incorporated on the buffer around the outside and the wedges of strategic native planting and include hornbeam, hazel, field maple, guelder rose, holly and hawthorn, as well as now higher numbers of Beech, Oak, Lime and Birch in the standard tree planting (along with the more ornamental street trees). Existing Devon hedges have been retained where possible and 2 new sections have been introduced curving into the site to form the entrance to the site. As such then the boundaries as proposed are considered acceptable.

The only public letter of representation received (at the time of writing) was regarding the adjacent use of land for horses and a concern that new residents may be able to put rubbish and garden waste over the fence into the livestock field. There is a fenced deep green

landscape buffer proposed around the majority of the northern and eastern edges of the site which will prevent access to the shared boundary with the fields beyond for the majority of the boundary. Where access to the gates into these areas is open, the boundary to the field beyond will remain the existing Devon hedgebank, and also a livestock fence within this and for the remainder. As such, whilst these concerns are understandable, the boundary will be inaccessible to the public for the most part and well fenced for the rest, and there will be a management company for a responsible point of contact should any such issue occur.

Design re. climate change:

Condition 11 of planning permission 2731/15/OPA to which this reserved matters is pursuant, requires the application to ensure that at least 10% of the energy used by the proposed dwellings is generated from decentralised and renewable or low carbon sources OR that the development is constructed to be 10% more energy efficient than the building regulations standards at the time of approval of the reserved matters. Since the granting of the outline permission the JLP has been adopted and DEV32 also reiterates a similar drive for carbon reduction and the Council has also declared a climate change emergency.

The agent has advised that the proposal for 4a to meet this is as per Parcel 3 – ‘The proposed energy strategy is based on utilising passive design measures, well insulated and airtight building fabric and high efficiency gas fuelled heating system with the installation of photovoltaic panels for the provision of supplementary renewable energy generation.’ Essentially, as and when the applicant applies to discharge this outline condition 11, the scheme will include fabric first type principles bettering building regulations, and also incorporation of on-site renewables through the installation of solar PV panels. The proposed heating system will be mains gas as these units are proposed to be built prior to the 2025 Future Homes Standard coming into force.

In addition to this, although not secured at outline stage due to its age, the applicant will be providing an electric vehicle charging point for all dwellings. The charging points will have a power rating of 7kw, will be untethered and be fitted with a universal socket to ensure that all types of electric vehicles currently on the market can be charged. Provision of these is proposed to be secured by condition. As such, it is officer view that this aspect of the proposal meets the requirements imposed upon it at the time of the outline permission, has made further effort to incorporate EVCPs in addition to this and as such, it is acceptable.

Layout:

The layout takes a roughly triangular shape within the site, leaving a deep landscape buffer around the field edges and stream. A north-south green corridor bisects the site and a ‘central greenway’ to the south of the site provides the focus for much of the planting, preserving the roadside copse where possible and incorporating the new hedge alignment at the back of the visibility splay and the LAP (Local Area of Play).

Parking numbers are covered later in this discussion but the incorporation of the spaces from a design and layout perspective is acceptable; it is noted that much of it its tandem parking and the Police Designing out Crime Officer has raised concern at this, however the alternative would perhaps have been a very car-centric frontage to all the properties had this been placed side by side and still required to deliver the housing numbers expected. As such, in this instance, the parking layout is considered acceptable re layout and design.

The layout in terms of urban design is good, the main street in is legible and has a slightly denser surrounding form of development, hosting most of the smaller denser and terraced units, beyond this to the edges of the development are larger units and designed enclaves of units, around a courtyard type arrangement (particularly on the western side). This difference and arrangement has been designed to echo the smaller terraced farm worker cottages in the hamlets leading to the larger main farm house and farm manager type properties which tend to inward face onto a courtyard with barns and secondary buildings such as barns and garaging. This replication of local character and layout is welcomed and is compliant with the aspirations of the design aspects for this site in the SPD.

Mix:

The mix of the dwellings provided was not secured at outline stage, and as such, it is somewhat beyond the scope of the current consideration. The mix provided does allow for a less dense development here achieving some of the design aspirations of the SPD re 4a.

The units proposed are also 100% market units. The proposal from the developer who currently controls Parcels 3, 4a and 4b is to provide all the required 20% affordable housing (AH) on parcels 3 and 4b. In principle, officers have no concerns about that, 4a and 3 have slightly better connectivity to Town etc. However there is a risk that this remaining AH may not come to fruition on Parcel 4b hence the associated deed of variation proposed to tie AH delivery on 4b to market unit delivery on 4a.

With this clause in the deed of variation agreed, officers are content with this proposal.

Landscape:

In addition to the comments above re boundaries and landscaping, the landscape specialist is now content to support the proposal. The first submission of plans did leave some outstanding landscape issues, however the consequently revised plans and new planting details address the majority of these, enough to make the scheme acceptable in this regard.

The landscape officer raised a concern about there remaining a heavy reliance on tandem parking spaces, shown for the majority of plots and often in front of garages. This arrangement is known to be a cause of tension in housing developments, when households with more than one vehicle choose to park on the road to avoid blocking in vehicles that are already on driveways. However as discussed in layout, above a move away from this would either result in a very car centric designed frontage to all properties or would necessitate a reduction in parking numbers, neither of which are desirable here.

Boundary queries raised by the landscape officer on the first iteration of plans have been addressed and some of the potential problems of the tandem parking above have now been addressed: ' In relation to the potential parking problems that may be created by the tandem on-plot arrangements, it is noted that the site layout now shows a physical barrier (a knee rail fence) proposed along the roadside boundaries of the central green wedge that addresses the level change between different areas of housing. Officers are pleased to see that the woodland edge planting will now benefit from some form of low level barrier, to prevent cars parking along the edge of the planting and causing damage. '

As discussed above, a large proportion of the landscape effort has gone into the proposed native woodland edge planting. Following changes, the planting density (1.2m centres) is

acceptable for 60-80cm transplants. It is noted that the mix also now includes tree species that will achieve a substantial landscape presence, and also a percentage of Beech and Oak standard trees (spaced 10m apart within the mix), which is welcomed as these will make a significant and statuesque contribution to the landscape in the longer term. A couple of outstanding issues re watering regimes for larger specimens at early establishment can be captured in the LEMP (landscape ecological management plan) which is required by the outline permission.

The detailed planting plans have now been amended to reflect initial landscape specialist comments and are overall now considered acceptable in relation to the site specifics and policy DEV 23.

It should be noted here that DNPA raised no objections to the proposal.

Trees:

The main areas of discussion/contention relating to this site and arboriculture has been focussed around the pedestrian access proposed and the location of this in relation to the roadside copse and the splay required for this access plus that proposed under the 1887/21/FUL application (as set out above in the history).

Both during the course of this live application and at thorough pre-application stage this issue was discussed in detail, the tree specialist has commented as follows: 'Full dialogue has been held with the applicant in respect of ensuring the quantum of tree and hedge loss is kept to a minimum as a consequence of the creation of Pedestrian access C for this application, and the vehicular access applied for under 1887/21/FUL. I am satisfied that due regard has been taken for those tree and hedge features of principal concern that bound Crediton Road and that the combined metric of loss has been considered in the round, and not solely in respect of each application standing individually. The creation of Pedestrian route C will, by necessity considerably thin the prominent linear belt of trees, TG1. Early phase mitigation by way of parallel planting with heavy standard trees will be necessary prior to any commencement on site including earthworks. It is considered that the LEMP may provide a suitable vehicle to secure and deliver this important early planting. This, allied with proposals in front of the Landscape Specialist should ensure net gain of hedge and tree numbers in a timely manner. Upon review of the submitted information I would recommend approval of the reserved matters submitted in respect of tree and hedgerow protection'.

In respect of the visibility splay required, the outline permission was based on the speeds currently experienced along this stretch of Crediton Road which is currently National Speed limit. A current TRO (Traffic Regulation Order) application is with DCC for approval, applied for by the applicant to this planning proposal, to reduce the speed limit along this stretch to 40pmh. Although still in the processing with DCC it is anticipated this will be approved, which is supported by WDBC officer, as it will reduce the splay required minimise the hedge and tree works required and reduce visual impact of the access at the edge of town location. In order to ensure that the outline permission was able to reflect this possible change, a Non Material Minor Amendment was approved earlier this year to allow for the conditions securing the splay to reflect the speed limit at the time of implementation (see history above).

The roadway copse is substantial and a prominent and distinctive feature when entering the town from Crediton Road. Ideally its integrity would have been preserved in its entirety, however without creating some form of pedestrian access along this frontage, the only formal route from 4a into the town and adjacent developments, shops and school would have been

uphill, out of the main vehicular entrance of 4a, across into 4b (as and when it may be approved) and down through 4b and Parcel 3 into the main town. This route is clearly not the desire line for those who would be living in 4b west of the entrance and the risk, and the temptation would therefore be for residents to create an informal route out of the SW corner of the site, onto Crediton road, along the carriageway to the new roundabout and back into town or Parcel 2. We have seen this elsewhere and it is extremely unsafe. In order to address this risk a proactive approach has been taken which has undertaken a detailed level of work into the various possible pedestrian route access points to the SW of the site and the tree loss implications. This has been overlaid on the visibility splay tree loss implications of the proposed secondary vehicular access into parcel 4b as currently proposed by the applicant (under a separate application, see history above). The result is that point C as proposed is the preferred route from 4a, through the copse, across Crediton Road (with a suitable visibility splay secured as proposed) and back into the section of 4a previously approved as Public open space under the previous reserved matters application. Essentially what this does is ensures that there is a designed and safe pedestrian route far more akin to the desire line for access to town, adjacent housing and the school. Due to the levels over the site this may not be an achievable route for those with mobility issues, however the alternative correctly graded and step free route will also still be available out of the 4a vehicular access and through parcel 4b and 3. The creation of these 2 pedestrian route options not only minimises the risk of informal desire line routes as far as is possible within the control of the applicant (they do not control the land right up to Brightley stream adjacent to 4a, nor was that included within the outline permission red line), it also allows for a circular route to be created from 4a, into Parcel 4b, Parcel 3 or 4b and back to 4a. In recent times we have seen the importance of these local residential type loops and this particular one would link 3 areas of public open space, several greenspaces, 2 play areas and has benches along its length. As such then with regards to trees, although the loss of hedge and trees in this location C is most regrettable it is necessary to ensure there is a safe pedestrian access to those amenities residents will inevitably want to access and this location minimises the loss required when combined with the proposed secondary access opposite.

As discussed above the landscape proposal now includes a number of larger oak and beech trees including some in line with Crediton Road and create an eventual avenue into the town as per New Road or Fatherford lane, and these and the other green wedge and Public Open Space (POS) trees go some way to offsetting the losses.

Overall then the tree specialist is in agreement with the arboricultural proposal and it is considered to accord with policy DEV 28 of the JLP.

Biodiversity:

Various aspects regarding biodiversity were considered in detail at outline stage and conditions securing lighting schemes, mitigation and a LEMP, amongst other conditions, were secured at this stage. Further work, including updated bat, dormice and habitat surveys were included with this current submission.

Initially the DCC ecologist had some concerns that, as the LEMP and lighting strategy were not submitted in detail at this stage, and rather were to be submitted across both parcels 4a and 4b at a later stage (the trigger in the outline permission is prior to commencement on site), that he could not confirm that the layout as being requested at present would secure the ecological mitigation needed. However on further discussion and interrogation of the layout it was established that, as there is currently a 19m buffer from the woodland edge to housing at

the nearest point and that the plots with gables which abut the greenspace will have minimal glazing and will not support external lighting, the ecologist was confident that any future lighting strategy submitted to discharge condition 19 will show a minimum of 5m of dark corridor where light levels will not exceed 0.5Lux which is what the mitigation requires.

The ecological mitigation would be secured by condition and secures bee bricks and bat/bird boxes on all housing as well as other mitigation. The residents' information book on the biodiversity of the site and in general will also be secured by condition, to be distributed to initial residents upon first occupation.

As such, through a combination of the studies and work done and outline stage which has been incorporated into the reserved matters details along with the extra updated surveys to inform this, it is considered that with suitable conditions the proposal is now in accordance with policy DEV26 of the JLP.

Amenity:

There are no existing residential units immediately adjacent to the application site and as such none affected by potential overlooking, overshadowing, privacy/light loss etc.

With regards to the units themselves and the amenity of future occupiers, the units are well spaced with room between them and are side to side, front to front or back or back which minimises overlooking of one unit to another. In the majority of cases the garden and side accesses separate the units and all have on plot parking and /or garaging for convenience and easy access.

The garden sizes are considered to be commensurate with the unit sizes and location, in addition to which POS and a LAP are being provided on site and there are 3 additional areas of POS and 4 additional equipped play areas within less than a 10 minute walk from the site. The S106 required amount of amenity space was provided for in Parcel 3, so this extra POS and LAP on 4a is in excess of this, and aids in adding amenity value to the site.

It is noted that the units are not NDSS compliant, the outline was granted prior to the adoption of the SPD and as such the need to stipulate that a reserved matters scheme must be compliant with the NDSS sizing at outline stage was not secured. The Town Council have raised the small sizing of some of the bedrooms. However the proposed units are generally acceptable in size and scale re. rooms and many third of the fourth bedrooms are now utilised as office/homeworking areas. Considering this, and the fact that there is no way now of insisting upon this compliance with the NDSS sizes, the room sizing and scale in this regard is considered acceptable.

A noise assessment has been undertaken and additional noise mitigation recommended to some properties. Environmental Health are content with the report and findings and this mitigation is secured via condition.

Highways:

Parking

The levels of parking proposed are broadly compliant with those requested in the SPD. The proposal is for 249 car parking spaces. All 3 beds have at least 2 spaces, sometimes 3 and the majority of 4 beds have 3 spaces, occasionally 2. All garages are larger than the SPD

guidance and as such are capable of being considered as parking space, as well as providing additional domestic and cycle storage space.

Also as discussed above, whilst there is no obligation within the principal decision, the applicant will be providing an electric vehicle charging point for all dwellings. The charging points will have a power rating of 7kw, will be untethered and be fitted with a universal socket to ensure that all types of electric vehicle currently on the market can be charged.

DCC Highways have no objections to the scheme, the access point was secured at outline and the associated Traffic Regulation Order to achieve a reduction to 40mph is running with DCC concurrent to this planning application.

Similarly there are no concerns raised by DCC or officers re the internal layout of the site re highways or streets and, combined with the pedestrian access points into Parcel 4b as discussed above it is concerned that the highways aspect of this proposal is acceptable re safety and permeability/accessibility.

OSSR (open space sport and recreation):

The quantity requirement for public open space in the s106 agreement has already been met through the reserved matters application for parcel 3. A further 2.1ha public open space would be provided through this parcel 4a application.

The proposed pathways through the central greenway and POS in the west of the site, in the vicinity of the attenuation basin, is welcomed. Benches have not been added alongside these pathways as requested by officers and pathway surfacing has been clarified as requested by the OSSR officer.

It is noted that the attenuation basin has a pathway around it which is welcome. The slope gradient is acceptable and a shallower access has been formed at the northern end (1 in 6) which would appear to allow some access for informal recreation. A LAP is shown on the plans in accordance with the Play Strategy approved under application 1726//20/ARM. The proposed location is suitably overlooked, with a substantial hedge/hedgebank to the adjacent roadside. There appears to be a c.8.5m buffer between the closest dwelling and the activity zone of the LAP, which should be sufficient depending on the equipment proposed (the West Devon OSSR Study 2017 requires 5m to the forward-most part of the nearest dwelling for a LAP). Thought will need to be given as to the equipment here – the play strategy indicates one piece of equipment together with natural features such as mounds and logs. It is understood that the detail of equipment, surfacing, any fencing etc would be submitted as part of an application to discharge condition 5 of the outline application. Knee rail fencing to indicate the perimeter is now included to ensure the amenity of the nearby dwellings is not compromised.

Both the Okehampton Hamlets PC and Okehampton TC have raised concerns regarding the proximity of the LAP to Crediton Road. Officers have considered this in detail. The Council's Environmental Health Specialist has commented specifically on this saying that 'I have looked at the proposal and do not consider there to be any unacceptable risks. Although the play area is near a road, traffic pollution is only likely to affect residents living within 20m of the roadside, and only then if they have pre-existing vulnerabilities. In terms of children playing in the space, they will tend to be active, they will only be there for short periods of time and they will be screened by vegetation. I would not consider either air quality or road

noise to be a material consideration in the selection of that site as a play space. ' Similarly the OSSR specialist commented specifically on the comments from the town and parish councils and stated that 'given the existing vegetation and new hedge I felt that it was acceptable.' In terms of equipment, the play strategy for the overall development shows one piece of equipment together with natural features such as mounds and logs here.

Overall, the public open space, paths and benches around the site and the LAP combine to complement those areas provided on adjacent parcels and provide well for parcel 4a itself. It is thus considered that policy DEV27 is satisfied.

Drainage:

SWW and DCC have raised no objections to this proposal, both of which were considered in principle at outline stage. The detailed scheme is now acceptable in relation to this.

PC/TC Representations:

Many of the points raised by the neighbouring Town Council and the Hamlets Parish Council have been addressed within the analysis above, however the following more directly addresses some of the remaining concerns raised.

The access location for both vehicles and pedestrians, essentially the vehicular access point, was approved at outline stage so this cannot be revisited at this stage as it is not open for consideration. DCC Highways in any case have no objection. The pedestrian crossing points are the safest available, they have appropriate visibility splays in accordance with DCC requirements and are necessary to ensure informal routes are not formed where people walk down the carriageway of Crediton Road.

As with the access point, the overall number of units proposed here, combined with the future 4b and approved Parcel 2 is already set at up to 400 and the principle of the development of this 4a site is already established.

The levels of the site are challenging and as such a looser development form across more of the site would have not only lost the opportunity of landscape buffer planting and a dark ecological corridor around the hedges and river, but also have pushed development into the steeper areas requiring more retaining walls. Within reason, it is necessary to achieve a certain number of housing units upon this site in order to deliver the housing requirements but also to make efficient use of the space and make the loss of the greenfield worth it in relation to homes provided. As such, given the constraints and the use of the courtyard type clusters of units where possible and the farmworker terrace units combined with the provision of the more detached spacious plots compared to the density of Parcel 3 and 2, the scheme is considered to accord with the aspiration for a more hamlets type design and association.

The parking provision is considered acceptable by officers and is, in the round, compliant with the SPD. Similarly the access to these spaces is considered acceptable by highways re manoeuvres and accessibility. Street lighting is a matter for DCC at adoption stage, officers at WDBC would prefer that, due to the rurality of the location and the presence of bats and wildlife, street lighting is not erected. In such instances DCC often agree to this providing that the ducting etc is put in place should street lighting ever be reconsidered as essential in the future.

The agent has stated the following in relation to the retaining structures and levels: “The retaining walls throughout the site have been reduced as far as practical by introducing the green wedges and allowing levels to be lost. There are still some retaining features required, however, these are typically less than 2m and are contained within rear gardens following boundaries. The levels throughout the site are designed to follow the existing topography where possible given permitted gradients along paths and public highways.”

Conclusion:

Overall, this proposal is considered to be in accordance with the JLP allocation of TTV14 and with the previous extant outline permission which includes this site. Following revisions and further discussion and alterations the scheme is now officer opinion that it is compliant with all policies including design, amenity, landscape, trees, biodiversity, OSSR, sustainability/carbon reduction, highways. In some areas it has gone beyond the requirements incumbent upon it at the outline permission stage, such as exceeding the 10% carbon reduction/generation threshold, incorporation of 100% EVCP and additional POS beyond the S106 requirement.

It is considered that this scheme presents a well-considered solution to a quite constrained and sloping site, minimising the arboricultural impacts where possible whilst still achieving safe pedestrian and vehicular access points, and providing high enough housing numbers to deliver needed homes whilst designing the density, layout and mix in such a way as to allow the site to have a different more edge of town feel than Parcels 2 and 3, as was the Council’s aspiration.

As such, and after consideration of all material considerations, this proposal is considered to accord with the development plan and is recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon’s revised joint Housing Delivery Test Measurement as 163% and that the consequences are

“None”. It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon’s joint HDT measurement as 139% and the consequences are “None”.

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities’ Housing Position Statement 2020 (published 22nd December 2020).

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
SPT3 Provision for new homes
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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV3 Strategic infrastructure measures for the Main Towns
TTV14 East of Okehampton
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
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
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

No neighbourhood plan with any weight as yet.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: The adopted SPD.

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.

Full wording of conditions to follow as an update at Committee on 12/10/21.

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West Devon Borough Council Agenda Item 6

PLANNING AND LICENSING COMMITTEE 12-Oct-21

Appeals Update from 25-Aug-21 to 23-Sep-21

Ward **Bridestowe**

APPLICATION NUMBER: **3372/20/FUL** APP/Q1153/W/21/3270989/3270991
APPELLANT NAME: Mr & Mrs J May
PROPOSAL: Retrospective erection of wooden garden gazebo to replace dilapidated wooden pergola
LOCATION: South Hill Cottage Bratton Clovelly EX20 4JP **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 04-May-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 26-August-2021

APPLICATION NUMBER: **3373/20/LBC** APP/Q/1153/Y/3270991
APPELLANT NAME: Mr & Mrs J May
PROPOSAL: Retrospective listed building consent for erection of wooden garden gazebo to replace dilapidated wooden pergola
LOCATION: South Hill Bratton Clovelly EX20 4JP **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 04-May-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 26-August-2021

Ward **Tavistock South East**

APPLICATION NUMBER: **3960/20/TPO** APP/TPO/Q1153/8398
APPELLANT NAME: Lady Elizabeth Burnett
PROPOSAL: T1: Oak - Crown height reduction by 3m and lateral reduction by 3m on all sides. T2: Holly - Crown height reduction by 3m and lateral reduction by 3m on all sides. T3: Hazel - Crown height reduction by 3m and lateral reduction by 3m on all sides.; to maintain hedge and protect neighbouring properties. T4: Beech - Crown lift to 6-7m from ground level. T5: Beech - Crown lift to 6-7m from ground level. T6: Chestnut - Crown lift to 6-7m from ground level; to reduce excessive shading to garden.
LOCATION: Berry Chollacott Lane Tavistock PL19 9DD **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 16-September-2021
APPEAL DECISION:
APPEAL DECISION DATE:

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Undetermined Major applications as at 24-Sep-21

	Valid Date	Target Date	EoT Date
2391/19/VAR Nicola Glanville	19-Jul-19	18-Oct-19	20-Jan-21
5 The Market Fore Street North Tawton Devon EX20 2GT Variation of condition 2 of planning consent 13457/2009/OKE to amend boundary line and change pedestrian access into the site			
	Valid Date	Target Date	EoT Date
2915/19/FUL Anna Henderson-Smith	18-Dec-19	18-Mar-20	31-Mar-20
Wool Grading Centre Fore Street North Tawton READVERTISEMENT (Revised description and plans received) Conversion of existing Grade II listed mill buildings (A and B) into 7 open market townhouses, conversion of building C into 9 open market flats redevelopment of building D for B1 office use, 4 open market dwellings in G and L and building F restored			
	Valid Date	Target Date	EoT Date
1618/20/FUL Cris Lancaster	5-Jun-20	4-Sep-20	24-Mar-21
Court Cottage Farm Lamerton Tavistock PL19 8RW READVERTISEMENT (Revised plans received) Demolition of redundant farm buildings and erection of 15no. homes (including 4no. affordable) with new access, parking and car port and new community recreation area			
	Valid Date	Target Date	EoT Date
2536/20/OPA Claire Boobier	20-Oct-20	19-Jan-21	26-Sep-21
Land south of Fore Street Fore Street Lifton PL16 0BT Outline application for up to 68 dwellings with POS, landscaping and sustainable drainage system, with vehicular access through the approved access for the adjacent development (2353/18/OPA) - all matters reserved except access			
	Valid Date	Target Date	EoT Date
3652/20/FUL Bryn Kitching	18-Nov-20	17-Feb-21	
Land to the South of Plymouth Road Tavistock READVERTISEMENT (Revised plans received and amended description) Hybrid application comprising full planning application for erection of 44 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and outline planning application for extra care facility for up to 60 units with all matters reserved, except means of access			
	Valid Date	Target Date	EoT Date
4257/20/OPA Jacqueline Houslander	19-Feb-21	21-May-21	
Land Opposite Wilminstone Industrial Est at NGR: SX 4918 7541 Old Exeter Road Tavistock Outline application with all matters reserved for erection of 10 dwellings			
	Valid Date	Target Date	EoT Date
1391/21/ARM Anna Henderson-Smith	30-Mar-21	29-Jun-21	12-Oct-21
Parcel 4A West of Crediton Road Okehampton READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline application 2731/15/OPA for the construction of 89 dwellings, public open space, landscape planting, pedestrian, cycle and vehicular links and associated infrastructure			
	Valid Date	Target Date	EoT Date
1766/21/OPA Bryn Kitching	28-May-21	27-Aug-21	
Land At Sx 445 766 Lamerton Outline application with some matters reserved for residential development of up to 20 dwellings, formation of new access and associated works			
	Valid Date	Target Date	EoT Date
2094/21/FUL Anna Henderson-Smith	7-Jun-21	6-Sep-21	

Land south of North Tawton Primary Substation Tawton EX20 2DA	North		Construction of a battery based electrical storage scheme with associated infrastructure, security measures and landscaping works
2808/21/VAR	Jacqueline Houslander	Valid Date 22-Jul-21	Target Date 21-Oct-21
Cross Roads Farm Lewdown EX20 4DP			Application for variation of condition 2 (approved drawings) of planning consent 2161/19/VAR
2957/21/ARM	Elizabeth Arnold	Valid Date 28-Jul-21	Target Date 27-Oct-21
Land at Town Meadow Bridestowe			Application for approval of reserved matters following outline approval 2472/17/OPA
2828/21/FUL	Anna Henderson-Smith	Valid Date 29-Jul-21	Target Date 28-Oct-21
1 and 2 Spring Hill Tavistock PL19 8LB			READVERTISEMENT (Updated Heritage Statement) Demolition of existing building providing 9 units of temporary accommodation for homeless persons only. Erection of new building which includes the partial reuse of existing materials to provide 11 units of temporary accommodation for homeless persons, families, young people entering the care system and those with additional support needs
0723/21/FUL	Bryn Kitching	Valid Date 9-Aug-21	Target Date 8-Nov-21
Land At Plymouth Road Tavistock			Hybrid application comprising full planning application for the erection of 44 residential dwellings, formation of access, associated public open space, landscaping and infrastructure; and outline planning application for 0.76ha of commercial land (use class E(g) - formerly B1 with all matters reserved, except means of access